

At a regular meeting of the Caroline County Board of Supervisors held on Tuesday, September 8, 2009 in the auditorium of the Community Services Center, located at 17202 Richmond Turnpike, Milford, VA 22514.

PRESENT

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

ALSO PRESENT

Percy C. Ashcraft – County Administrator
Alan L. Partin – Assistant County Administrator
Ann Neil Cosby – County Attorney - *Arrived at approximately 7:30 p.m.*
John Boryschuk – Public Utilities Director
Michael A. Finchum – Director of Planning & Community Development
Fran Hatcher – Finance Director
Gary Wilson – Director of Economic Development
David Layman – Director of Fire & Rescue
Karen Jenkins – Webmaster/PIO

CALL TO ORDER

Chairman Acors called the meeting to order at approximately 6:15 p.m.

INVOCATION

Chairman Acors led the invocation.

PLEDGE OF ALLEGIANCE

Chairman Acors led the Pledge of Allegiance.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

OPENING BOARD COMMENTS

Supervisor Thomas stated that the Museum Sub-Committee will be having a meeting tomorrow at 7 p.m. and he has asked John Boryschuk to attend.

1. PRESENTATION/REPORTS

◆ **VDOT Monthly Report**

Mr. Charlie Stunkle, Residency Administrator for the Bowling Green Office of VDOT, stated that a few traffic-engineering items have carried over from the last meeting. He said a speed study was conducted on Burruss Lane, which is currently posted at 40 miles per hour and he gave the statistics from the speed study. He said based on those statistics of the speed study, they did not recommend any further reduced speed on Burruss Lane. He said there are a number of curves on that road that are posted at 45 miles per hour.

He reported that a traffic study is ongoing for the intersection of Route 207 and Route 639. He said they did a signal study and determined that it does not warrant the placement of a traffic signal. He said they are looking at additional items that may be able to help the situation. He then said they are going to be setting up a meeting next week with the traffic engineers and he will report back to the Board on those recommendations.

Mr. Stunkle stated that with regard to mowing, the second round of mowing is ongoing on the primary system as soon as the weather starts cooperating.

Supervisor Thomas thanked Mr. Stunkle for his report on the results of the speed study; however, there may be another one because of a request he has received from a citizen. He said he would provide Mr. Stunkle with that information later.

Supervisor Sili thanked Mr. Stunkle for looking into the Route 207 and Route 639 intersection.

Vice-Chair Rozell stated that about a half a mile down on Mt. Gideon Road there is a sharp curve to the right, and he has received complaints about that as a result of the additional traffic from the subdivision. He asked about the placement of curve warning signs.

Chairman Acors stated that they have requested that the All-America Cities logo be placed on the "Welcome to Caroline County" signs on I-95, etc. He said it was his understanding that VDOT or some other group would not allow that type of logo to be placed on the signs.

Mr. Stunkle stated that the request did not come through his office; however, they had looked at the Technology Zone signs.

Chairman Acors asked Mr. Ashcraft to send a request to Mr. Stunkle's Office to have this logo placed on the welcome signs because he believes it is important to utilize that logo as much as possible.

Mr. Stunkle asked if this was something that they wanted to add to the current welcome signs.

Chairman Acors said yes, but also on I-95 on the Tourism Center sign.

Mr. Stunkle said once he receives the request he will forward it through the proper channels.

Mr. Percy Ashcraft, County Administrator, stated that the All-America Cities Committee meets again tomorrow and they are very close to getting the sign developed. He said that sign will include not only the welcome sign referred to by Chairman Acors, but a separate sign that will be placed all over the county. He said he would follow up with Mr. Stunkle regarding the I-95 sign.

◆ **Report on Opening of 2009 State Fair of Virginia at Meadow Event Park**

Mr. Curry Roberts, SFV President, stated that he wanted to update the Board on their promotion of the Virginia State Fair location in Caroline County. He said they are just two weeks away from opening the Fair at The Meadows and he wanted to commend County Government at every level for being so helpful and cooperative. He said he could not say he always liked what they told him, however, he wanted to commend County Government for being so responsive and making it possible for them to be ready to open the Fair on September 24th.

He said one of the proffers dealt with working with Gary Wilson and his department on promoting the new location. He said on almost all of their written materials, it indicates they are located in Doswell, Caroline County. He said they have created DVD's, guides, etc., as well as direct mail to promote the new location and these advertisements have gone out to 35,000 households in the Fredericksburg area as well as 40 plus school systems throughout Virginia, all pointing out the new location. He said they used the All American Cities logo on the guide and on the State Fair of Virginia website and they receive about 500,000 hits per year. He said he also brought a Style Magazine from Richmond that features and points out the Fair in Caroline County.

Mr. Roberts further stated that Gary Wilson has been involved in the planning of this and has been helpful in how they use Caroline County's name. He said they have also bought storyboards on the VRE this year. He said they are providing the County with 1,000 weekday walk around tickets to distribute to the school system or other non-profit organizations or however the County chooses to distribute them. He said they have never done anything like this before and it is the largest size they have ever offered anyone, but they want to be involved in the community and they felt this was one way to do it.

Chairman Acors stated that they appreciated everything Mr. Roberts has done and that he certainly has been a good partner with the County and lived up to everything he said he would do. He said he trusted that the weather would be good and it would be a "dry" Fair.

Supervisor Popowicz thanked Mr. Roberts for meeting with the school system.

Supervisor Sili then thanked Mr. Roberts for all the “ad” dollars.

Vice-Chair Rozell stated that he certainly appreciates all the extra attention given to the County and making this transition smooth. He said he also appreciated Mr. Roberts attending all of the meetings. He said he wanted everyone to keep fresh in their memories, the boat landing and maybe some funds statewide could be used for these types of things. He added that they would follow up on that.

Mr. Ashcraft stated that tonight they had intended to present Mr. Roberts with a County flag that will hang high and proud over the fairgrounds. However, it was an unusually sized flag and it took a little longer to put it together than they had anticipated so staff will make sure they have it in advance of the September 24th grand opening.

◆ **Annual report from MediCorp**

Mr. Walt Kiwell, Chief Operating Officer of MediCorp, gave a brief overview of the services provided by MediCorp to the region and more specifically, to Caroline County. He reported that Caroline County residents received services totaling \$6,468,978 in 2008.

Chairman Acors stated that Caroline County certainly appreciates everything that Mary Washington Hospital and its groups do for the citizens of Caroline County.

◆ **Update on Repairs to Frog Level Volunteer Rescue Squad**

Mr. David Layman, Fire-EMS Chief, stated that the Board should have several documents in their packet relating to the Frog Level Volunteer Rescue Squad repairs. He explained that the quality of water issue was brought to his attention by Mr. Sprouse, with the Frog Level Volunteer Rescue Squad (FLVRS). He reported that in looking into this issue further, some other issues cropped up. He said he talked to Mr. Ashcraft and met with Building Official Kevin Wightman, but nothing that needed immediate attention until the following weekend when they had torrential rain. He said as a result of the torrential rain, the building flooded through the rear of the building and presented some serious health issues such as mold, etc., and they felt it was in their best interests to vacate the building. He said career staff was moved to Frog Level Fire Department and they have been more than gracious during this event to relocate their people at their facility. He said they worked in a collaborative effort with staff of FLVRS. He said also in the Board’s packet is a report from Mr. Wightman regarding his findings. He said in addition, he had a water analysis done and that is in the Board’s packet as well. He said Public Utilities was included and they did an assessment and Public Works outlined recommendations for repair of the structure.

Mr. John Boryschuk, Public Utilities Director, stated that with regard to the estimate that was done and in looking at the structure, they approached it by first looking at the

requests that were made and secondly, did it appear to be anything that they could do in lieu of some of those requests that would make the structure habitable, but less costly. He said most of it had to do with how the kitchen would be redone and the majority of the difference in cost estimates is whether the kitchen remains out in the open bay or put up new walls and enclose it completely. He said again, this is the majority of the difference in the cost estimates.

Mr. Layman stated that the volunteer leadership has taken a proactive approach as well and they have spent a lot of time and effort over the last few weeks trying to mitigate the situation. He said everything that could be done has been done and they are here asking for assistance. He said the equipment is being housed at the Frog Level Volunteer Fire Department; however, they need to get back inside in a climate-controlled environment.

Chairman Acors stated that Mr. Ashcraft's recommendation is that the Board approve up to \$25,000 for these repairs.

Supervisor Thomas stated that in doing the quick math, it is \$16,000 to do all other repairs and \$9,500 for a new well. He asked if that was going to be enough.

Mr. Layman stated that he was going on the recommendations from Public Utilities. He said with the volunteer staff and career staff doing items such as painting and doing what they can do, they will make it work.

Supervisor Thomas asked how long it would take to complete repairs.

Mr. Boryschuk stated that the contractor portion can be done relatively quickly because most of them are looking and ready to go. He said the in-house portion will be dependent upon scheduling and anything else that comes up; however, this will certainly be a priority. He said they should have adequate staff to get on this right away.

Supervisor Thomas asked if they approved this today, when they would be able to move back in.

Mr. Boryschuk said they were probably looking at between 30 and 90 days for the building to be ready to move back in to.

Supervisor Sili asked where they were going to find the money to do this. He said he knows they need to do this, but they have spent a good amount of money already and they are not even in the first quarter. He asked if there was any way they could move the ambulance inside at the Fire Station while this process takes place.

Mr. Layman said at the present time, they do not have adequate space to be able to move the ambulance inside at the fire station. He said they needed to work this out with the leadership of Frog Level Volunteer Fire Department.

Supervisor Sili asked if this could be negotiated.

Mr. Layman said he would look into that.

Supervisor Sili expressed frustration at having a \$300,000 apparatus sitting outside.

Mr. Layman stated that if they move that inside, one of the Frog Level Volunteer Fire Department support pieces would be sitting outside, which is the Suburban.

Supervisor Sili stated that they are looking at November before the repairs are made, and asked what do they, as a Board, need to do to get that vehicle inside.

Mr. Layman said he could enter into discussions with Chief Mitchell and possibly move one of their vehicles to Frog Level Volunteer Rescue Squad.

Supervisor Sili said the County was looking to spend \$23,800 and plus that, we are all supposed to be one team and he hates to see the ambulance outside in bad weather. He said he thinks this is something that they need to facilitate, as a Board, if necessary. He said again, he is concerned that they are looking to spend another \$23,000 that they do not have.

Vice-Chair Rozell suggested getting the bay area done earlier and housing the fire and rescue people together at the firehouse and possibly housing the ambulance at the fire house as well. He said the Rescue Squad people would have to make sure they have the batteries and shore lines up. He said he believes accommodations can be made before bad weather gets here and they can work through that. He said sometimes things come up and they do the best they can with what they have. He said the ladder truck recently broke down and they had to fix it. He then said they try to hold back when they can, but this is one of those times that they just have to do this.

Chairman Acors stated that he believes that Mr. Boryschuk, Mr. Layman and the volunteers need to work together and make it happen.

Vice-Chair Rozell stated that he would also like to thank Kevin Wightman for going above and beyond his job duties. He pointed out that Mr. Wightman takes his job seriously. He then thanked John Boryschuk and his staff as well.

Chairman Acors stated that with regard to Supervisor Sili's concerns about funding of this work, he suggests they have a Finance Team meeting. He asked Director of Finance Fran Hatcher to get with Beth Curran on expenses versus revenues for the last few months to see how far they are. He said they are in the early part of the budget year and maybe they may have to make adjustments down the road, but these types of things have to be dealt with.

Vice-Chair Rozell moved and Supervisor Popowicz seconded to authorize an expenditure up to \$25,000 to be used to make the necessary repairs to the Frog Level Volunteer Rescue Squad building with the money coming from the unencumbered balance.

Supervisor Sili stated that he would hate to see them house ambulances in a separate building from staff. He said they need to put the right people in the right vehicle as fast as they can. He said he does not want to hinder them by putting staff in a different location from vehicles and he doesn't understand why they can't facilitate that.

Supervisor Popowicz stated that he does not think this is a question about facilitating. He said tonight they have an emergency and they are dealing with it and facilitating will come later. He said they are doing all they can and the new Fire Chief has said they are working on this.

Roll Call Vote:	<i>Acors</i>	<i>Yea</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>

Mr. Layman stated that he would facilitate working with the Volunteer Rescue Squad and Fire Department to resolve the issue.

2. REPORTS FROM SUPERVISOR LIAISONS

◆ **Planning/Economic Development/Utilities**

Supervisor Popowicz stated that they are still working with the All-America Cities Logo Program. He said they are working on some mail drops and calls in Economic Development and they have had some luck in getting people to move forward with that. He said they also are having a team meeting on September 14th and some good things have come out of that this year. He then said they have had about eight small business starts this year and 22 new residential connections with seven more on the horizon. He said they are also updating the Comprehensive Plan.

◆ **Communications/Technology/ Recreation**

Supervisor Thomas stated that the Communications and Technology Committee did not meet last month; however, they did submit a bid for some stimulus funds.

He said the Board talked to Metrocast and they are expanding broadband services into Bowling Green from Port Royal and Comcast desires to increase their service. He said he received an e-mail about adding more services in the Lake Communities.

He said they have another round of stimulus funds to apply for at the end of the month. He then said the Recreation Committee will also be meeting on September 10th.

◆ **Bowling Green/Port Royal/A. P. Hill**

Supervisor Sili stated that he met with the new Base Commander and they talked about long term plans with A. P. Hill and what they may expect in terms of the new command. He said they have a new mission to work with the County more closely and they also have committed to working with the Town of Bowling Green on some economic development issues. He said there are some hurdles they have leaped over and they have a few more to do and as soon as those are done he hopes to announce what is going on.

He said the Town of Port Royal is probably the most interested in their Visitor's Center and they are anxiously awaiting that phase of completion.

◆ **Public Safety-Public Works**

Vice-Chair Rozell stated that with regard to Public Safety, the Department did receive a \$12,000 grant from the Local Emergency Management Grant. He said the Town of Bowling Green formally adopted the County's Emergency Operations Plan and they had various training opportunities county-wide. He said the recruitment and retention is going well and, of course, the Board did approve the new incentives for the volunteers. He said the group did work at the County Fair, providing public education documents.

He further stated that the department ran 167 fire calls and 359 EMS calls during July. He said the average department response time is 10 minutes and 33 seconds on fire calls, which is all volunteer; and 10 minutes and 47 seconds on EMS, which is pretty good for a rural community. He added that this is a lot to be proud of.

◆ **Finance/Education**

Chairman Acors stated that the Finance Team will meet this Friday to discuss finances and talk about any changes that will be needed. He said the RFP for reassessment has been advertised and they will have interviews tomorrow.

He said with regard to education, he and Mr. Ashcraft met with the Superintendent of Schools last week and they have another meeting next Thursday, September 17th with the School Board to discuss issues mutually important to both Boards.

Chairman Acors further stated that he had an opportunity to attend the walk through of the Caroline Diversified Learning Center. He said he had concerns initially, but after hearing about the program and what it wants to do, he has a better understanding of what that operation is all about. He said he was also impressed with what they have done this far and what they are hoping to get accomplished.

3. APPOINTMENTS

◆ Rappahannock Area Agency on Aging Board of Directors

Supervisor Popowicz moved and Supervisor Sili seconded to appoint Bill Wick as one of the County's representatives on the Rappahannock Area Agency on Aging Board of Directors. Mr. Wick will be filling the unexpired term of Karen Washington and his term will begin immediately and expire on November 28, 2010.

Roll Call Vote:

<i>Acors</i>	<i>Yea</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>

◆ 2010 Census Committee

Supervisor Popowicz moved and Supervisor Thomas seconded to appoint John Lampmann as the Port Royal District representative to the 2010 Census Committee.

Roll Call Vote:

<i>Acors</i>	<i>Yea</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>

4. CONSENT AGENDA

Supervisor Sili said that he would like to remove *Items C, "Adoption of a Resolution Consenting to the Vacation of a Portion of Ingress/Egress and Utility Easements previously Conveyed to the County (Ladysmith Village)", and E, "Approval of Engineering Task Contract for Interest Survey/Financial Analysis of Caroline Pines Water System Improvements"*, from the Consent Agenda.

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

A) Approval of Warrants

Action Taken: Approval of the following warrants:

<i>General Funds</i>	<i>\$281,399.03</i>
<i>Consumer Utility Tax 911</i>	<i>4,145.16</i>
<i>Law Library</i>	<i>844.21</i>

<i>Tourism</i>	<i>1,180.80</i>
<i>Dawn Housing</i>	<i>575.00</i>
<i>Capital Improvements Fund</i>	<i>5,784.78</i>
<i>School Projects</i>	<i>1,006,556.50</i>
<i>Utility Construction Fund</i>	<i>171,359.89</i>
<i>Milford Sanitary</i>	<i>37.75</i>
<i>Carmel Church Utilities</i>	<i>81,473.04</i>
<i>Dawn Sewer</i>	<i><u>304.56</u></i>
TOTAL	\$1,553,660.72

B) Authorization to Apply for Virginia Office of Emergency Medical Services Request Squad Assistance Fund Grant

Action Taken: *Staff was authorized to apply for a Rescue Squad Assistance Fund grant in the amount of \$600 from the Virginia Office of Emergency Medical Services. If successful, funds would be used to offset the cost of a display to greatly enhance recruitment and retention presentations. The cost of the display is \$1,200 and the remaining \$600 would be taken from the EMS Recruitment Grant line item in the FY 2010 Department of Fire and Rescue budget.*

C) Adoption of a Resolution Consenting to the Vacation of a Portion of Ingress/Egress and Utility Easements Previously Conveyed to the County (Ladysmith Village)

Action Taken: *This item was removed from the Consent Agenda for further discussion.*

D) Adoption of Resolution Declaring September 27, 2009 as "Literacy Day in Caroline County"

Action Taken: *Adoption of the following resolution:*

R36/09

A RESOLUTION PROCLAIMING SUNDAY, SEPTEMBER 27, 2009 AS LITERACY DAY IN CAROLINE COUNTY

WHEREAS, September has been designated as International Literacy Month; and

WHEREAS, the Caroline County Literacy Council, Inc. has been established to support and promote the increase of literacy in Caroline County; and

WHEREAS, the Caroline County Board of Supervisors recognizes the importance of literacy in the context of the County as well as the global community beyond; and

WHEREAS, the Caroline County Board of Supervisors has been both cognizant and supportive of the work and efforts of the Caroline Literacy Council.

NOW, THEREFORE, BE IT RESOLVED that the Caroline County Board of Supervisors hereby proclaims the fourth Sunday in September of two thousand nine, to be known as Literacy Day in Caroline County, Virginia.

Adopted this 8th day of September 2009.

E) Approval of Engineering Task Contract for Interest Survey/Financial Analysis of Caroline Pines Water System Improvements

Action Taken: This item was removed from the Consent Agenda for further discussion..

F) Authorization to Issue Request for Proposals (RFP) for Health Insurance Consultant

Action Taken: Staff was authorized to issue an RFP for a Health Insurance Consultant.

Roll Call Vote:

<i>Acors</i>	<i>Yea</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>

C) Adoption of a Resolution Consenting to the Vacation of a Portion of Ingress/Egress and Utility Easements Previously Conveyed to the County (Ladysmith Village)

Supervisor Sili stated he has a lack of understanding on this issue. He said he does not understand why they are doing a lot line or boundary line adjustment on these lots. He said he wanted to make sure they are not encroaching on something that was already agreed to.

Mr. Michael Finchum, Director of Planning & Community Development, stated that he has looked at the proposed boundary line adjustment and in effect, what the Board is

being asked to agree to is the vacation and relocation of the utility easements for the water and sewer line, which are driven by the proposed boundary line adjustments of those four existing lots. He explained that what they have in this case are the lots are actually being enlarged from what they were originally platted. He said they were originally platted as lots of about 1,400 square feet and you have lots that are in the 2,600 to 2,800 square foot range. He said the proposed lots are in accordance with the approved zoning back when Ladysmith Village was zoned in 2003, approximately. He said there's a fairly detailed set of architectural standards, which includes lot types, dimensions of those lots and what would be built on those lot and where those lots can be built within the community. He said the proposed lot layout is consistent with the permitted lots and the dimension of those lots that are set forth in the architectural standards, which were proffered. He then said the proposed boundary line adjustment is consistent with the underlying zoning of the Planned Mixed Use Development designation and the lots that were approved with that zoning.

Supervisor Sili asked what this does to the next set of buildings that are built near it and expressed concerns about setting a precedent.

Mr. Finchum stated that he does not believe that is the case. He said looking at it technically, this request is consistent with the zoning approved by the Board of Supervisors and he does not think that it has an impact on the next rezoning and the sections to the west of this area have not yet been platted. He went on to explain the process for any future adjustments and said the zoning itself, recognizes and there was some flexibility built into the zoning to allow adjustments like this to occur. He said he does not believe it is inconsistent with the approved zoning.

Supervisor Sili said so they will not be affecting any proffers if they do this.

Mr. Finchum said he does not believe you are affecting any of the proffers.

Supervisor Sili said the lots are not getting smaller, but they are getting bigger.

Mr. Finchum said that was correct.

Supervisor Sili moved and Vice-Chair Rozell seconded to approve the following resolution as presented:

R37/09

**A RESOLUTION CONSENTING TO THE VACATION OF A PORTION OF
INGRESS/EGRESS AND UTILITY EASEMENTS PREVIOUSLY CONVEYED TO
THE COUNTY**

WHEREAS, by Deed of Gift, Deed of Dedication, Subdivision and Easement; and Declaration of Restrictions Ladysmith Village Center Founder's Park "Section One-

B” recorded in Deed Book 756, at page 169 among the Land Records of Caroline County, Virginia (the “Original Deed”), Ladysmith Land, L.L.C. (“Ladysmith Land”) and Ladysmith Community Association, Inc. (“Association”) granted to Caroline County, Virginia (the “County”) certain variable width easements further described in the Original Deed (the “Original Easements”) across certain property in Caroline County, Virginia, including those lots known as Lot 232, 233, 234 and 235, Section One-B, Ladysmith Village Center and Parcel C-1, Section One-B, Ladysmith Village Center, and further shown on the plat attached to the said Original Deed entitled “SUBDIVISION PLAT Ladysmith Village Center Founder’s Park Section One-B” prepared by Webb and Associates, dated June 9, 2005 (the “Original Plat”); and

WHEREAS, by that certain special warranty deed dated April 20, 2006 and recorded in Book 827, Page 735 in the Land Records of Caroline County, Virginia, Ladysmith Land conveyed to NNP IV-Ladysmith, L.L.C. (“NNP”) certain property including the above referenced Lots 232, 233, 234 and 235; and

WHEREAS, the Association owns that certain property known as Parcel C-1 and Parcel Y, Section One-B, Ladysmith Village Center, Caroline County, Virginia and shown on the Original Plat; and

WHEREAS, NNP and Association, (collectively, the “Owners”) currently seek to undertake a boundary line adjustment for the above referenced Lots 232, 233, 234 and 235 and Parcels C-1 and Y (the “Boundary Line Adjustment”) which Boundary Line Adjustment would affect the Original Easements if those interests are not vacated pursuant to §15.2-2270 of the Code of Virginia; and

WHEREAS, the Owners have agreed that if the County will consent to the vacation of the Original Easements, then the Owners will convey to the County, a new easement (the “New Easements”) all as set forth and shown on the plat entitled “Plat Showing Boundary Line Adjustment on the Properties of Lots 232-235 Section One-B Ladysmith Village Center, NNP IV-Ladysmith, LLC, and Parcel ‘C-1’ & ‘Y’ Section One-B Ladysmith Village Center, Ladysmith Community Association”, prepared by the Engineering Group dated April 30, 2009 including all revisions thereto (the “New Plat”), which is incorporated herein by reference and which is intended by the parties herein to be recorded along with a new Deed of Vacation and Dedication of Easements conveying to the County the New Easements; and

WHEREAS, the Board believes it to be in the best interests of Caroline County to consent to the vacation of the Original Easements subject to the conveyance of the New Easements to the County as recited herein, and should such interests not be conveyed and/or dedicated to the County, then the County’s consent is withdrawn.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby grants its consent to the vacation of the Original Easements subject to the conveyance and dedication of the New Easements to the County in accordance with the New Plat.

This resolution shall take effect immediately.

Adopted this 8th day of September 2009.

<i>Roll Call Vote:</i>	<i>Acors</i>	<i>Yea</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>

E) Approval of Engineering Task Contract for Interest Survey/Financial Analysis of Caroline Pines Water System Improvements

Supervisor Sili stated that he talked with Mr. Boryschuk before the meeting and it looked like they were going to sign a contract for \$195,250 and he was, in no way, ready to authorize all of those things to be done. He said he is still not sure because tonight they have gone through another \$25,000 for the Frog Level Volunteer Rescue Squad and now they are getting ready to spend \$4,000. He said he does not believe they have the money and he is not sure the study is going to do them any good at this point, and maybe they should wait until later in the year. He said again, they are only in the first quarter and they are pushing \$100,000 that they have not allocated in the budget and this is the fourth agenda item tonight. He said he has real reservations on spending money at this time. He said he was not saying this was not something in the future they wouldn't look at, but they just do not have that money right now.

Vice-Chair Rozell moved and Supervisor Popowicz seconded to approve Item E of the Consent Agenda as presented and authorized WW Associates to proceed with interest survey and financial analysis of the Caroline Pines Water System Improvements. The cost of the task contract is \$8,000 and Caroline Pines Property Owners Association has agreed to cover half of the cost. The remaining \$4,000 would be taken from the Engineering and Architectural Services line item in the Public Utilities budget.

<i>Roll Call Vote:</i>	<i>Acors</i>	<i>Yea</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>

The motion carried 4-1.

Vice-Chair Rozell stated that they started this project and they need to make sure it can pay its way.

**The Board took a break at approximately 7:25 p.m. and reconvened the meeting at approximately 7:50 p.m. **

PUBLIC COMMENTS

Melinda Normand, of the Port Royal District, stated that she was present to speak on the proposed Guinea/Chilesburg Sub-Area Plan. She said, unlike the other people that have spoken about this issue previously, she is not a newcomer that has come here for the peace and quiet and rural area of the County. She said she has lived here all her life as well as five generations before her and she does not like what she sees happening in her district. She pointed out that this is exactly what has taken place in Spotsylvania. She said supervisors there have zoning changes done before anyone knows what is going on and when the developers come in they are ready to go. She said she does not like the fact that a small group of people feel that it is appropriate to reclassify the area with very little, if any, input from the rest of the taxpayers that this will impact. She said she would like to know why the taxpayers of Carmel Church and Ladysmith were surveyed for their opinions as to how they wanted that area to grow, but another area of the County is not afforded that same courtesy.

She further stated that she also wondered why, given these economic trying times, this is being addressed now when there are industrial and business sites that the County has spent years developing with infrastructure and water and sewer that has the potential for growth for years to come. She said also, in Milford, where they even have rail access. She said this is a troubling issue, given the state of the economy, foreclosures and the furloughing of County employees. She said the County spends millions of dollars to keep up with what needs to be done. She asked what about the water, which is a very big issue, and the roads. She asked what about the tourism issue because they have just recently finished the Visitor's Center at Carmel Church, but the most visited site is the Stonewall Jackson Shrine at Guinea. She said if this plan is enacted, they will be sitting right in the middle of land zoned for heavy industrial and asked how that would look for the visiting public. She said maybe they can get a Walmart beside it or in front of it. She asked the Board to think about that as they dole out taxpayer dollars to satisfy her supervisor's agenda.

There were no further public comments and Chairman Acors closed the Public Comment period.

PUBLIC HEARINGS

Chairman Acors stated that there would be one public hearing for TXT-01-2009 and TXT-02-2009, but with two separate votes.

5. ***TXT-01-2009: An Ordinance to Amend the Zoning Ordinance of Caroline County by Amending Article 10, M-1, Industrial District, Section 3, Uses Permitted by***

Special Exception, by Adding Paragraph 20 - Guest Quarters. The purpose of this text amendment is to allow guest quarters in the M-1 Zoning District.

TXT-02-2009: An Ordinance to Amend the Zoning Ordinance of Caroline County by Amending Article 2, Definitions, Section 2, by Adding the Following Definition: Guest Quarters.

Michael Finchum, Director of Planning & Community Development, stated that the proposed text amendments before the Board this evening would allow the creation of a use for guest quarters in the M-1 Industrial District. He said the text amendments are specific to certain industrial uses within those districts. He said the Board previously had several discussions on these proposed amendments and directed staff to forward these for public hearing tonight. He said the first text amendment would create a definition of the guest quarters to be allowed in the M-1 District. He said the second text amendment would specifically allow that as a special exception use in the M-1 District subject to standards.

He further stated that based upon comments to staff at previously meetings, staff has suggested some alternatives or modifications for the Board to consider. He said two of those modifications relate to the definition, which would reduce the number of nights in which an individual could occupy the structure as well as tie the facility to the office headquarters of such an industry here in the United States or Virginia.

Mr. Finchum stated that the other two items for the Board's consideration would be during the time of consideration of a special exception permit, there are certain conditions that the Board could specifically place on a special use permit. He said one would be a condition requiring the periodic review by the Board of Supervisors. He said in situations where the Board is concerned about compliance, historically the Board has placed a condition either requiring a review or a renewal by the Board of Supervisors. He said a second possible condition would be one that requires the submission of an annual report on the use and occupancy of such a facility to the Planning Office, which could be incorporated in conjunction with a review by the Board.

Supervisor Thomas stated that Mr. Finchum had just recently explained to him that this particular property or text amendment, which the landowner is the genesis of this amendment, could actually put up a house next to this property that could be guest quarters because he could make it a rental house and rent it out if he wanted to.

Mr. Finchum said yes, within the current zoning ordinance you can have a single-family dwelling on property in R-1 and Rural Preservation. He said the Board has adopted standards limiting the occupancy of single-family dwellings to non-family members. He said even under those perimeters, there are conditions where 2, 3, 4 or 5 bedrooms, subject to the Health Department permitting and Building Code standards, in theory, it is possible that a single family dwelling could be constructed and be occupied by a certain number of non-family members and not violate the current ordinance.

Chairman Acors declared the public hearing open on TXT-01-2009 and TXT-02-2009. There were no comments and Chairman Acors declared the public hearing closed.

Chairman Acors stated that his major concern was the fact that this particular person, that generated this request, deals with foreign countries and he is still concerned that this could turn into something more than what they had intended it to turn into. He said the other issue is the precedent they are setting in other areas of the county. He said for example, in Ladysmith, if they pass this text amendment then the people that own the VSE could ask to do the same thing. He said this particular one is located on Bull Church Road and it may not be so bad because of where it is located, but he is concerned about what will happen down the road and what will happen in areas that will not be as conducive to this type of facility. He said he understands what Mr. Finchum said about this applicant could build five or six buildings on there for people to rent, but he does not know if this is something that could be set up very easily.

Supervisor Thomas asked Gary Wilson to explain and more specifically, convince them why they should do this.

Mr. Gary Wilson, Director of Economic Development, stated that Chairman Acors makes a very good point. He said this is different, it's something new, it has not been done in the County before, and what happens if it turns out to be something that they do not want. He said all of these are concerns. He said Mr. Finchum tells him this is a special exception and the Board of Supervisors can change that immediately if that happens and the Board can eliminate their ability to operate that facility in that fashion. He said if that were to happen, you still would receive tax revenue even if they could not continue to operate that facility, which gives you some protection. He said what he thinks they have is a very new situation. He said they have a company in the County doing something internationally and if say they had a Embassy Suites down the road, that would make some sense and they could say, why do we need to do this; however, that is not the case and this does make some sense. He said also, there is something positive, in that, the County is going to have revenue and the County needs that and it could also add more business that could be taxed. He said happily, Caroline County is lower in unemployment than the National average, but it could do better. He said ultimately, Chairman Acors' point is extremely well taken, but the Board of Supervisors does have the recourse to pull the plug if they need to.

Chairman Acors asked if Mr. Wilson was telling him that creating this guesthouse was going to create jobs.

Mr. Wilson stated that it would help do that. He said if someone comes in from Honduras, for example, and they spend three days going over their particular plans and items they wanted, instead of trying to fax back forth and not having to do communications, they develop a relationship, the plans for the new product that is developed is more business for this company.

Chairman Acors asked Mr. Wilson if he was saying they could not conduct this business in hotels and motels in the County.

Mr. Wilson said they would feel better with the guest quarters versus the current facilities.

Supervisor Sili asked what happens if it doesn't work out and it turns out to be something outside of the scope of what they approved for special exception, what do they do with the six or 7,000 square foot house. He asked if they could lock them out.

Mr. Finchum stated that he believes the issue would then become, giving them notice that they are in violation of their use permit and if they do not come into compliance, then the Board revokes that use permit.

Supervisor Sili asked what that would mean because it is a house.

Mr. Finchum stated that it is a use that is allowed as a special exception and not a by-right use. He explained that if they do not comply with the conditions you impose on them, you can then either require them to be in compliance or revoke that specific use that they had to come to the Board for approval in the first place.

Supervisor Sili expressed concerns about enforcement. He said you can build a house in the RP area very close to the same thing and there would not be an issue like this because it would be a residential property and they know what can and cannot be done there.

Mr. Finchum stated that he was not sure those issues go away if a single-family dwelling is constructed in the RP District. He said in terms of occupancy, some of those enforcement issues are still going to be there for staff.

Supervisor Thomas stated that there are a couple of unique factors that are proposed, such as this has to be your U. S. headquarters and it does make it a little more restrictive. He said if someone else is in there and it is not a U. S. or Virginia headquarters, then it would not apply. He said he heard Mr. Wilson's discussion during the break and it is not the argument that he totally agrees with, but there is the "just in case" it has merit. He said it is the "just in case" they get more people and if they do get more people they will have more revenue.

Supervisor Thomas asked if they could tie this to their expansion.

Mr. Finchum stated that this is a large operation and is all investment, so you could tie it to the square footage standard.

Supervisor Thomas stated that he does not necessarily want to do this, but if they built it as a house for rental property, they never inspected it, etc., and at least this way they have

some control and foreclosure would probably lock you out of your house. He said there has to be a way to do something.

Ann Neil Cosby, County Attorney, stated that if there was an enforcement action and they stayed in violation, you could get a court order to keep them out of the property and that would be a way if it came to that.

Chairman Acors said suppose they come back and say they are not doing the guest quarters and they only want to use it as a house, would the Judge then allow them to come back into the house.

Ms. Cosby stated that she believes it would be very fact specific as to what they were doing. She said if it is a single-family dwelling there, then they are permitted, within the occupancy limits to be there.

Chairman Acors said what was explained the Board, was basically this is going to be a house.

Ms. Cosby stated that she believes that as long as they were within the perimeters of the occupancy limits and are not using the house for transient rental, they could do it. She said if they are using the house as a private residence and allowing people to come and stay, then it may be that there is nothing a court could do.

Supervisor Thomas stated that if they made this a special exception and they did not comply with the special exception and the Board pulled it, they know, based on what Ms. Cosby said, that a Judge would pretty much say okay, you can board the house up and they can't use it as a special exception guest quarters. He said what they really don't know is after the Judge gives them the court order and the applicant comes back and says, I'm going to make it a house instead, then the County would have some input into that because it would have to be some type of rezoning or something.

Mr. Finchum stated that in the B-1 and M-1 Districts, single-family dwellings are not permitted as a by-right use or by special exception. He said you can have a caretaker's dwelling as an accessory use by special exception, but residential occupancy is limited by specific uses in those districts. He said in terms of conversion to single-family dwellings, there are ordinance provisions that may come into play.

Supervisor Thomas stated that if that fails, they pull back the special exception and go to Court to board the house up and then they have to come back to the Board to use it as a house. He said in other words, they have judicial protection and then Board of Supervisors protection.

Chairman Acors asked how many special exceptions they have revoked.

Mr. Finchum said one was revoked in recent years, and perhaps one pending that has not yet come to the Board.

Supervisor Thomas stated that there were a couple that got close and they rectified the situation prior to the Board revoking the special exception permit.

Supervisor Popowicz asked how far away from the actual wood facility, would this particular dwelling be located.

Mr. Finchum stated that they have the concept plan and there would be a couple of issues there. He said if it is all zoned M-1, the setbacks are exterior to the property line and internally, it would be subject to any separate requirements for the different types of uses. He said if it is a separate parcel or separate zoning, then you also have internal separation to that zoning district boundary.

Supervisor Popowicz asked how easy would it be to downzone this if the entire facility goes away.

Mr. Finchum stated that down zoning is probably a different issue versus a special exception use permit. He said by the County ordinance, if a special use permit is not used consecutively, for a 12 month period of time, then by ordinance that special use permit becomes null and void. He said in theory, if the whole facility closed down and this particular use was discontinued for 12 months, that special use permit would be void at the end of the 12 month period. He said if the industrial use goes away, this is a special use permit in addition to or which is tied to the principal use, which is a manufacturing facility. He said if the manufacturing facility goes away, it is no longer an accessory to the principal use.

Supervisor Popowicz stated that he would like to see the text amendment changed, in the event that the primary use goes away.

Supervisor Thomas stated that they have held a public hearing, but he does not think that they are going to come to a consensus.

Vice-Chair Rozell stated that if you add conditions saying that it is to be headquartered in Virginia or the United States and is going to have an annual income of \$100,000,000 that would make him think about it. He said, however, if you set a precedent, he does not look favorably on that and he is not convinced yet.

Chairman Acors stated that a lot more needs to be presented and staff may have run out of suggestions, but he is not sure they can vote on what might be and he is not sure he is willing to risk the future of the County on what might happen.

Supervisor Thomas stated that they do that all the time and that is their job. He said in this case, he would like to give staff one more time to incorporate the suggestions of

Supervisor Popowicz and Vice-Chair Rozell and come back to the Board to see if they come back with something that is appealing to the Board and if not, this issue is dead.

Chairman Acors pointed out that Vice-Chair Rozell mentioned \$100,000,000 and he does not believe this company generates \$100,000,000 on an annual basis.

Mr. Wilson stated that the company has not shared that information with him.

Chairman Acors stated that the Board hopes to vote on this issue at the next Board meeting.

Mr. Wilson asked for clarification and asked when they talk about \$100,000,000, is that what their current earnings are now or projected.

Chairman Acors clarified that it is their current earnings.

UNFINISHED BUSINESS

6. REVIEW OF CHAPTERS 5 AND 6 OF DRAFT 2030 COMPREHENSIVE PLAN

Mr. Finchum stated that the Board of Supervisors previously had several presentations on the overview of the update as well as the first four chapters. He said tonight he is here to give the Board a brief overview of the cultural and historic resources chapter, which is chapter five and the Economic Development chapter, which is chapter six.

He gave the following brief over of Chapter 5, Cultural & Historic Resources:

A major addition to this chapter is a discussion of the County's history from prehistoric times to today. Items of interest include:

- *Prehistoric - fossil finds at the Carmel Church quarry*
- *Pre-colonial - Native American residents*
- *Colonial era to today*
 - *Stonewall Jackson*
 - *Bowling Green fires*
- *Transportation*
 - *River transportation*
 - *Rise and fall of railroads*
- *Historic Figures*
 - *Edmund Pendleton*
 - *George Rogers Clark*
- *Cemeteries*

- *Towns & Villages*

Preservation Efforts

- *Discusses individual preservation efforts.*
- *Updates National and Virginia Register of historic places*
 - *Brief discussion of each site*
- *Identifies potential sites of historic importance*
- *Map of historic sites in County*

He then stated that the most significant change is the discussion of the County's detailed history. He said he believes readers of the plan can get an overview of the County from prehistoric times to where we are today.

Mr. Finchum stated that Chapter 6 is a new thing to the plan and economic development has always been important to the Board of Supervisors and perhaps had more of an emphasis on it. He said it is visible to the forefront of our planning efforts. He said because of the importance of economic development to the County, they felt it was in need of its own chapter.

He then gave the following overview of Chapter 6, Economic Development:

This is a new chapter to the plan. Economic Development is an important aspect of the County's planning efforts. The County is well positioned along I-95/CSX rail corridors, with large tracts of land and low taxes. Yet, there are a number of deterrents to our economic development efforts.

- *Economic Indicators*
 - *Employment*
 - *Median household income*
 - *Wages*
 - *Taxes*
 - *Identifies 30 large businesses by tax revenues to Caroline County*
- *Current Economic Development Program*
 - *Discusses business investment between 2000 and 2007*
 - *Current department and responsibilities*
 - *Recent successful recruitments*
- *Community Strengths and Weaknesses*
- *Recruitment Strategies*
 - *Matching strengths to weaknesses*
- *Development Strategies*
 - *Focus on well financed prospects*

- *Large industries (land)*
- *Transit Oriented development*

- *Future Strategies*
- *Tourism program*
 - *Opportunities (SFV)*
 - *Visitor Center*
 - *Tourism strategies*

Chairman Acors asked about Chapter 6, and what was included in the tax revenue that was shown.

Mr. Finchum explained that those are real estate taxes and personal property taxes. He said he did not believe it included business license tax.

NEW BUSINESS

7. APPROVAL OF AGREEMENT WITH METROCAST COMMUNICATIONS

Mr. Percy Ashcraft, County Administrator, stated that he was going to lead into the subject matter and the County Attorney is here, and has been heavily involved with the negotiation and the drafting of the agreement. He said, as the Board knows, the County has been without a franchise agreement with Metrocast and Comcast for a number of years now. He said when Metrocast took over a few years ago, they were very interested in providing services and coming to an agreement. He said some issues were discussed a few weeks ago in closed meeting and he would ask the Board to review the agreement and direct any questions to the County Attorney. He said once the agreement is ratified, they will hold a public hearing to codify the agreement. He said they are still negotiating with Comcast.

County Attorney Ann Neil Cosby stated that there were two comments in this agreement that did not show up that she wanted to point out for clarification. She explained that one is the capital support and in the agreement they were trying to get 10,000 plus \$300 per month towards recording the meetings, which is the \$300 a month is similar to what the Town of Bowling Green is getting. She said their response was, they would do one or the other, the \$10,000 or the \$300 a month and so she and the County Administrator thought that the \$10,000 was better. She said the \$10,000 is a one time fee and that change is in the agreement. She said the other comment was the access channel. She said they had requested two channels, which is also what Bowling Green has in their agreement and Metrocast told her that what the Town of Bowling Green had is their access channel for the town and then they have one reserved as an educational channel. She said County residents would actually get three channels, the Town of Bowling Green's channel, the County channel and the shared education channel.

Supervisor Thomas said in the agreement, they could not enforce the cable modem expansion.

Ms. Cosby said that was correct.

Supervisor Sili said he believed the \$300 per month was probably more beneficial than the one time \$10,000 payment.

Chairman Acors asked how long this agreement would be in effect.

Ms. Cosby stated that it would be in effect for 15 years. She said Metrocast would be willing to either increase the capital contributions to \$10,000 or provide \$300 a month to record the Board of Supervisors' meetings, but not both.

Vice-Chair Rozell pointed out that they have been working on this for years and the County Attorney has been over it. He asked if the County Attorney was happy with where they are now.

Ms. Cosby said yes, they have worked very hard on this, beginning several years ago, and then State law changed and there are provisions now that are slightly different. She said if Metrocast decided they did not want to continue with this agreement and go the model route, there would be differences. She said there are some recurring fees based on what their gross revenues are, however, for the County, that is not applicable because the revenues are so low right now. She said when they weighed what those potential fees might be versus this agreement that has substantially greater customer service standards, recording standards, records requirement, there is a greater ability for the County to have that information and penalties and ways to address any problems that may arise. She said based on their understanding of what the County and the Board of Supervisors' concerns have been with prior service, they thought this made sense.

Supervisor Thomas moved and Supervisor Sili seconded to approve the agreement with the change of \$300 per month and not a \$10,000 one time fee.

<i>Roll Call Vote:</i>	<i>Acors</i>	<i>Yea</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>

Ms. Cosby clarified and said the agreement is not actually, adopted as an ordinance. She said the County currently has a cable ordinance, which may need to be modified to reflect the agreement. She said the ordinance that the County currently has is superseded by the law. She said this actual agreement does not need to be adopted as an ordinance.

8. INFORMATIONAL/CALENDAR ITEMS

Mr. Ashcraft reminded everyone of the following calendar items:

- ◆ The joint meeting with the School Board is scheduled for September 17, 2009 at 7:00 p.m.
- ◆ A community meeting at 5:30 p.m. involving citizens from Dawn and Bowling Green and the issues facing young people and there could be some overlap at those meetings is scheduled for September 17, 2009 at 5:30 p.m.
- ◆ A public forum regarding the schools' feasibility study and capital improvement plans is scheduled for September 16, 2009.
- ◆ The Ribbon Cutting Ceremony for the State Fair is scheduled for 9 a.m. on September 24, 2009.

CLOSING BOARD COMMENTS

Vice-Chair Rozell stated that earlier this evening, the Board approved the County providing assistance for the Caroline Pines Wastewater Revenue Projection Study. He said he wanted to clarify that the money was already there and it was not new money.

CLOSED MEETING

Vice-Chair Rozell moved and Supervisor Popowicz seconded to enter in Closed Meeting pursuant to:

1. *the personnel exemption of Section 2.2-3711.A.1 of the Code of Virginia to discuss job duties of certain County personnel; and*
2. *the consultant with legal counsel exemption of Section 2.2-3711.A.7 of the Code of Virginia, to discuss actual litigation pending against the County (Heflin et al v. Caroline County), and potential litigation related to tree trimming on property adjacent to County land; and issues requiring legal advice, specifically the requirements for non-mandatory advisory committees.*

Roll Call Vote:	<i>Acors</i>	<i>Yea</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:

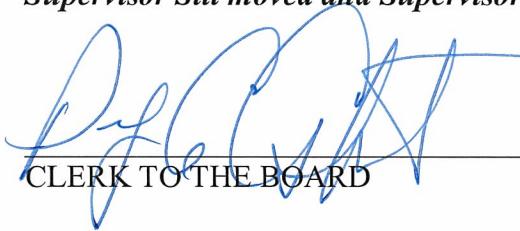
Supervisor Thomas moved Supervisor Popowicz seconded to certify that the Caroline County Board of Supervisors certify that to the best of each Board member's knowledge:

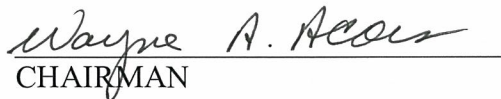
- (i) only public business matters lawfully exempted from the open session requirements by Virginia law were discussed in closed session to which this certification applies; and*
- (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed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

<i>Certification by Roll Call Vote:</i>	<i>Acors</i>	<i>Yea</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>

ADJOURNMENT

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


CLERK TO THE BOARD


WAYNE A. ACORS
CHAIRMAN