

At a regular meeting of the Caroline County Board of Supervisors held on Tuesday, August 14, 2018 in the auditorium of the Community Services Center, located at 17202 Richmond Turnpike, Milford, Virginia 22514.

**PRESENT**

Nancy L. Long –Chairperson, Port Royal District  
Clayton F. Forehand – Madison District  
Jeffrey S. Black–Western Caroline District  
Jeffery M. Sili – Bowling Green District  
Floyd W. Thomas – Mattaponi District

**ABSENT**

Reginald L. Underwood – Reedy Church District

**ALSO PRESENT**

Charles M. Culley, Jr. – County Administrator  
Alan L. Partin – Deputy County Administrator  
Michael A. Finchum – Director of Planning & Community Development  
Curtis S. Finney, Jr. – Director of Finance  
Mark C. Garnett – Deputy Fire-EMS Chief  
Joseph C. Schiebel –Director of Public Utilities  
Gary R. Wilson – Director of Economic Development  
Benjamin W. Emerson – County Attorney

**CALL TO ORDER**

Chairperson Long called the meeting to order at approximately 6:00 p.m.

**INVOCATION**

Supervisor Sili led the invocation.

**PLEDGE OF ALLEGIANCE**

Chairperson Long led the Pledge of Allegiance.

**OPENING BOARD COMMENTS**

Vice-Chair Forehand thanked VDOT for their prompt response in adding dangerous turning signs near Lake Caroline.

Board members talked about attending various events held in conjunction with National Night Out and noted the success and large turnout of the events.

Supervisor Black stated that he had the opportunity to participate in the Bright Beginnings Program with the YMCA and said it was a great program for the kids. He then expressed his frustration with Comcast for not meeting with him and County staff. He thanked VDOT for their efforts after the rain on County Line Church Road.

Supervisor Sili stated that he had spoken with VDOT about issues with the spray-on resealing on Route 2. He and Supervisors Thomas expressed concerns about the lack of control by localities in regulating cell towers.

Chairperson Long stated that the “Stock the School Bus” event with school supplies was a wonderful event. She then wished students and parents a good school year and encouraged everyone to be mindful of the school buses on the road.

**AMENDMENTS TO THE AGENDA**

*Supervisor Thomas moved and Supervisor Sili seconded to amend the agenda by adding the “Appropriation of Funds to the FY 2018 Budget for the Virginia Community Food Connections for the SNAP Match Program” to the Consent Agenda as Item #3 F.*

<i>Roll Call Vote:</i>	<i>Black</i>	<i>Yea</i>
	<i>Forehand</i>	<i>Yea</i>
	<i>Long</i>	<i>Yea</i>
	<i>Sili</i>	<i>Yea</i>
	<i>Thomas</i>	<i>Yea</i>

**1. PRESENTATIONS/REPORTS**

➤ **Update on Recreation Advisory Committee**

Director of Parks and Recreation Donnell Howard provided an update on the various activities of the Recreation Advisory Committee and the department. He reminded everyone of the upcoming 30-year anniversary celebration of the main County Park scheduled for September 8, 2018.

He reported that the Recreation Advisory Committee held several townhall style meetings in five of the six voting districts and had a very small community turnout. He reported on the success of the annual Summer Camp Program and said that he had received requests from several parents asking that the program be extended a few more weeks into the summer. He explained that the program currently ended four weeks prior to the beginning of the school year and extending it would assist parents with daycare issues.

After discussion, it was the consensus of the Board to continue the townhall style meetings for the Recreation Advisory Committee for another year. Mr. Howard was asked to continue to advertise the meetings and to also send the information to Board members in an attempt to increase participation.

Supervisor Black noted that he had attended department staff meetings throughout the summer and gave kudos to County employees for all their efforts. He then asked that notifications for Parks and Recreation sponsored events and activities be sent to Board members so they could distribute and post the information on social media with the hope of increasing attendance.

Board members commended Fire & Rescue volunteers, the Department of Fire & Rescue Recruitment and Retention Committee and the Department of Parks & Recreation on the recent collaboration of efforts regarding the Fire Camp for children. Board members talked about the positive feedback from the community and said that it was a huge success.

## **2. APPOINTMENTS**

### **➤ George Washington Regional Commission Citizen's Transportation Advisory Group**

*Chairperson Long moved and Supervisor Sili seconded to appoint Ken Pogue as one the County's representatives to the George Washington Regional Commission Citizen's Transportation Group as a replacement representative for Tim Davis due to his recent resignation.*

<i>Roll Call Vote:</i>	<i>Black</i>	<i>Yea</i>
	<i>Forehand</i>	<i>Yea</i>
	<i>Long</i>	<i>Yea</i>
	<i>Sili</i>	<i>Yea</i>
	<i>Thomas</i>	<i>Yea</i>

### **➤ PamunkeyNet Advisory Committee**

*Supervisor Sili moved and Supervisor Forehand seconded to appoint Floyd Thomas as the Board of Supervisors' representative to the PamunkeyNet Advisory Committee.*

<i>Roll Call Vote:</i>	<i>Black</i>	<i>Yea</i>
	<i>Forehand</i>	<i>Yea</i>
	<i>Long</i>	<i>Yea</i>
	<i>Sili</i>	<i>Yea</i>
	<i>Thomas</i>	<i>Yea</i>

## **3. CONSENT AGENDA**

*Supervisor Sili moved and Vice-Chair Forehand seconded to approve the following Consent Agenda items:*

A) Approval of Warrants

Action Taken: Approval of the following warrants:

<i>General Fund</i>	<i>\$1,049,505</i>
<i>Social Services Fund</i>	<i>8,775</i>
<i>Law Library Fund</i>	<i>435</i>
<i>Tourism Fund</i>	<i>2,777</i>
<i>Fire/Rescue Grants Fund</i>	<i>11,143</i>
<i>Capital Improvements Fund</i>	<i>44,848</i>
<i>Debt Retirement Fund</i>	<i>2,535,924</i>
<i>Carmel Church Utilities Fund</i>	<i>164,147</i>
<i>Dawn Wastewater Fund</i>	<i><u>5,263</u></i>
<b>TOTAL</b>	<b>\$3,822,819</b>

B) Resolution in Support of Application for Virginia Department of Transportation Smart Scale Funds for I-95 Exit 104 Improvements

Action Taken: Adoption of the following resolution:

R29/18

A RESOLUTION SUPPORTING THE SMART SCALE APPLICATION  
FOR SAFETY IMPROVEMENTS TO THE I-95/ROUTE 207  
INTERCHANGE

*WHEREAS, The I-95/Route 207 southbound on and off ramps experience a high number of tractor trailer rollovers due to the outdated geometric design of the ramps; and*

*WHEREAS, these crashes contribute to congestion and reliability issues on I-95 and U.S. Route 1 in Caroline County; and*

*WHEREAS, The interchange supports four truck travel plazas providing significant revenue to the Commonwealth of Virginia through motor vehicle fuel taxes on the fuel purchased for sale at these locations; and*

*WHEREAS, Caroline County and the staff of the Virginia Department of Transportation-Fredericksburg District have identified the I-95/Route 207 Interchange as a candidate for Safety Upgrades through Smart Scale and prepared a design for said improvements; and*

*WHEREAS, this Board of Supervisors identified this interchange as the top*

*priority for Smart Scale and directed county staff to work with the Virginia Department of Transportation-Fredericksburg District staff to prepare and submit a Smart Scale application at its May 8, 2018 meeting;*

*NOW, THEREFORE BE IT RESOLVED THAT, the Board of Supervisors of Caroline County hereby supports this Smart Scale application for the identified improvements to the I-95/Route 207 interchange and requests favorable consideration of same by the Commonwealth Transportation Board.*

*Adopted this 14<sup>th</sup> day of August, 2018.*

**C) Request from Bike of Virginia to Use Community Services Center Parking Lot for Rest Stop for Heart of Virginia Bike Festival**

*Action Taken: Approval of a request from Bike of Virginia to use the Community Services Center parking lot as a rest stop during its annual charity ride on September 15, 2018.*

**D) Re-Appropriation of Funds from the Fiscal Year 2017/2018 Budget to the Fiscal Year 2018/2019 Budget for Paving Projects (Public Works)**

*Action Taken: Approval of the re-appropriation of the following funds from the FY 2018 Public Works budget to the FY 2019 Public Works budget:*

- *\$88,000 from line item 4-100-43200 -3160*
- *\$44,500 from line item 4-100-43200-3320*

**E) Authorization to Surplus Vehicle (Sheriff's Office)**

*Action Taken: Authorization to declare a van given to the Sheriff's Office free of charge by the Pamunkey Regional Jail several years ago as surplus property. The vehicle is no longer used by the Sheriff's Office and will be returned to the Pamunkey Regional Jail because they expressed an interest in reclaiming it.*

**F) Appropriation of Funds to the FY 2018 Budget for the Virginia Community Food Connections for the SNAP Match Program**

*Action Taken: Appropriation of funds in the amount of \$9,861 to the FY 2019 budget for the Virginia Community Food Connections for the SNAP Match program.*

*Roll Call Vote:*

<i>Black</i>	<i>Yea</i>
<i>Forehand</i>	<i>Yea</i>
<i>Long</i>	<i>Yea</i>

*Sili*                    *Yea*  
*Thomas*                *Yea*

**NEW BUSINESS**

**7. REQUEST FROM CAROLINE HABITAT FOR HUMANITY FOR CONTRIBUTION OF RESERVE FUNDS FOR UNITED STATES DEPARTMENT OF AGRICULTURE 523 SELF-HELP PROGRAM APPLICATION**

Executive Director of Caroline County Habitat for Humanity approached staff about an opportunity to apply for \$1,500,000 to \$2,000,000 in federal grants to build and sell single-family homes in the County to low-income families. The Caroline Habitat for Humanity was invited to apply for the grant funds through the United States Department of Agriculture (USDA) 523 Self Help Program. If awarded, Habitat expected to build 10 homes in Caroline over the two-year cycle of the grant.

The only grant requirement that Habitat could not meet was the need to demonstrate the capacity for a reserve fund to cover upfront costs before the grants funds became available. Mr. Tickle asked the Board to consider providing \$30,000 to enable the organization to meet this requirement and not require Habitat to repay the funds to the County if the USDA grant funds were received. In essence, the County would provide the matching funds.

Mr. Tickle pointed out that grant funds were included in the current fiscal year budget that ended on September 30, 2019 and a first application draft must be submitted by August 15<sup>th</sup>. He agreed to return the funds to the County in the event that Caroline was not selected for the program.

Board members talked about the possible benefits for the community.

*Supervisor Thomas moved and Supervisor Sili seconded to approve an amount not to exceed \$30,000 for Caroline County Habitat for Humanity to demonstrate the capacity for a reserve fund to cover upfront costs before the grant funds become available from the USDA 523 Self-Help Program as presented.*

**Roll Call Vote:**

<i>Black</i>	<i>Yea</i>
<i>Forehand</i>	<i>Yea</i>
<i>Long</i>	<i>Yea</i>
<i>Sili</i>	<i>Yea</i>
<i>Thomas</i>	<i>Yea</i>

**CLOSED MEETING**

*Vice-Chair Forehand moved and Supervisor Sili seconded to convene to Closed Meeting pursuant to:*

- 1) *The acquisition of real estate, prospective business, and investment of public funds exemptions of Sections 2.2-3711.A.3, A.5 and A.6 of the Code of Virginia to discuss a potential economic development expansion project in the County about which no previous public announcement has been made and which would involve the acquisition of real property and the investment of public funds;*
- 2) *The personnel exemption of Section 2.2-3711.A.1 of the Code of Virginia to discuss a personnel matter; and*
- 3) *The consultation with legal counsel and briefings by staff exemptions of Sections 2.2-3711.A.7 and A.8 of the Code of Virginia, to discuss specific legal matters related to certain violations of the Zoning Ordinance and potential litigation related thereto.*

**Roll Call Vote:**

<i>Black</i>	<i>Yea</i>
<i>Forehand</i>	<i>Yea</i>
<i>Long</i>	<i>Yea</i>
<i>Sili</i>	<i>Yea</i>
<i>Thomas</i>	<i>Yea</i>

*Supervisor Sili moved and Supervisor Thomas seconded to leave Closed Meeting.*

**Roll Call Vote:**

<i>Black</i>	<i>Yea</i>
<i>Forehand</i>	<i>Absent during vote</i>
<i>Long</i>	<i>Yea</i>
<i>Sili</i>	<i>Yea</i>
<i>Thomas</i>	<i>Yea</i>

*Supervisor Sili moved and Supervisor Thomas seconded 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 meeting requirement by Virginia law were discussed in closed meeting to which this certification applies; and*
- (ii) *only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.*

**Certification by Roll Call Vote:**

<i>Black</i>	<i>Certify</i>
<i>Forehand</i>	<i>Certify</i>
<i>Long</i>	<i>Certify</i>
<i>Sili</i>	<i>Certify</i>
<i>Thomas</i>	<i>Certify</i>

**PUBLIC COMMENTS**

Thomas Trimmer, of the Mattaponi District, stated that he spent about 15 hours a week picking up trash along Carmel Church Loop and Ruther Glen Road and had been doing so for several

years. He said that he was concerned when he recently heard that people were blaming the truckers from Love's Truck Stop for the trash. He spoke favorably about the truckers and said they were always looking out for others and were not responsible for the trash.

Jason Satterwhite, of the Bowling Green District and Vice-President of the Bowling Green Volunteer Fire Department, requested a worksession with the Board on Item #11 regarding the Fire & Rescue Fleet Replacement Plan. He said they would like an opportunity to express some concerns about fleet sizes in the near future.

Stephen Melson, Chief of the Ladysmith Volunteer Fire Department, spoke in favor of the proposed Fleet Replacement Plan as listed in the County's CIP (*Item #11*). He noted that it had been discussed by Chief Loftus at the command staff meeting and no one expressed any concerns at that time.

Arthur Wholey, Chief of the Bowling Green Volunteer Fire Department, expressed concerns about the proposed Fire & Rescue Fleet Replacement Plan (*Item #11*). He said that he was unable to attend the command staff meeting when it was discussed, but had met with Chief Loftus after that meeting about it. He then requested that the Board consider a worksession on the proposed plan.

David Jenkins, Chief of the Port Royal Volunteer Fire Department, expressed concerns about the proposed Fire & Rescue Fleet Replacement Plan not allowing the fire department to provide the needed level of protection.

He then spoke in opposition to increased fees for land use.

Brian Marmaduke, member of Bowling Green Volunteer Fire Department and President of the CCEUO (Caroline County Emergency Units Organization) expressed concerns about not having enough time to review the information included in the Fire & Rescue Fleet Replacement Plan. He also requested a worksession on the matter.

Stuart Lane, of the Reedy Church District and member of Ladysmith Volunteer Rescue Squad, also spoke in favor of a worksession with the Board to discuss this matter.

He noted that he was against increasing fees on land use.

There being no further comments, Chairperson Long declared the Public Comments closed.

### **PUBLIC HEARINGS**

#### **4. AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 103, ARTICLE V., VEHICLE LICENSE TAX, SECTION 103-25 OF THE CODE OF CAROLINE COUNTY (ELIMINATION OF PERMANENT VEHICLE DECAL OR "COUNTY STICKER")**



Deputy County Administrator Alan Partin reminded everyone that no later than January 1, 2019, the location of the permanent vehicle decal (“County sticker”) must be removed from the center of the windshield to adjacent to the right side of the official state inspection sticker when viewed from the inside of the vehicle. He said that the state inspection sticker would now be placed in the left hand corner of the windshield when viewed from inside the vehicle. He said that the required change was part a change by the Virginia State Police announcement in December 2017.

He stated that because of the inconvenience this would cause for the citizens in moving their existing decals and the fact that the overwhelming majority of localities in the Commonwealth no longer issue a permanent or annual decal, the Board authorized staff to advertise a public hearing to repeal and replace the ordinance requiring the purchase and display of a permanent decal.

Mr. Partin further stated that there were no budget impacts associated with the proposed amendments, other than the elimination of the cost of purchasing permanent decals. He pointed out that the proposed amendments would not eliminate the assessment of an annual license tax by the Commissioner of the Revenue.

In response to a question from Supervisor Thomas, County Attorney Benjamin Emerson stated that the current County decals could remain on vehicles until January 1, 2019 according to the Virginia State Police.

Chairperson Long declared the public hearing open.

Jason Satterwhite, Mayor of the Town of Bowling Green, informed everyone that the Bowling Green Town Council had recently voted to remove the Town decals.

Sheriff Tony Lipa spoke in favor of removing the County stickers.

There being no further public comments, Chairperson Long declared the public hearing closed.

***Vice-Chair Forehand moved and Supervisor Black seconded to eliminate the permanent County sticker and approve “An Ordinance to Repeal and Replace Chapter 103, Article V., Vehicle License Tax, Section 103-25 of the Code of Caroline County” as presented.***

<b><i>Roll Call Vote:</i></b>	<b><i>Black</i></b>	<b><i>Yea</i></b>
	<b><i>Forehand</i></b>	<b><i>Yea</i></b>
	<b><i>Long</i></b>	<b><i>Yea</i></b>
	<b><i>Sili</i></b>	<b><i>Yea</i></b>
	<b><i>Thomas</i></b>	<b><i>Yea</i></b>

**UNFINISHED BUSINESS**

**5. PRESENTATION OF RESULTS OF REQUEST FOR PROPOSALS FOR CAROLINE MIDDLE SCHOOL ENERGY PERFORMANCE CONTRACT FINANCING**

At the June 19, 2018 meeting, the Board of Supervisors authorized the County’s financial advisor Davenport & Company to issue a Request for Proposals (RFP) for financing for an energy performance contract to convert the existing boilers at Caroline Middle School to natural gas and make other energy related improvements to the building. The School Board approved the project and selection of Honeywell as the vendor at its June 11<sup>th</sup> meeting.

Courtney Rogers with Davenport & Company stated that the goal of the lease was to implement equipment and capital improvements at Caroline Middle School to save on energy costs over time with a total cost of the project estimated at \$1.1 million. He reviewed the proposals received and said the lowest rate was received from Union Bank. He explained that the interest rate was fixed until final maturity, eliminating future interest rate risk and allows for prepayment flexibility at any time without penalty. He added that there would be minimal closing costs.

Supervisor Thomas talked about the previous energy performance contract for the schools and the guaranteed savings and asked about seeing the guarantees associated with this project.

Interim Superintendent of Caroline County Public Schools Dr. Victor Hellman stated that he had not seen the completed list, but would share that with Board members when he received it.

After discussion, *Supervisor Thomas moved and Supervisor Black seconded move forward with financing the energy performance contract for Caroline Middle School with Honeywell as presented pending review by the County Attorney, staff and members of the Board of Supervisors if they so desire with the confirmation that the contract has cost neutrality language and no financial impact to the County; financing with level payments; payment of \$103,000 up front from the high school contingency fund and adoption of the following resolution:*

**R30/18**

**RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF CAROLINE, VIRGINIA APPROVING LEASE FINANCING FOR  
SCHOOL ENERGY SAVINGS EQUIPMENT/CAPITAL IMPROVEMENTS**

*WHEREAS, the School Board of the County of Caroline, Virginia, the governing body of the Caroline County Public Schools (the “School Board”) has determined, and the Board of Supervisors (the “Board of Supervisors”) of the County of Caroline, Virginia (the “County”) hereby affirms (i) that a true and very real need exists for certain equipment and improvements, and the installation thereof, of energy savings equipment including but not limited to lighting, insulation, utility and automation system improvements, in school buildings operated by the School Board (the “Improvements”) described in the Lease*

*Agreement (as hereinafter defined), all pursuant to an Agreement between the School Board and Honeywell International Inc. (the “Energy Savings Agreement”); (ii) that the Improvements are essential to the governmental functions of the County and the School Board; and (iii) that it reasonably expects the Improvements to continue to be essential to the governmental functions of the County and the School Board for a period not less than the term of the Lease Agreement as described herein; and*

*WHEREAS, the School Board proposes the County and the School Board enter into an Equipment Lease Purchase Agreement, in the aggregate principal amount not to exceed \$1,500,000 (the “Lease Agreement”) with Union Bank & Trust (the “Lessor”) to finance the purchase of the Improvements over approximately fifteen (15) years; and*

*WHEREAS, (i) all amounts payable by the School Board under the Lease Agreement (the “Lease Obligations”) are subject to appropriation by the Board of Supervisors and the School Board; (ii) neither the Board of Supervisors nor the School Board is under any obligation to make any appropriation with respect to the Lease Agreement; (iii) the Lease Agreement is not a general obligation of the County or the School Board or a charge against the general credit or taxing power of the County or the School Board; and (iv) amounts payable by the School Board under the Lease Agreement do not constitute a debt of the County or the School Board within the meaning of any constitutional, charter or statutory limitation; and*

*WHEREAS, the County is entering into the Lease Agreement to assist the School Board in financing the acquisition of the Improvements and will be providing the moral obligation pledge of the County to support the payment of Lease Obligations (the “Moral Obligation Pledge”) and not for the County to be responsible for the use, maintenance or upkeep of the Improvements or any School Board property associated therewith; and*

*NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Caroline, Virginia:*

- 1. The financing of the Improvements pursuant to the Energy Savings Agreement and the Lease Agreement is hereby approved. The Board of Supervisors hereby approves the Lease Agreement reflecting an aggregate principal component of Lease Obligations thereunder not to exceed \$1,500,000, with a term of not to exceed 15 years, an interest cost of the interest component of Lease Obligations thereunder at an annual rate not to exceed 3.29%, with the final terms and interest rate to be approved by the County whose execution thereof shall be conclusive evidence of such approval. The obligation of the County to pay rent under the Lease Agreement will be subject to the Board of Supervisors of the County making annual appropriations for such purpose.*
- 2. The Board of Supervisors on behalf of the County has adopted this resolution as its moral obligation to the payment of the Lease Agreement. The obligation of the County to pay rent under the Lease Agreement and to make any payments under the Moral Obligation Pledge will be subject to the Board of Supervisors of the County making annual*

*appropriations for such purpose.*

- 3. The County represents and covenants that it shall not take or omit to take any action the taking or omission of which will cause the Lease Agreement to be an “arbitrage bond” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”) or otherwise cause the interest on the Lease Agreement to be includable in gross income for Federal income tax purposes under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the School Board or the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds from the execution and delivery of the Lease Agreement.*
- 4. The County hereby declares, in accordance with U.S. Treasury Regulation Section 1.150-2, as amended from time to time, the County’s intent to reimburse the County and/or the School Board with the proceeds of the Lease Agreement for expenditures related to the Improvements (the “Expenditures”) made on and after the date which is no more than 60 days prior to the date hereof. The County reasonably expects on the date hereof that it will reimburse itself for the Expenditures with the proceeds of the Lease Agreement. Each Expenditure was and will be either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditures), (b) a cost of issuance with respect to the Lease Agreement, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the County so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the County.*
- 5. The County will make a reimbursement allocation, which is a written allocation by the County that evidences the County’s use of proceeds of the Lease Agreement to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Improvements are placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The County recognizes that exceptions are available for certain “preliminary expenditures,” costs of issuance, certain de minimis amounts, expenditures by “small issuers” (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.*
- 6. The County hereby designates the Lease Agreement as a “qualified tax-exempt obligation” for the purpose of Section 265(b)(3) of the Code. The County does not reasonably anticipate (nor do any of its subordinate entities reasonably anticipate) issuing more than \$10,000,000 in qualified tax exempt obligations during calendar year 2018 for the benefit of the County and the County (and any of its subordinate entities) will not designate more than \$10,000,000 of qualified tax-exempt obligations for the benefit of the County pursuant to Section 265(b)(3) of the Code during such calendar year.*
- 7. Any authorization herein to execute a document shall include authorization to deliver it to*

*the other parties thereto and to record such document where appropriate.*

8. *All other acts of the officers of the County that are in conformity with the purposes and intent of this resolution and in furtherance of the execution and delivery of the Energy Savings Agreement, the Lease Agreement and the undertaking of the acquisition, design, construction, equipping, renovation and furnishing of the Improvements are hereby approved, ratified and confirmed.*
9. *Nothing in this Resolution, the Lease Agreement, the Energy Savings Agreement or the Moral Obligation Pledge or any documents executed or delivered in relation thereto shall constitute a debt or a pledge of the faith and credit of the School Board or the County, and the County shall not be obligated to make any payments under the Lease Agreement except from payments made by or on behalf of the County pursuant to annual appropriation thereof by the Board of Supervisors in accordance with applicable law.*
10. *This resolution shall take effect immediately.*

**ADOPTED THIS 14<sup>th</sup> OF AUGUST, 2018.**

<b>Roll Call Vote:</b>	<b>Black</b>	<b>Yea</b>
	<b>Forehand</b>	<b>Yea</b>
	<b>Long</b>	<b>Yea</b>
	<b>Sili</b>	<b>Yea</b>
	<b>Thomas</b>	<b>Yea</b>

**6. PROPOSED POLICY ON SURPLUSSED FIRE & RESCUE APPARATUS**

Deputy Fire-EMS Chief Mark Garnett stated that the Board previously discussed the need for a policy to determine the disposition of proceeds from the sale of surplus Fire & Rescue apparatus. He said the unique factor in surplus Fire & Rescue equipment was that in some cases the equipment was funded in whole or in part, purchased and titled or co-titled to a volunteer fire or rescue squad.

He then reviewed the proposed policy for consideration by the Board that had been discussed in detail with volunteer and career leadership with no objections raised. He explained that the proposed policy examined three elements: funding, purchase and titling and based on those three elements, apparatus would be placed in one of the following categories for surplus:

Category A – No County Funding – Volunteer Purchased - Volunteer Titled/Co-Titled

- Proceeds from sale remain with the volunteer company for expenses

Category B – Some County funding – Volunteer Purchased – Volunteer Titled

- Proceeds from sale remain with the volunteer company for expenses

Category C – County Funded – County Purchased – Volunteer Titled or Co-Titled

- Proceeds from sale are to be returned to the Fire & Rescue Capital Reserve fund for future apparatus purchase

Category D – County Funded – County Purchased – County Titled

- Proceeds from sale are to be returned to the Fire & Rescue Capital Reserve fund for future apparatus purchase

***Vice-Chair Forehand moved and Supervisor Sili seconded to approve the policy on surplused Fire & Rescue apparatus as presented.***

***Roll Call Vote:***

<b><i>Black</i></b>	<b><i>Yea</i></b>
<b><i>Forehand</i></b>	<b><i>Yea</i></b>
<b><i>Long</i></b>	<b><i>Yea</i></b>
<b><i>Sili</i></b>	<b><i>Yea</i></b>
<b><i>Thomas</i></b>	<b><i>Yea</i></b>

**NEW BUSINESS**

**8. DISCUSSION OF FESTIVAL PERMIT APPLICATION FOR ROCK THE COUNTRY MUSIC FESTIVAL AT MEADOW EVENT PARK**

Director of Planning & Community Development Michael Finchum stated that scheduled on the agenda for the Board’s consideration was a festival permit application from Commonwealth Fairs & Events (CFE) in partnership with Open Air Events, LLC to hold a one day music festival at Meadow Event Park in August 2019. He explained that music festivals at Meadow Event Park were governed by Chapter 49 of the County Code and Section III of SPEX-03-2014.

He stated as co-applicant, CFE qualified as a sponsor and the application was subject to conditions allowing up to three venues/stage locations consistent with the approved Special Exception Permit. He explained that the request was for two stage locations located in proximity to three identified general areas for stage locations for CFE sponsored events. He noted that Marlene Pierson-Jolliffe of CFE sent her apologies for not being in attendance due to a conflict.

Ronnie Jackson, with Open Air Events LLC, stated that he had met with representatives from Meadow Event Park, Virginia State Police, the Sheriff’s Office and County staff earlier this month to address any issue of concern related to the proposed event. He said he took pride in the event and wanted it to be a safe event and something everyone could be proud of.

He talked about the music that they were trying to line up, such as Florida George Line, ZZ Top, Rascal Flats, etc., and said he believed the event would draw approximately 20,000 people. He noted that he would work with County staff and emergency organizations as ticket sales increased to keep everyone informed.

Board members expressed concerns about security with such a large event, serving alcohol and enforcement of the age restriction as well as traffic and parking.

Mr. Jackson reviewed his security plan and pointed out that there would be metal detectors and everyone would have to go through a complete search upon entering the event.

*Supervisor Sili moved and Vice-Chair Forehand seconded to approve a festival permit for the Rock the Country Music Festival for Commonwealth Fairs & Events and Open Air Events, LLC for 2019 as presented.*

<i>Roll Call Vote:</i>	<i>Black</i>	<i>Yea</i>
	<i>Forehand</i>	<i>Yea</i>
	<i>Long</i>	<i>Yea</i>
	<i>Sili</i>	<i>Yea</i>
	<i>Thomas</i>	<i>Yea</i>

**9. PROPOSAL FOR EMPLOYEES OF CAROLINE DETENTION FACILITY TO BECOME CAROLINE COUNTY EMPLOYEES**

County Administrator Charles M. Culley, Jr. stated that staff had advised by representatives of the Virginia Retirement System (VRS) that it was unclear whether employees operating the new Caroline Detention Facility could receive VRS benefits if they remained employees of the Peumansend Creek Regional Jail Authority, which remained in place. He said that it could take several months to receive a definitive answer from VRS on this matter. He explained that even if a determination was ultimately made that the Detention Facility personnel would remain eligible for VRS benefits as employees of the Authority, potential gaps in coverage would exist and the uncertainty would make it very difficult to recruit and retain employees.

He explained that for that reason, staff believed the best course of action was to make those individuals employees of Caroline County effective immediately. He said that staff had been advised by VRS officials that it was important that a decision was made at this meeting of the Board of Supervisors to avoid any gap in coverage.

He pointed out that all costs associated with converting Authority employees to County employees would be covered through the contract with ICE.

Board members expressed concerns about adding 116 new employees to the County and potential impacts on health insurance and other benefits as well as the added stress on the County's Human Resource and Finance personnel.

Deputy County Administrator Alan Partin stated that the County's benefit consultant was currently researching any possible impacts to the health insurance. He said that the initial findings were that the additional employees would actually help the County.

Mr. Culley noted that the Detention Facility had Human Resource personnel that could be trained on the County's system to input data for their employees. He acknowledged that it was

not an ideal situation; however, VRS put the County in a difficult position and staff did not want the employees to experience a gap in coverage of their benefits.

After discussion, *Supervisor Sili moved and Supervisor Thomas seconded to approve the proposal to make employees of the Caroline Detention Facility employees of Caroline County effective immediately.*

<i>Roll Call Vote:</i>	<i>Black</i>	<i>Yea</i>
	<i>Forehand</i>	<i>Yea</i>
	<i>Long</i>	<i>Yea</i>
	<i>Sili</i>	<i>Yea</i>
	<i>Thomas</i>	<i>Yea</i>

**10. FIRST READING OF PROPOSED AMENDMENT OF CHAPTER 103 TAXATION, ARTICLE III. AGRICULTURAL, HORTICULTURAL, FOREST AND OPEN SPACE USES OF THE CODE OF CAROLINE COUNTY**

Commissioner of the Revenue Mark Bissoon requested that the Board consider amending Chapter 103 of the County Code to change the requirement to revalidate applications for participation in the Land Use Program every year to every other year. He stated that he believed extending the Land Use revalidation requirements to two years would save mailing costs and staff time without any loss of revenue or other negative consequences to the County.

In response to questions from Board members, Mr. Bissoon stated that currently people in the Program could revalidate at no cost and the \$10 application fee had been the same since the original adoption of the ordinance. He noted that last year there were ten new applications for the Program and six for this year.

Vice-Chair Forehand pointed out that the proposed amendment in the Board's packet indicated that there was a \$10 fee per renewal.

Mr. Bissoon stated that he would compare it to State Code and change accordingly, if necessary.

*Supervisor Sili moved and Vice-Chair Forehand seconded to move this item forward to public hearing.*

County Attorney Benjamin Emerson stated that the \$10 fee issue could be adjusted, if necessary, after determining what was contained in the *Code of Virginia*.

<i>Roll Call Vote:</i>	<i>Black</i>	<i>Yea</i>
	<i>Forehand</i>	<i>Yea</i>
	<i>Long</i>	<i>Yea</i>
	<i>Sili</i>	<i>Yea</i>
	<i>Thomas</i>	<i>Yea</i>



**11. APPROVAL OF DEPARTMENT OF FIRE & RESCUE FLEET REPLACEMENT PLAN**

Supervisor Sili suggested that Item #11 and #12 be deferred to a worksession as requested by volunteers earlier in the meeting.

Supervisor Black stated that Fire-EMS Chief Jason Loftus had discussed these items with the volunteers as previously stated and he supported the Chief's recommendations.

After discussion, Supervisor Sili stated that he would like to have additional time to review these items and to discuss them with Chief Loftus prior to making a decision.

*Supervisor Sili moved and Vice-Chair Forehand seconded to defer Item #11, "Approval of Department of Fire & Rescue Fleet Replacement Plan" and Item #12, "Proposed Purchase over \$50,000 – Department of Fire & Rescue Squad Replacement" be deferred to a worksession with Fire & Rescue.*

In response to a question from Supervisor Thomas, County Administrator Charles M. Culley, Jr. stated that he attended the Fire & Rescue Command Staff Meeting where the items were discussed in detail with the leadership from the volunteer organizations.

<b><i>Roll Call Vote:</i></b>	<b><i>Black</i></b>	<b><i>Nay</i></b>
	<b><i>Forehand</i></b>	<b><i>Yea</i></b>
	<b><i>Long</i></b>	<b><i>Nay</i></b>
	<b><i>Sili</i></b>	<b><i>Yea</i></b>
	<b><i>Thomas</i></b>	<b><i>Yea</i></b>

*\*The motion carried 3-2\**

This item was deferred to the August 23, 2018 worksession with Fire and Rescue.

**12. PROPOSED PURCHASE OVER \$50,000 -DEPARTMENT OF FIRE & RESCUE - SQUAD REPLACEMENT**

This item was deferred to the August 23, 2018 worksession with Fire and Rescue.

**13. PROPOSED PURCHASE OVER \$50,000 -DEPARTMENT OF FIRE & RESCUE – AMBULANCE REPLACEMENT**

Deputy Fire-EMS Chief Mark Garnett stated that staff was requesting approval of the purchase of a new ambulance in the amount of \$207,433. He explained that the new ambulance would replace Ambulance 16, which had been moved from the fleet due to repair expenses.

*Vice-Chair Forehand moved and Supervisor Sili seconded to approve the purchase of a new ambulance from Southeastern Specialty Vehicles in the amount of \$207,433 and approve the*

*appropriation of an additional \$10,433 from the Fire-Rescue Capital Reserve to apply toward the purchase.*

**Roll Call Vote:**      *Black*            *Yea*  
                              *Forehand*        *Yea*  
                              *Long*             *Yea*  
                              *Sili*              *Yea*  
                              *Thomas*         *Yea*

**14. DISCUSSION OF CONSTITUTIONAL OFFICERS SALARY SURVEY RESULTS**

County Administrator Charles M. Culley, Jr. stated that as everyone knew, Constitutional Officers were not included in the salary study completed for County employees last year. However, their employees were included. He said because the adopted FY 2018/2019 budget did not include cost of living increases, Constitutional Officers had not received a pay increase since July 1, 2016. He said at the request of the Board, staff completed a salary study using the same comparison localities used in the Springsted Classification & Compensation Study for County employees last year.

He stated that although the results of the study did not demonstrate the need for salary adjustments for all of the five Constitutional Officers, staff recommended that all of the Constitutional Officers receive a 5% pay increase on the base salary approved by the Compensation Board as indicated in the original recommendation. He explained that this increase would help salaries for those five officers to keep pace with the increase cost of living since the last pay increase over two years ago. He noted that the total annual cost of the recommended increase was \$23,168.

In response to questions from Board members, Mr. Culley stated that four of the Constitutional Officers were underpaid and one was overpaid according to the research.

Sheriff Tony Lipka pointed out that he took over the responsibility of Animal Control and he believed that changed the numbers.

*Supervisor Sili moved and Supervisor Black seconded to table this item to the September 11, 2019 meeting.*

**Roll Call Vote:**      *Black*            *Yea*  
                              *Forehand*        *Yea*  
                              *Long*             *Yea*  
                              *Sili*              *Yea*  
                              *Thomas*         *Yea*

**15. PROPOSAL TO PROVIDE HEALTH INSURANCE BENEFITS FOR RETIRED EMPLOYEES WITH AT LEAST 30 YEARS OF SERVICE TO CAROLINE COUNTY**

County Administrator Charley M. Culley, Jr. stated at the request of Major Scott Moser of the Sheriff's Office, staff had been researching the projected cost of providing health insurance benefits for retired employees with at least 30 years of service to Caroline County. He said in concept, the proposal was for retired employees meeting the eligibility standard to receive employee only health insurance paid for by the County until becoming eligible for Medicare at age 65.

He stated that currently there were 24 employees with 15 years of service and pointed out that there were several variables and unknowns about future employees.

Supervisor Thomas talked about the school system providing this benefit to their employees with only five years of service.

Major Moser stated that he believed this benefit could serve as a retention tool for employees providing service to the citizens for 30 years or more. He noted that only 5 employees had retired from the Sheriff's Office in the last several years.

After discussion, Chairperson Long stated that she believed additional research was needed and it was the consensus of the Board to defer this item.

#### **16. INFORMATIONAL/CALENDAR ITEMS**

County Administrator Charles M. Culley, Jr. stated that Mr. Underwood asked that the Board consider changing the meetings in September to Mondays because of conflicts with his work schedule. After discussion, it was the consensus of the Board to keep the September Board meeting schedule as originally planned (September 11<sup>th</sup> and 25<sup>th</sup>).

Mr. Culley reminded everyone that the Capital Projects Update was included in the Board's packet.

#### **CLOSING BOARD COMMENTS**

Chairperson Long asked that any agenda items for the September 12<sup>th</sup> A.P. Hill Steering Committee be provided to her prior to the meeting.

Supervisor Thomas noted that a 911 commemorative flag had previously been donated to the County and had recently been placed in the hallway of this building for better visibility.

#### **ADJOURNMENT**

*Supervisor Sili moved and Vice-Chair Forehand seconded to recess the meeting until Thursday, August 23, 2018 at 6:30 p.m. in the Emergency Operations Center for a worksession with the volunteer Fire and Rescue chiefs and captains.*

**Roll Call Vote:       Black       Yea**

<i>Forehand</i>	<i>Yea</i>
<i>Long</i>	<i>Yea</i>
<i>Sili</i>	<i>Yea</i>
<i>Thomas</i>	<i>Yea</i>

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CLERK TO THE BOARD

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CHAIRPERSON