

At a regular meeting of the Caroline County Board of Supervisors held on September 10, 2019 in the auditorium of the Community Services Center, located at 17202 Richmond Turnpike, Milford, Virginia 22514.

PRESENT

Clayton T. Forehand – Chairperson, Madison District
Jeffery M. Sili – Vice-Chair, Bowling Green District
Jeffrey S. Black – Western Caroline District
Nancy L. Long – Port Royal District
Floyd W. Thomas – Mattaponi District
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
Jason R. Loftus – Fire-EMS Chief
David M. Sadler – Director of Information Technology
Joseph C. Schiebel – Director of Public Utilities
Gary R. Wilson – Director of Economic Development
Benjamin W. Emerson – County Attorney

CALL TO ORDER

Chairman Forehand called the meeting to order at approximately 6:00 p.m.

INVOCATION

Supervisor Underwood led the invocation.

PLEDGE OF ALLEGIANCE

Chairman Forehand led the Pledge of Allegiance.

OPENING BOARD COMMENTS

Supervisor Thomas stated that he would like to see the speed limit on Route 207 be brought back to 55 miles per hour. He said that he had sent an email to the Commonwealth Transportation Board. He said that the Relay for Life was previously a great event in Caroline in the fight against cancer and talked about being contacted by a citizen to start a walk against cancer. He said that more information would be coming to the Board in the future.

He then reminded everyone that tomorrow was the commemoration for 9 1 1 and asked that everyone be mindful of the terror based events that took place.

Board members attended the ribbon cutting for the new gymnasium floor at Caroline Middle School and said it looked great.

Supervisor Black asked staff to send a letter to VDOT regarding a feasibility study for a traffic light at Lake Land'Or. He reminded everyone of the fifth anniversary of the YMCA in Caroline.

Supervisor Long thanked staff for attending her recent constituent meetings. She also thanked everyone involved with the children's fire camp and said it was very well attended. She then expressed concerns about speeding traffic on Stonewall Jackson Road.

Supervisor Underwood talked about the possibility of sending a letter to the Governor asking for a ban on assault weapons and asked that it be added to the Agenda.

Vice-Chair Sili stated that he received an inquired from the Caroline County Sunday School Union about using the Community Services Center free of charge for their meetings on each fifth Sunday throughout the year.

AMENDMENTS TO THE AGENDA

Vice-Chair Sili moved and Supervisor Long seconded to amend the agenda by adding Discussion of Assault Weapons as Item #9A and adding Delegate Chris Peace to Presentations and Reports.

<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>
	<i>Underwood</i>	<i>Yea</i>

1. PRESENTATIONS/REPORTS

➤ **Update from Delegate Chris Peace**

Delegate Chris Peace, representing the 97th District, stated that he was in the area and wanted to stop by to reconnect with the people of Caroline County. He referred to amazing projects that had happened previously in the County, such as the State Fair of Virginia and the Dawn Wastewater Project, and said he was looking forward to many more amazing things.

➤ **Presentation of Virginia Association of Counties 2019 Achievement Award**

Joe Lerch, Director of Local Government Policy, stated that Caroline was selected for a 2019

Achievement Award for its Department of Fire-Rescue and Emergency Management Mobile Training Lab Program. He then presented the VACo Achievement Award to board members and Fire-EMS Chief Jason Loftus. He explained that there were 96 entries received for the program this year and only 27 were recognized.

➤ **Results of Request for Proposals for Equipment Lease Financing – Davenport & Company**

Alex Hock, of Davenport & Company, explained that Davenport & Company distributed a RFP to over 25 local, regional and national lending institutions for the purpose of obtaining a commercial loan evidenced by the County’s 2019 Equipment Lease. He explained that proceeds from the Lease would be used for securing funds to finance the acquisition of the following vehicle assets:

- 14 Sheriff’s Vehicles – \$525,000
- 1 Ambulance – \$210,000
- 1 Trash Truck – \$190,000
- 1 Service Body – \$60,000

He explained that eight proposals were received and the proposal from U.S. Bank had the lowest interest rates for all of the requested options. He pointed out that the interest rate was fixed until final maturity, eliminating future interest rate risk and allowed for prepayment prior to final maturity. He said there were no related closing costs and the issuance costs would be kept low by entering into the Lease with a single lender.

Vice-Chair Sili moved and Supervisor Black seconded to adopt the following resolution and approve the lease agreement for the

R21/19

RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF CAROLINE, VIRGINIA APPROVING EQUIPMENT LEASE
FINANCING
(U.S. BANCORP OPTION)

WHEREAS, the Board of Supervisors (the “Board of Supervisors”) of the County of Caroline, Virginia (the “County”) has determined (i) that a true and very real need exists for certain equipment and improvements, and the installation thereof, consisting of County vehicles and other assets with useful lives of between four and ten years (the “Equipment”) described in the Lease Agreement (as hereinafter defined); (ii) that the Equipment is essential to the governmental functions of the County; and (iii) that it reasonably expects the Equipment to continue to be essential to the governmental functions of the County for a period not less than the term of the Lease Agreement as described herein; and

WHEREAS, the County proposes to enter into an Equipment Lease Purchase Agreement, in the aggregate principal amount not to exceed \$1,100,000 (the “Lease Agreement”) with U.S. Bancorp Governmental Leasing and Finance, Inc. (the “Lessor”) to

finance the purchase of the Equipment with varying amortizations based on the particular Equipment, over approximately ten (10) years, pursuant to the proposal of the Lessor dated August 22, 2019 (the "Proposal"); and

WHEREAS, (i) all amounts payable by the County under the Lease Agreement (the "Lease Obligations") are subject to appropriation by the Board of Supervisors; (ii) the Board of Supervisors is under no obligation to make any appropriation with respect to the Lease Agreement; (iii) the Lease Agreement is not a general obligation of the County or a charge against the general credit or taxing power of the County; and (iv) amounts payable by the County under the Lease Agreement do not constitute a debt of the County within the meaning of any constitutional, charter or statutory limitation; and

WHEREAS, the County is entering into the Lease Agreement to finance the acquisition of the Equipment and will be providing the moral obligation pledge of the County to support the payment of Lease Obligations (the "Moral Obligation Pledge"); and

WHEREAS, the County desires to designate the Lease Agreement as a "qualified tax-exempt obligation" under the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code").

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

- 1. The financing of the Equipment pursuant to 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 \$1,100,000, with a varying amount of lease amortizations depending on the particular Equipment with a final lease term of not to exceed 10 years, an interest cost of the interest component of Lease Obligations thereunder at an annual rate at varying amounts depending on the lease amortization for particular Equipment, but not to exceed 2.182%, with the final amortizations, terms, interest rates and prepayment provisions to be approved by the Chairman or Vice Chairman of the Board of Supervisors or the County Administrator, any of whom are authorized to act, whose execution thereof shall be conclusive evidence of such approval. The form of the Lease Agreement will be in substantially the form submitted to this meeting or otherwise in similar form provided by the Lender pursuant to the terms set forth in the Proposal and the Chairman or Vice-Chairman of the Board of Supervisors or the County Administrator, any of whom is authorized to act, are hereby authorized and directed to execute and deliver to the Lessor the Lease Agreement in substantially such form, with such changes and amendments as the officer executing the same shall approve, such approval to be conclusively evidenced by his execution and delivery thereof. 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 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 Board on behalf of the County hereby designates the Lease Agreement as a “qualified tax-exempt obligation” within the meaning of Section 265(b)(3) of the Code and represents and covenants that not more than \$10,000,000 in bonds, notes, leases and other obligations of the County (including any subordinate issuing entities), excluding private activity bonds, will be issued in calendar year 2019 and that neither the County nor any subordinate entity thereof will designate more than \$10,000,000 of “qualified tax-exempt obligations” pursuant to Section 265(b)(3) of the Code.*
- 5. 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 with the proceeds of the Lease Agreement for expenditures related to the Equipment (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.*
- 6. 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 Equipment 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.*
- 7. The Board of Supervisors has determined to authorize the County, if and as necessary, to utilize SNAP in connection with the investment of the proceeds of the Lease Obligations.*
- 8. 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.

9. *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 Lease Agreement and the undertaking of the acquisition, equipping and installation of the Equipment are hereby approved, ratified and confirmed. County officials are authorized and directed to execute and deliver all agreements, certificates and other instruments considered necessary or desirable in connection with the execution and delivery of the Lease Agreement pursuant to this Resolution, including, but not limited to a loan agreement, project fund or escrow agreement and any other agreements, financing statements or certificates.*
10. *Nothing in this Resolution, the Lease 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 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.*
11. *This resolution shall take effect immediately.*

ADOPTED THIS 10th OF SEPTEMBER, 2019.

<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>
	<i>Underwood</i>	<i>Yea</i>

2. APPOINTMENTS

➤ Broadband Committee

Supervisor Thomas moved and Supervisor Long seconded to appoint the following individuals to the County's Broadband Committee:

- *Frank Beale*
- *Jason Jacobus*
- *Jason Barlow*
- *Mike Vossberg*
- *Floyd Thomas*
- *Jeff Sili*
- *David Sadler*
- *A Representative from Caroline County Public Schools*

➤ *An At Large Citizen with expertise in Broadband area*

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>
<i>Underwood</i>	<i>Yea</i>

➤ **CONSENT AGENDA**

Supervisor Long requested that *Item 3K*, “A Resolution Declaring September 11, 2019 as “First Responder Day in Caroline County”, be removed from the Consent Agenda for discussion.

Vice-Chair Sili requested that *Item 3D*, “Proposed Re-Appropriations from Fiscal Year 2018/2019 Budget to Fiscal Year 2019/2020 Budget”, and *Item 3F*, “Approval of Facility Encroachment Agreements with Rappahannock Electric Cooperative and Dominion Power for M.C. Dean Sewer Extension” be removed from the Consent Agenda for discussion.

Supervisor Underwood moved and Supervisor Long seconded to approve the following Consent Agenda items as presented:

A) Approval of Minutes

Action Taken: *Approval of the minutes from the April 2, 2019 Board of Supervisors meeting as presented.*

B) Approval of Warrants

Action Taken: *Approval of the following warrants:*

<i>General Fund</i>	<i>\$844,562</i>
<i>Law Library Fund</i>	<i>435</i>
<i>Courthouse Maintenance Fund</i>	<i>1,108</i>
<i>Tourism Fund</i>	<i>4,144</i>
<i>Fire/Rescue Grants Fund</i>	<i>21,721</i>
<i>Capital Improvements Fund</i>	<i>1,559,088</i>
<i>Carmel Church Utilities Fund</i>	<i>184,573</i>
<i>Social Services Fund</i>	<i>8,213</i>
<i>Confiscated Assets Fund</i>	<i><u>1,825</u></i>
TOTAL	<i>\$2,719,154</i>

C) Approval of Planning Commission Schedule

Action Taken: The Board reviewed the actions taken by the Planning Commission at its August 22, 2019 meeting and no additional action was required.

D) Proposed Re-Appropriations from Fiscal Year 2018/2019 Budget to Fiscal Year 2019/2020 Budget

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

E) Authorization to Apply for Virginia Department of Emergency Management Rescue Squad Assistance Fund Grant

Action Taken: Staff was authorized to apply for a Virginia Department of EMS Rescue Squad Assistance Fund grant in the amount of \$11,122.40 and to utilize the Fire-Rescue Reserve for the required \$5,561.20 local match.

F) Approval of Facility Encroachment Agreements with Rappahannock Electric Cooperative and Dominion Power for M.C. Dean Sewer Extension

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

G) Request from Community Policy Management Team to Utilize Non-Mandated Children's Services Act (CSA) Funds

Action Taken: Staff was authorized to use local matching funds to provide funding for non-mandated services up to the maximum funds provided by the State for this purpose.

H) Approval of Supplemental Appropriation to Commonwealth's Attorney Fiscal Year 2019/2020 Budget

Action Taken: Approval of a supplemental appropriation to the Commonwealth's Attorney's FY 2019/2020 budget in the amount of \$28,533 to account for additional funds provided by the State to convert the part-time secretary to full-time status.

I) Proposed Purchase Over \$50,000 (Chiller Replacement for Community Services Center)

Action Taken: Approval of a purchase from Performance Air LLC in the amount of \$50,996.43 for the replacement of the chiller at the Community Services Center.

J) Authorization to Issue Request for Proposals for Professional Accounting and Consultant Services

Action Taken: Staff was authorized to issue an RFP for proposals for professional accounting and consulting services and provide a recommendation on the

ranking of responses and negotiate with the top-ranked firm.

K) A Resolution Declaring September 11, 2019 as “First Responder Day in Caroline County”

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

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>
<i>Underwood</i>	<i>Yea</i>

3K) A Resolution Declaring September 11, 2019 as “First Responder Day in Caroline County (continued)

After clarification that September 11th would be designated as “*First Responder Day*” now and in the future, *Supervisor Long moved and Supervisor Underwood seconded to adopt the following resolution:*

R20/19

**A RESOLUTION DECLARING SEPTEMBER 11th
AS FIRST RESPONDERS DAY IN CAROLINE COUNTY**

WHEREAS, Caroline County volunteer and career first responders include law enforcement officers, firefighters, paramedics, emergency medical technicians, and 911 dispatchers who bravely and selflessly risk their lives every day to protect Caroline County families, visitors and businesses; and

WHEREAS, first responders are the first and best defense against all emergencies that threaten our community and stand ready to respond twenty-four hours a day; and

WHEREAS, Caroline County first responders do not hesitate to risk their own lives in order to save the lives of others, and their commitment to continued training, skill enhancement, and inter-agency coordination make them vital members of our community; and

WHEREAS, the life of a first responder requires the sacrifice of time with family; and physical and mental stress; and

WHEREAS, the Virginia General Assembly has designated September 11th, in 2019 and in each succeeding year, as First Responders Day in Virginia; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of local first responders and emergency service personnel, including emergency medical technicians,

paramedics, firefighters, law enforcement officers, and the many individuals, volunteers and otherwise that provide services to Caroline County and its citizens; and

WHEREAS, The Caroline County Board of Supervisors wishes to honor and support all first responders with an annual day of appreciation.

NOW, THEREFORE, BE IT RESOLVED, that the Caroline County Board of Supervisors hereby proclaims September 11th, as FIRST RESPONDERS DAY in Caroline County in an effort to recognize and celebrate our County's first responders, and encourages all citizens to take time out of their day to show first responders and their families how much we value their service to our community.

Adopted this 10th day of September 2019.

<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>
	<i>Underwood</i>	<i>Yea</i>

3D) Proposed Re-Appropriations from Fiscal Year 2018/2019 Budget to Fiscal Year 2019/2020 Budget (continued)

Vice-Chair Sili stated that he did not realize that some items were classified as capital. County Administrator Charles M. Culley, Jr. explained the CIP process and said that some items in the proposed resolution had been rolled over for a few years.

Supervisor Thomas noted that the sound system at Caroline Middle School was not up to par.

Vice-Chair Sili moved and Supervisor Underwood seconded to adopt the following resolution:

R22/19

A RESOLUTION AMENDING THE APPROPRIATION OF FUNDS FOR THE FISCAL YEAR 2019-2020 BUDGET

BE IT RESOLVED by the Board of Supervisors of the County of Caroline that the following appropriations are hereby reserved and re-appropriated in Fiscal Year 2019-2020

<i>Electoral Board</i>	<i>3 FY 2020 elections</i>	<i>\$</i>	<i>14,072</i>
<i>Electoral Board</i>	<i>3 FY 2020 elections</i>		<i>11,600</i>
<i>Electoral Board</i>	<i>3 FY 2020 elections</i>		<i>11,600</i>

<i>Registrar</i>	<i>3 FY 2020 elections</i>	<i>3,000</i>
<i>Sheriff's Office</i>	<i>Computer equipment</i>	<i>26,400</i>
<i>Sheriff's Office</i>	<i>Panasonic CF-54 Lite Toughbook</i>	<i>1,600</i>
<i>Fire & Rescue Department</i>	<i>Complete renovations at Bowling Green Fire</i>	<i>15,000</i>
<i>Fire & Rescue Department</i>	<i>Complete fuel island at Frog Level Fire</i>	<i>34,000</i>
<i>Fire & Rescue Department</i>	<i>Insurance premium increases</i>	<i>50,000</i>
<i>General Properties</i>	<i>Library - Replace - Carpet/Side Walk/HVAC unit</i>	<i>25,000</i>
<i>General Properties</i>	<i>Replace Softball infield - Woodland Trail</i>	<i>36,000</i>
<i>General Properties</i>	<i>Site Upgrade - EMS Law Monument</i>	<i>21,570</i>
<i>General Properties</i>	<i>Welcome Signs</i>	<i>12,000</i>
		<hr/> <i>\$ 261,842</i>
<i>Capital Projects Fund</i>	<i>Sound System Upgrade Com Serv Center Auditorium</i>	<i>30,000</i>
<i>Capital Projects Fund</i>	<i>Energy Performance Impv HVAC CMS</i>	<i>79,539</i>
<i>Capital Projects Fund</i>	<i>CMS Generator Replacement</i>	<i>20,242</i>
<i>Capital Projects Fund</i>	<i>CMS Gym Floor</i>	<i>52,383</i>
		<hr/> <i>\$ 182,164</i>
<i>Utilities Administration</i>	<i>Engineering and Architectural</i>	<i>29,000</i>
<i>Utilities Administration</i>	<i>Other Contractual Services</i>	<i>40,000</i>
<i>Utilities Water Treatment</i>	<i>Other Contractual Serves</i>	<i>15,000</i>
<i>Utilities Water Treatment</i>	<i>Water Tower Painting/Maintenance</i>	<i>73,350</i>
<i>Utilities Water Treatment</i>	<i>Other Operating Supplies</i>	<i>16,000</i>
<i>Utilities Water Treatment</i>	<i>Service truck chassis</i>	<i>48,565</i>
<i>Utilities Wastewater Treatment</i>	<i>Repair and Maintenance</i>	<i>15,000</i>
<i>Utilities Wastewater Treatment</i>	<i>Sludge Disposal</i>	<i>6,500</i>
<i>Utilities Wastewater Treatment</i>	<i>Vehicle and Power Equipment Fuel</i>	<i>17,000</i>
<i>Utilities Wastewater Treatment</i>	<i>Chemicals</i>	<i>18,000</i>
<i>Utilities Wastewater Treatment</i>	<i>Ultraviolet Lights</i>	<i>5,000</i>
<i>Utility Capital Outlay</i>	<i>Rapp River Withdraw</i>	<i>469,170</i>
<i>Utility Capital Outlay</i>	<i>Water Supply Well Development</i>	<i>497,291</i>
<i>Utility Capital Outlay</i>	<i>Carmel Church Water Improvements</i>	<i>6,150</i>
<i>Utility Capital Outlay</i>	<i>Ladysmith Water Improvements</i>	<i>12,500</i>
		<hr/> <i>\$ 1,268,526</i>
<i>Total</i>		<hr/> <i>\$ 1,712,532</i> <hr/>

Adopted this 10th day of September, 2019

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>
<i>Underwood</i>	<i>Yea</i>

3F) Approval of Facility Encroachment Agreements with Rappahannock Electric Cooperative and Dominion Power for M.C. Dean Sewer Extension (continued)

In response to questions from Vice-Chair Sili, Director of Public Works/Utilities explained that the encroachment agreements were necessary for the extension of the County’s sewer main for the M.C. Dean expansion project.

Vice-Chair Sili moved and Supervisor Underwood seconded to approve the facility encroachment agreements with Rappahannock Electric Cooperative and Dominion Power pending final approval by the County Attorney.

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>
<i>Underwood</i>	<i>Yea</i>

CLOSED MEETING

Vice-Chair Sili moved and Supervisor Underwood seconded to enter into Closed Meeting pursuant to the prospective business exemption of Section 2.2-3711.A.5 of the Code of Virginia to discuss two potential economic development projects in the County about which no previous public announcement had been made.

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>
<i>Underwood</i>	<i>Yea</i>

Vice-Chair Sili moved and Supervisor Thomas seconded to leave Closed Meeting.

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
Underwood Yea

Vice-Chair 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>
<i>Underwood</i>	<i>Certify</i>

ACTIONS RESULTING FROM CLOSED MEETING

Supervisor Long moved and Supervisor Underwood seconded to approve the Performance Agreement with Starr Management 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>
<i>Underwood</i>	<i>Yea</i>

PUBLIC COMMENTS

There were no Public Comments.

PUBLIC HEARINGS

- 4. RZ-01-2019 KEY OF CAROLINE & CCBC PROPERTIES, LLC, OWNER; CCBC PROPERTIES, LLC, APPLICANT:** *Request a Rezoning on 58.3 acres in total as follows: 1) tax map # 83A-1-1 from M-1/B-1, Conditional to M-1 Industrial, Conditional; 2) tax map #83A-1-1B from B-1, Conditional to M-1 Industrial, Conditional; 3) tax map 83A-1-2 from M-1/B-1 Conditional to M-1 Industrial, Conditional and 4) tax map #83A-1-2A from B-1 Conditional to M-1 Industrial, Conditional. This property is located at the intersection of Enterprise Parkway & Rogers Clark Boulevard, Mattaponi Voting District. The 2030*

Comprehensive Plan designates this property as being within the Carmel Church Community Plan as Commercial/Office and Office Industrial.

Director of Planning & Community Development Michael Finchum stated that CCBC Properties, LLC was requesting approval of a rezoning for 58 acres in the Carmel Church Business Center currently zoned B-1 and M-1 to solely M-1 industrial zoning. He noted that it was for four separate parcels located at the intersection of Route 207 and Enterprise Parkway. He said that the rezoning would allow the owner/applicant to take advantage of the text amendment approved by the Board of Supervisors at the August 13, 2019 meeting that allows B-1 uses in the M-1 District subject to development standards and to amend proffers accepted by the Board of Supervisors with RZ-06-98.

He stated that the property was rezoned in 1989 and 1998 with proffers. He said that the applicant had submitted an amended and restated proffer statement for inclusion with this rezoning. He explained that the primary changes involved building materials, prohibited uses, conformance with the General Development Plan and designated business areas. He said that the amended and restated proffer statement had been included in the Board's packet.

Mr. Finchum further stated that the Carmel Church Community Plan designated this area as Commercial/Office and Office/Industrial. He said that the rezoning was consistent with the Comprehensive Plan and the Zoning Ordinance. He then said that the Planning Commission forwarded this request to the Board of Supervisors with a recommendation of approval on a 4-1 vote.

Chairman Forehand declared the public hearing open for RZ-01-2019.

Dan Webb, representing the applicant, stated that they had been working with a number of prospects.

There being no further public comments, Chairman Forehand declared the public hearing closed.

In response to a question from Supervisor Thomas, Mr. Finchum stated that with respect to the location of a sewer line easement issue, the easement had been previously granted.

Director of Public Works/Utilities Joseph Schiebel stated that the County constructed the water and sewer system in 1989 and now would be a good time for the easement to be placed in the correct location.

County Attorney Benjamin Emerson stated that an agreement to dedicate a new easement was needed in place of the old easement.

Ned Massie stated that he was one of the original developers in 1989 and was aware of the issue. He said he was happy to commit to prepare the necessary easement and work with the County to have it recorded.

Supervisor Thomas stated that Delores Tyler and Curtis Derricott lived on Dry Bridge Road and were in the audience. He explained that they had concerns about additional traffic as a result of this rezoning.

Mr. Massie stated that the property on Dry Bridge Road was already zoned M-1. He said that when it was originally rezoned thirty years ago, restrictions were placed on the types of materials that could be used on the outside of the buildings. He explained that building materials were different today than they were thirty years ago and they were requesting to expand the types of materials that would be allowed on the exterior of the buildings. He said that the traffic should continue to be on Route 207 and there should not be any additional traffic on Dry Bridge Road.

After discussion, *Supervisor Thomas moved and Supervisor Sili seconded to approve RZ-01-2019 for Key of Caroline & CCBC Properties, LLC, Owner; CCBC Properties, LLC, Applicant 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>
	<i>Underwood</i>	<i>Yea</i>

5. TXT-10-2019: AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF CAROLINE COUNTY BY AMENDING ARTICLE II, SECTION 2, DEFINITIONS, TO REVISE THE DEFINITION RURAL COMMERCIAL RECREATIONAL USE TO INCLUDE TRADITIONAL RURAL RECREATIONAL ACTIVITIES, SUCH AS HAUNTED TRAILS & HAYRIDES.

Director of Planning & Community Development Michael Finchum stated that the purpose of the proposed text amendment was to modify the definition of “Rural Commercial Recreational use” to allow hayrides, haunted trails and other similar events. He said that the Planning Commission forwarded the proposed text amendment to the Board with a recommendation of approval.

Supervisor Black stated that he would like to defer action on this amendment to have an opportunity to review with staff.

Supervisor Black moved and Supervisor Thomas seconded to defer action on TXT-10-2019.

<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>
	<i>Underwood</i>	<i>Yea</i>

6. TXT-11-2019: AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF CAROLINE COUNTY BY AMENDING ARTICLE II, SECTION 2, DEFINITIONS, TO ADD A DEFINITION FOR BREWERY, LIMITED AND DISTILLERY, LIMITED.

TXT-12-2019: AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF CAROLINE COUNTY BY AMENDING ARTICLE IX, SECTION 2, USES PERMITTED BY RIGHT, ADDING THE FOLLOWING AS A PERMITTED USE IN THE B-1 BUSINESS ZONING DISTRICT 1) PARAGRAPH 30, BREWERY, LIMITED AND; 2) PARAGRAPH 31, DISTILLERY, LIMITED.

TXT-13-2019: AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF CAROLINE COUNTY BY AMENDING ARTICLE X, SECTION 2, PERMITTED USES, BY ADDING THE FOLLOWING AS A PERMITTED USE IN THE M-1 INDUSTRIAL ZONING DISTRICT: 1) PARAGRAPH 31, BREWERY, LIMITED AND; 2) PARAGRAPH 32, DISTILLERY, LIMITED.

Director of Planning & Community Development Michael Finchum stated as part of an economic development initiative related to the Carmel Church Business Center, Planning staff was bringing forward three amendments regarding Breweries and Distilleries in the B-1 and M-1 zoning districts. He said that the proposed text amendments would add the definition of Brewery, Limited & Distillery, Limited and create the designation for both as a permitted use in the B-1 and M-1 zoning districts.

He explained that a brewery and a distillery were by-right uses in the Rural Preservation zoning districts and allowing those uses would be appropriate in the Business and Industrial districts as well.

He stated that the Planning Commission held a public hearing at the August 22, 2019 meeting and there were no speakers in support or opposition to the amendments. He said that the Planning Commission forwarded this request to the Board with a recommendation of approval.

Chairman Forehand declared the public hearing open for TXT-11-2019, TXT-12-2019 and TXT-13-2019.

There were no public comments and he declared the public hearing closed.

Supervisor Thomas moved and Supervisor Long seconded to adopt TXT-11-2019, “An Ordinance to Amend the Zoning Ordinance of Caroline County by Amending Article II, Section 2, Definitions, to Add a Definition for Brewery, Limited and Distillery, Limited”, 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>
	<i>Underwood</i>	<i>Yea</i>

Supervisor Thomas moved and Supervisor Long seconded to adopt TXT-12-2019, “An Ordinance to Amend the Zoning Ordinance of Caroline County by Amending Article IX, Section 2, Uses Permitted by Right, Adding the Following as a Permitted Use in the B-1 Business Zoning District 1) Paragraph 30, Brewery, Limited and; 2) Paragraph 31, Distillery, Limited”, as s 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>
<i>Underwood</i>	<i>Yea</i>

Supervisor Thomas moved and Supervisor Long seconded to adopt TXT-13-2019, “An Ordinance to Amend the Zoning Ordinance of Caroline County by Amending Article X, Section 2, Permitted Uses, by Adding the Following as A Permitted Use in the M-1 Industrial Zoning District: 1) Paragraph 31, Brewery, Limited and; 2) Paragraph 32, Distillery, Limited”, 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>
<i>Underwood</i>	<i>Yea</i>

UNFINISHED BUSINESS

7. CONSIDERATION OF ZONING TEXT AMENDMENT TO ALLOW UTILITY SCALE SOLAR PROJECTS

Director of Planning & Community Development Michael Finchum reminder Board members that SolUnesco approaches the County in 2017 regarding consideration of zoning ordinance text amendments to allow Utility Scale solar projects in the Rural Preservation (RP) Zoning District. He stated at that time, the Board forwarded the request to the Planning Commission for preparation and public hearing of the proposed amendments.

He stated that the Planning Commission and Planning staff crafted text amendments to establish the use and any recommended development standards. He said that the Commission held a public hearing in January 2018 and forwarded the amendments to the Board with a recommendation of approval. He said that the process stalled when SolUnesco advised that their project had been put on hold.

He further stated that the Planning staff received a request from SolUnesco to restart the process for consideration of the text amendments to allow private Utility Scale Solar Facilities in the RP

Zoning District by special exception. He said that SolUnesco indicated that they had two potential projects in the County.

Mr. Finchum talked about the length of time that had passed since the Planning Commission referral and asked for the Board's direction on the request.

Supervisor Thomas stated that he had spoken with the people behind the solar farm in Spotsylvania and they had some concerns. He said that he believed that this was an opportunity to create an ordinance to do as much as possible to protect the County before an actual request came for consideration. He suggested that a percentage of the power should be reserved for the County or some type of financial assurance.

County Attorney Benjamin Emerson stated that based on the possibility that the ordinance may need more work and the length of time since it had been to the Board, he recommended that it be sent back to the Planning Commission along with any comments from Board members. He said that legal counsel would review it once any requested changes had been made.

Supervisor Black agreed with Supervisor Thomas and said that he believed the projects were going to come and wanted to be prepared and have rules set in place. Supervisor Underwood agreed that it was important to be proactive.

Supervisor Long stated that everyone needed to be educated on the various regulations regarding solar facilities.

Board members agreed to forward any concerns about the proposed text amendment to staff for the Planning Commission.

Supervisor Sili moved and Supervisor Underwood seconded to forward the Zoning Text Amendment to Allow Utility Scale Solar Projects back to the Planning Commission.

<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>
	<i>Underwood</i>	<i>Yea</i>

NEW BUSINESS

8. CONSIDERATION OF ZONING ORDINANCE TEXT AMENDMENT – PARKING OF VEHICLES ON LOTS USED FOR RESIDENTIAL PURPOSES

Director of Planning &Community Development Michael Finchum stated at the request of Supervisor Thomas, staff crafted a zoning text amendment to regulate the number of vehicles that could be parked on a lot used for residential purposes for consideration by the Board.

Supervisor Thomas stated that he had asked Building Official Kevin Wightman to investigate one particular house in the Mattaponi District at least five times. He said that he believed they were running an illegal repair shop, they didn't cut the grass, snakes were in the yard and the neighbors were very concerned. He said that the property owner would move the cars to the back yard after Mr. Wightman visited and then back to the front yard after he left.

Chairman Forehand asked for clarification on the definition of a vehicle. He asked about scooters, boats, jet skis, motorcycles, motor homes, etc. being counted as a vehicle. Mr. Finchum stated that he would look into the definition for clarification.

In response to questions from Board members, Mr. Finchum stated that staff was having difficulty finding information related to the business. He said a few of the vehicles were registered, but some were inoperable.

Supervisor Thomas stated that the issue was not if the vehicles were licensed or not, but the fact that the issues had been going for more than three years. He said the County needed find some type of enforcement for repeat offenders.

County Attorney Benjamin Emerson noted that staff had not been able to take the issues to court because they would clean up the violation and then start the cycle again to become a new violation. He said that if the Board were to move forward and adopt the proposed text amendment, there was a due process that had to be followed. He said they could try and argue that it was a continuous stream violation and ask that that the property owner possibly be held in contempt or jail, or whatever the court preferred.

Supervisor Thomas stated that this was the only violation of this type in the Mattaponi District that he was aware of and expressed concerns for the neighbors that had been living there for 50 years and the renter bringing down the property values.

In response to questions from Supervisor Thomas, Building Official Kevin Wightman stated that the County issued a Notice of Violation for the property in question in November and the property owner ordered the renter to clean up the property. He explained that there were 22 vehicles on the property at one point and the renter cleaned them up and there was currently 18. He agreed with Mr. Emerson in that it was a cycle that just repeated itself.

After discussion, Mr. Emerson stated that he had been working with staff on this matter and might have a possible solution, but it would take some time. He then said that this item would be discussed in Closed Meeting in the future.

9. REPORT ON FALSE ALLEGATIONS MADE AGAINST A MEMBER OF THE BOARD OF SUPERVISORS

County Administrator Charles M. Culley, Jr. stated that it was staff's understanding that several members of the Board of Supervisors recently received a letter from Tammy Giles of Bud's Automotive alleging that Board member Reggie Underwood was receiving free labor at his home from County employees. He explained that the allegations were based on a handwritten note found

in a vehicle said to belong to Caroline County that was parked at Bud's Automotive for repairs. He said that Mrs. Giles stated that she "would like the enclosed paper looked at and questioned." He said that copies of the letter and note were included in the Board's packet.

He reported that upon investigating the matter, staff had determined the following:

- 1) The vehicle alleged to be a County vehicle actually belonged to Caroline County Public Schools (CCPS). Neither the Board of Supervisors, the County Administrator nor any County employee has any control over any CCPS personnel.
- 2) Employees of Bud's Automotive repairing a School Board vehicle should clearly have known the vehicle belonged to CCPS and that any note or other papers in said vehicle were property of a School Board employee.
- 3) The vehicle was assigned to a CCPS employee who performs home repairs and renovations as an after-hours, for profit business. It was further determined that over six months ago Building Official Kevin Wightman had advised the School Board employee that Mr. Underwood might be in the market for the type of home renovations he performed as part of his side business and provided the CCPS employee the location of Mr. Underwood's home. Further, there was absolutely no evidence to suggest that the work would be completed for free or at a cost lower than the normal rate charged by the School Board employee as part of his side business. In fact, the School Board employee never even contacted Mr. Underwood.
- 4) The act of taking a picture of papers found in a vehicle, whether School Board or County, constitutes a violation of privacy of the employee who brought the vehicle in for service. This clearly was extremely unprofessional and wouldn't normally be tolerated by any customer bringing his or her vehicle in for service.

Mr. Culley stated that given the facts surrounding the situation, staff believed that Mr. Underwood was owed an apology from Bud's Automotive. He said it was also staff's belief that the County should hereafter refrain from using the services of Bud's Automotive and Towing given the highly unprofessional nature of this event, the violation of basic privacy and the completely baseless accusations of County leadership and employees.

In response to questions from Chairman Forehand, Mr. Culley stated that Tammy Giles was married to Bud Giles and had appeared before the Board representing Bud's on several occasions.

Chairman Forehand expressed concerns about people making assumptions and how the entire situation was presented. He said that he did not want to disenfranchise someone that had a legitimate concern; however, he wanted to make everyone aware that this was a violation of trust.

Supervisor Long stated that she had received the letter and note in the mail and did not believe it to be true. She said she was also offended by the comment related to the Registrar and she had the utmost faith in staff and her fellow Board members. She talked about people jumping to conclusions and making nasty comments. She noted that Board members welcomed anyone coming to them with legitimate concerns.

Supervisor Black talked about the difference between freedom of speech and slander and said he did not appreciate the false allegations.

Supervisor Thomas stated that it was a disturbing allegation and talked about the amount of time it took staff to research the matter to determine that it had no connection to the County. He said the situation was very sinister and he sympathized with Supervisor Underwood's concerns.

Supervisor Underwood apologized for something of this nature coming to the Board of Supervisors. He said it spoke to the climate in the country that people were able to make unsavory comments about others. However, he was not going to make any negative comments. He thanked staff for their time and effort in researching this matter.

Vice-Chair Sili stated that he received the letter and note in the mail as well and did not see where it indicated that anyone would be receiving anything for free. He said he would defer to Supervisor Underwood as to how he wished to handle the matter because he was the one effected by the issue.

Supervisor Underwood moved and Supervisor Black seconded that Bud's Automotive and Towing was hereinafter an unauthorized vendor for Caroline County and that no payments to the company would be authorized for any work undertaken after September 10, 2019.

<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>
	<i>Underwood</i>	<i>Yea</i>

9A) DISCUSSION ON ASSAULT WEAPONS

Supervisor Underwood stated that he requested that this item be placed on the Agenda. However, would like to remove it for now and wait to see what action may be taken by Congress regarding the possible ban of certain assault weapons.

10. INFORMATIONAL/CALENDAR ITEMS

County Administrator Charles M. Culley, Jr. reviewed the Capital Project Update and reminded everyone of upcoming events and activities.

CLOSING BOARD COMMENTS

There we no Closing Board Comments.

ADJOURNMENT

Vice-Chair Sili moved and Supervisor Underwood seconded to adjourn the meeting.

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>
<i>Underwood</i>	<i>Yea</i>

CLERK TO THE BOARD

CHAIRMAN