

At a regular meeting of the Caroline County Board of Supervisors held on Tuesday, October 12, 2021 in the auditorium of the Community Services Center, located at 17202 Richmond Turnpike, Milford, Virginia 22514.

PRESENT

Reginald L. Underwood – Chair, Reedy Church District
Jeffrey S. Black – Vice-Chair Western Caroline District
Clayton T. Forehand – Madison District
Nancy L. Long – Port Royal District
Jeffery M. Sili – Bowling Green District
Floyd W. Thomas – Mattaponi District

ALSO PRESENT

Charles M. Culley, Jr. – County Administrator
Alan L. Partin – Deputy County Administrator
Michael A. Finchum – Director of Planning & Community Development
Donnell S. Howard – Director of Parks & Recreation
Jason R. Loftus – Fire-EMS Chief
David Sadler – Director of Information Technology
Tomeka C. Smith – Finance Director
Megan Upshaw – Library Director
Gary R. Wilson – Director of Economic Development
Christopher M. MacKenzie – County Attorney

CALL TO ORDER

Chairman Underwood called the meeting to order at approximately 6 p.m.

INVOCATION

Chairman Underwood led the invocation.

PLEDGE OF ALLEGIANCE

Chairman Underwood led the Pledge of Allegiance.

OPENING BOARD COMMENTS

Supervisor Sili reminded everyone about the upcoming annual Bowling Green Harvest Festival.

Board members talked about the great weather for this year's State Fair and noted the successful turnout.

Supervisor Thomas stated that he received a complaint about the United Way rental assistance program and asked staff to look into it. He also expressed concerns about construction at Brookwood and having to close the road because of sewer-related issues.

Chairman Underwood noted that September 15th – October 15th was Hispanic Heritage Month.

AMENDMENTS TO THE AGENDA

Supervisor Sili moved and Supervisor Forehand seconded to amend the Agenda by removing the Madison District appointment to the Recreation Advisory Committee and the Madison and Western Caroline Broadband Committee appointments.

<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

➤ **VDOT Report**

Kyle Bates – Resident Engineer for the Fredericksburg District of VDOT, provided a status report on various road improvement projects throughout the County and responded to issues of concern from Board members.

2. APPOINTMENTS

➤ **Social Services Board (Madison District)**

Supervisor Forehand moved and Supervisor Sili seconded to appoint Karen Mason as the Madison District representative to the Social Services Board for a term beginning immediately and expiring June 30, 2024.

<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>

➤ **Recreation Advisory Committee (Madison District)**

This appointment was deferred.

➤ **Broadband Advisory Committee (Port Royal, Madison and Western Caroline Districts)**

Supervisor Long moved and Supervisor Sili seconded to appoint Jonathan Street as the Port Royal District representative to the Broadband Committee.

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

Appointments to the Madison District and Western Caroline District were deferred.

➤ **Economic Development Authority (Port Royal & Western Caroline Districts)**

Vice-Chair Black moved and Supervisor Thomas seconded to reappoint Danny Carter as the Western Caroline District representative to the Economic Development Authority (EDA) and appoint Kent Farmer as the Port Royal District representative for terms beginning November 20, 2021 and expiring November 21, 2025.

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

3. CONSENT AGENDA

Vice-Chair Black requested that *Item 3E, “Approval of Engineering Task Contract – Design and Survey Services for Pendleton Well and Green Sand Filter Facility”* be removed from the Consent Agenda for discussion.

Supervisor Sili requested that *Item 3C, “Approval of Planning Commission Schedule”* be removed from the Consent Agenda for discussion.

Supervisor Sili moved and Vice-Chair Black seconded to approve the following Consent Agenda items as presented:

A) Approval of Minutes

Action Taken: Approval of the minutes from the January 26, 2021; February 3, 2021; February 9, 2021 and March 2, 2021 as presented.

B) Approval of Warrants

Action Taken: *Approval of the following warrants:*

<i>General Fund</i>	<i>\$363,966</i>
<i>Social Services Fund</i>	<i>419</i>
<i>Tourism Fund</i>	<i>893</i>
<i>Fire/Rescue Grants Fund</i>	<i>33,948</i>
<i>CARES Fund</i>	<i>32,680</i>
<i>Capital Improvements Fund</i>	<i>23,340</i>
<i>School Capital Projects Fund</i>	<i>59,581</i>
<i>Carmel Church Utilities Fund</i>	<i>113,529</i>
<i>Capital Projects – Utilities Fund</i>	<i>32,840</i>
<i>Dawn Wastewater Fund</i>	<i><u>763</u></i>
TOTAL	\$661,957

C) Approval of Planning Commission Schedule

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

D) Proposed Supplemental Appropriation to Fiscal Year 2021/2022 General Properties Budget (Replacement of Signs to Change Name of Jefferson Davis Highway to U.S. Route 1)

Action Taken: *Approval of a supplemental appropriation to the FY 2021/2022 General Properties budget in the amount of \$5,454.60 from the FY 2022 Undesignated General Fund Balance for the installation of replacement signs for U.S. Route 1.*

E) Approval of Engineering Task Contract – Design and Survey Services for Pendleton Well and Green Sand Filter Facility

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

F) Proposed Supplemental Appropriation to Fiscal Year 2021/2022 Commonwealth’s Attorney Budget (Office Space for Additional Assistant Commonwealth’s Attorney)

Action Taken: *Approval of a supplemental appropriation to the FY 2021/2022 Commonwealth’s Attorney budget in the amount of \$4,000 from the FY 2022 Undesignated General Fund Balance to cover construction expenses for a new office for the Assistant Commonwealth’s Attorney.*

G) Approval of Livestock Damages Claim

Action Taken: *Approval of a livestock claim for damages for Karley Howard in the amount of \$15 for the loss of three(3) Red Star chickens destroyed by a stray dog.*

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>

3C) Approval of Planning Commission Schedule (continued)

In response to questions from Supervisor Sili, Director of Planning & Community Development Michael Finchum stated that there were quite a number of solar requests coming before the Board in the future and explained that the requests would be staggered on several agendas.

Board members reviewed the schedule of requests from the Planning Commission’s September 23, 2021 meeting and no action was required.

3E) Approval of Engineering Task Contract – Design and Survey Services for Pendleton Well and Green Sand Filter Facility (continued)

In response to questions from Vice-Chair Black related to water capacity for growth in the County, Director of Public Works/Utilities Joseph Schiebel stated that currently there was not a lot of extra capacity and a new water supply was needed. He explained that testing was being done and the goal was to drill new wells.

Vice-Chair Black moved and Supervisor Long seconded to authorize the County Administrator to sign Project Order Number W-2021-9 Task Contract with WW Associates, Inc. for engineering design and survey services related to the development of two new wells in the Pendleton subdivision for a total amount of \$70,000 as presented. Funds for this project were included in the bond sale for the proposed engineering design and survey service fees and the required funds are in hand.

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

8. POSSIBLE REVOCATION OF SPECIAL EXCEPTION SPEX-03-2019; VSC ASSOCIATES, LLC

Director of Planning & Community Development Michael Finchum stated that action had been deferred on this item several times to allow the applicant time to comply. He reported that the system had been installed, was pumping manually and transitioning into automatic mode and the

applicant was in the process of getting the necessary paperwork for an occupancy permit from the Health Department.

After discussion, it was determined that no action was necessary since the new system was in place.

The Board took a break at approximately 7:17 p.m. and recessed the meeting at approximately 7:36 p.m.

PUBLIC COMMENTS

Alan Reese, of the Port Royal District, stated that he was present once again to voice concerns about current Fire & Rescue staffing levels and response times. He then expressed opposition to the County building a new fire station in Carmel Church until service levels could be increased.

PUBLIC HEARINGS

4. ***RZ-01-2017 – WOODLAWN/BELMONT, LLC, OWNER/APPLICANT: Request an amendment to existing zoning proffers for Belmont North II, zoned Planned Residential Development (PRD) with conditions, (with a density of 2.8 dwelling units per acre), consisting of 184 acres +/- on tax map #83-A-1. This property is located at the intersection of Moncure Drive (Route 716) and McDuff Drive (Route 705) adjacent to the Belmont Subdivision, Mattaponi Voting District. Proposed Use: To modify proffers and the General Development Plan accepted with RZ-11-2007, including but not limited to amendments to 1) modify infrastructure (road and utilities), 2) eliminate certain proffers, including transportation improvements, 3) eliminate prepayment of utility fees, 4) increase cash proffers, 5) modify the land dedication and construction proffers for public uses including elimination of a fire station, and 6) establish the construction schedule for the community recreation center. The 2030 Comprehensive Plan identifies this area as being located within the Primary Growth Area, Carmel Church Community Plan, designated as Planned Residential Development.***

Director of Planning & Community Development Michael stated that a public hearing on this request had been held in May and action was deferred to allow the applicant to modify previously accepted proffers and a Development Plan associated with RZ-11-2007 in 2008. He said that the applicant had submitted a new proffer statement with additional modifications and therefore, a new public hearing was necessary.

He reviewed the Staff Report and explained that the modified proffers included, but were not limited to:

- 1) Amendments to modify infrastructure (road and utilities);
- 2) Eliminate certain proffers, including transportation improvements;

- 3) Eliminate the prepayment of public utility fees;
- 4) Increase the cash proffers; and
- 5) Modify the land dedication and construction proffers for public uses including elimination of a fire station and to establish a construction schedule and commitment to a community recreation center for the project.

He reminded everyone that in 2017, the applicant requested to amend proffers accepted with RZ-11-2007. He said that the Planning Commission held a public hearing in June of 2017 and forwarded the application to the Board of Supervisors with a recommendation of denial. He said that the request had been dormant for several years at the request of the applicant due to the economy. He said that the applicant then indicated that he had a prospective purchaser for the property and requested that the zoning amendment be placed back on the Board's agenda for consideration.

Mr. Finchum further stated that at the Board's January 26, 2021 meeting, the request was forwarded back to the Planning Commission for a new public hearing and reconsideration due to significant changes to the proffer amendment. He noted that the Planning Commission forwarded the request to the Board with a recommendation of approval on a 3-1 vote.

He stated that the applicant amended the General Development Plan and proffers previously committed to by the applicant associated with RZ-11-2007, which were included in the Board's packet. He reviewed the proffer changes and said that he believed the items drawing the most attention for the Board were the request for the elimination of the land dedication and construction of a fire station on the Belmont North property and the redesign of Dry Bridge Road extension from a four-lane divided road to a two-lane road.

In response to questions from Supervisor Thomas, Mr. Finchum stated that an updated Transportation Analysis was provided to VDOT late last week and they were waiting on comments back from VDOT.

Chairman Underwood declared the public hearing open for RZ-01-2017.

Jeff Staples, the applicant, explained the changes to the proffers and talked about the updated Traffic Impact Analysis (TIA). He said that the updated TIA indicated that Belmont Boulevard and the Loop Road would be able to handle all of the traffic without any problem and noted that a lot less people were commuting now because of the increased number of people working from home. He said that they did not believe that Dry Bridge Road needed to be four-laned and were not requesting a turn lane because they wanted people to go slower. He noted that the revised proffers included moving up the schedule on the recreation center to include the pool and the clubhouse and talked about the increase to the cash proffer, bringing it up to almost \$1.7 million for the project.

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

Supervisor Sili expressed concerns about the elimination of the prepaid utility fees and noted that the original fire station was supposed to be \$2.5 million plus two acres. Director of Public

Works/Utilities Joseph Schiebel stated that there was a discussion about the prepayment of utility fees and it was removed because of the County's current reduced fee schedule.

In response to questions from Supervisor Long, Mr. Staples indicated that there would be an HOA to enforce property maintenance for the homes and there were 72 age restricted units included in the proposed development.

Chairman Underwood expressed concerns about the change of four-lanes on the Dry Bridge Road back to two lanes as well as the impact to the neighbors already living in the area. Mr. Staples explained that it was his understanding that there had previously been some talk about an expansion of the railroad station in the area, but since the Spotsylvania station had been built on Route 17, that had changed and there was no longer a need for the four-laning. He said that it was also his understanding that the original design of Triple Crown and Belmont Boulevard had been built to handle the additional traffic to prevent an impact on the neighbors.

Supervisor Thomas noted that the original developer of this project, Frank Sealy, was actually a developer who did what he said he would do. He said that things moved forward as agreed until the economy impacted everyone.

In response to questions from Supervisor Thomas, Mr. Finchum stated that the Planning Commission reviewed the amended proffers, but some changes were made after the meeting and that necessitated this additional public hearing.

Supervisor Thomas asked about the difference in the proffer value impacts to the County. Mr. Finchum explained that the proffers had been impacted by the lack of public transportation service to the County since FRED Transit was no longer in Caroline as well as a change in the original \$500 per home educational proffer. He explained those were not direct cash proffers, but included in the proffer value and reflected in the analysis.

After discussion, Supervisor Thomas stated that he would like to see VDOT's response to the TIA before making a decision on the request.

Supervisor Thomas moved and Supervisor Forehand seconded to defer RZ-01-2017 until the November 9, 2021 meeting to allow the applicant time to get additional information from VDOT related to the Traffic Impact Analysis. If the information from VDOT is not received in time for that meeting, it will be deferred until the December 14, 2021 meeting.

<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. PROPOSED AMENDMENT OF CHAPTER 56 OF THE CODE OF CAROLINE COUNTY (HUNTING)

Deputy County Administrator Alan Partin stated that in April 2021, the Board approved amendments Chapter 56 of the Code of Caroline County, which governed hunting in the County. He explained that the significant change now allowed hunters to use rifles to hunt deer during the prescribed open season from an elevated hunting platform at least eight (8) feet above ground level. He explained that such weapons may be discharged on the ground when it was necessary to do so to remove a wounded deer. He said that the changes approved by the Board in April were sent to the Virginia Department of Wildlife Management and were included in the department's 2021-2022 *Hunting and Trapping in Virginia Digest* that covered July through June of each year.

He stated that staff was recently advised that the new County ordinance adopted in April referenced a caliber of greater than .22 to hunt deer and the Virginia Administrative Code 4VAC15-270-10 required that deer be hunted with rifles greater than .23 caliber. Therefore, it was necessary to amend the ordinance to correct this discrepancy and indicate that Caroline County aligned with the greater than .23 as required in the Virginia Code. He added that all other aspects of the proposed ordinance were the same as adopted by the Board in April 2021.

Chairman Underwood declared the public hearing open on the proposed amendment to Chapter 56 of the County Code, Hunting. There being no public comments, he then declared the public hearing closed.

Supervisor Sili moved and Supervisor Long seconded to adopt “An Ordinance to Repeal and Replace Chapter 56 of the Code of Caroline County (Hunting)” 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>

In response to questions from Supervisor Forehand, Mr. Partin confirmed that it was legal to hunt in Caroline County despite the error in the ordinance.

6. PROPOSED AMENDMENTS TO CHAPTER 103, ARTICLE IX OF THE CODE OF CAROLINE COUNTY (ELDERLY AND DISABLED TAX RELIEF)

Deputy County Administrator Alan Partin stated that the Board held a first reading on the proposed amendments to Chapter 103 of the County Code related to real estate tax relief for qualifying elderly and permanently and totally disabled citizens at the September 14, 2021 meeting. He explained that the proposed changes were as follows:

- Allows for a prorated real estate tax exemption if a dwelling was jointly owned by two or more individuals (other than a spouse) and one, but not all, was either age 65 or over or permanently and totally disabled; and
- Increased the combined income threshold for eligibility from \$40,000 to \$50,000 and the net combined financial worth eligibility threshold from \$85,000 to \$100,000; and
- Changed the eligibility criteria methodology; if the net financial worth threshold was met, the taxpayer would receive a percentage exemption based on \$10,000 income brackets. The current ordinance combined the financial worth of the taxpayer with the household income to determine the amount of the tax exemption; and
- Enabled the Commissioner of the Revenue to extend the deadline to file an application from March 31st to December 31st for first-time applicants or in cases of a hardship.

He then noted that if approved, the ordinance would be effective January 1, 2022.

Supervisor Thomas stated that this was part of previous discussions with the emergency ordinance. He noted that the Commissioner of the Revenue Mark Bissoon had estimated an approximate loss of revenue from the proposed changes to be \$30,000.

Chairman Underwood declared the public hearing open for the proposed amendments to Chapter 103 of the County Code related to the Elderly and Disabled Tax Relief.

Commissioner of the Revenue Mark Bissoon commended the Board for adopting the previous emergency ordinance and said that his staff had been keeping a record of people calling about this to get in touch with them after the hopeful adoption of the ordinance. He said it would be a positive change for the elderly citizens.

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

Supervisor Thomas moved and Supervisor Forehand seconded to adopt the proposed amendments of Chapter 103, Article IX of the Code of Caroline County (Elderly and Disabled Tax Relief) as presented.

In response to questions from Vice-Chair Black, Mr. Bissoon stated that the proposed changes were consistent with other localities.

<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>

UNFINISHED BUSINESS (continued)

7. SPEX-02-2021 – CAROLINE DEVELOPMENT, LLC, OWNER/ HIDDEN FARM ESTATE, LLC, APPLICANT

Director of Planning & Community Development Michael Finchum stated that the applicant was requesting a special exception to allow for a smaller lot size than was allowed in the R-1 zoning district under Article XII of the Zoning Ordinance. He said that the subject properties abutted Bridlewood Subdivision in the Madison Voting District on Route 639. He said that a public hearing had been held at the September 28th meeting and action deferred to this meeting.

He stated that the Planning Commission had forwarded the request to the Board of Supervisors with a recommendation of approval.

In response to questions from Supervisors Sili and Forehand, Mr. Finchum stated that the County's ordinance required the establishment of an HOA for developments with common areas. He said that VDOT would maintain the sidewalks if connectivity existed and that would be ensured through the HOA. He explained that the proposed development would be required to meet traditional landscaping standards and would be covered through conditions in the Special Exception. He pointed out that an unmanaged piece of open space serving no purpose would not be allowed.

Vice-Chair Black stated if this request were denied, 112 lots could be built by right and asked about an HOA with that scenario. Mr. Finchum stated that there would be some open space and an HOA would still be required as well as a stormwater pond.

Vice-Chair Black expressed concerns about the traffic volume in that area and the already dangerous entrance/exit for Bridlewood and noted that the proposed request would provide a second entrance/exit that would address safety concerns. In response to questions, Mr. Finchum stated that there was no requirement in the Subdivision Ordinance for the proposed second entrance, if this request were denied. He said that if approved, the new entrance would have to be installed within three years.

Vice-Chair Black stated that he believed the people in Bridlewood would support the proposed development with a second entrance for safety concerns.

Chairman Underwood expressed concerns about the houses being so close together.

Supervisor Long expressed concerns about possible rental homes and problems becoming property maintenance issues.

In response to questions from Supervisor Long, Mr. Finchum stated that HOA's could have restrictive language in their conditions and covenants for the subdivision. County Attorney Chris MacKenzie stated that the HOA could control rentals and they would be responsible for including that language in their documents.

Supervisor Forehand suggested amendments to the architectural standards such as upgraded trim and additional detailing. The applicant agreed and spoke about the importance of being good neighbors.

In response to questions from Supervisor Thomas, Mr. Finchum stated that the lots in Ladysmith Village were smaller than what was being requested. He said that Haymount had smaller lot sizes, but no development, and Brookwood has some lots with smaller sizes.

In response to questions from Supervisor Sili, Mr. Finchum stated that there were certain standards that must be included in covenants for subdivisions and they were reviewed by the County Attorney for compliance.

Board members requested copies of the HOA documents and Mr. Finchum explained that staff did not typically see those documents until the plat approval process, but could ask for a draft copy when available. Mr. MacKenzie noted that the HOA could amend those documents at any time.

Vice-Chair Sili stated that Bridlewood was going to grow and the proposed request would allow the opportunity for some safety precautions.

Vice-Chair Black moved and Supervisor Thomas seconded to defer action on SPEX-02-2021 until Board members are provided with a copy of the draft covenants and restrictions for the HOA and have an opportunity to review said documents.

Supervisor Thomas asked about timing for the required entrance from VDOT, if approved.

Vice-Chair Black amended his motion to include that information needed to be provided from VDOT related to the timeframe for the required entrance, if approved.

Supervisor Thomas amended his seconded.

<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>Nay</i>

**The motion carried 5-1.*

9. RZ-03-2019 – THE VIRGINIA BAZAAR, OWNER/APPLICANT

Director of Planning & Community Development Michael Finchum stated that the Board of Supervisors accepted the withdrawal of Flint Acquisitions as the applicant for RZ-03-2019 at the August 10, 2021 meeting. He said at that time, CW Investments (Virginia Bazaar), requested

deferral of the request to this meeting and now have requested deferral to the December 14th meeting.

In response to questions from Board members, Mr. Finchum stated that the deferral would allow the Planning Commission to review the site plan if the applicant provided it to staff in time. He said that the Board held a public hearing on the rezoning request in January of 2020 and the typical timeframe to act on the request was one year from the public hearing. However, it had been delayed because of COVID restrictions, as well as several other requests.

Board members expressed concerns about another deferral and Supervisor Thomas noted that one of the deferrals was to ensure an end user that was satisfactory to the Board for this particular facility. He noted that it was sent back again and another partner was established with a different end user.

In response to questions from Vice-Chair Black, Mr. Finchum explained that once the zoning was in place, the end user could change. He noted that a one million square foot warehouse for distribution had been considered with the project previously. He explained that several uses had been eliminated and pointed out that anything larger than the one million square foot building would have to come back before the Board for consideration and approval.

Supervisor Sili asked about the possibility of limiting the number of vehicle trips per day. Mr. Finchum stated that the number of trips could be limited by conditions or proffered by the applicant.

Supervisor Thomas moved and Supervisor Long seconded to defer action on RZ-03-2019 until the December 14, 2021 meeting at the request of the applicant.

<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>Nay</i>
	<i>Thomas</i>	<i>Yea</i>
	<i>Underwood</i>	<i>Yea</i>

**The motion carried 5-1.*

NEW BUSINESS

10. FIRST READING OF PROPOSED AMENDMENTS TO CHAPTER 103, ARTICLE XII LICENSE TAXES OF THE CODE OF CAROLINE COUNTY

Deputy County Administrator Alan Partin stated that Commissioner of the Revenue Mark Bissoon had proposed some amendments to Chapter 103, Article XII related to License Taxes. He reviewed the proposed changes as follows:

1. The proposed amendment would remove out of date language throughout the ordinance indicating that businesses with annual gross receipts in excess of \$2,500 shall pay an annual license fee. The current annual gross receipts threshold for when business license taxes apply is \$150,000 per year, not \$2,500. The Commissioner's Office had not applied the \$2,500 threshold for many years because it obviously conflicts with the \$150,000 threshold. It appears this language was inadvertently left in the ordinance when previous increases to the threshold were approved.

The proposed ordinance amendment would go into effect immediately, if approved.

2. To increase the business license rate for the Contractor category from \$0.12 per \$100 of gross receipts to \$0.13/\$100 and increase the Service category rate from \$0.19 per \$100 of gross receipts to \$0.22/\$100.

The proposed ordinance amendment would go into effect on January 1, 2022.

3. To remove the requirement for itinerant merchants, peddlers and event promoters to obtain a business license. This change was primarily intended to do away with requiring small vendors who sell their wares at events such as church bazaars, festivals, etc. to pay \$30 to get a business license. Historically, the total revenue from these categories of licenses had not monetarily covered the amount of staff time required to administer the ordinances. The Commissioner's Office, the Board and County Administration have also received many complaints over the years in regards to this subject. In many cases, vendors that attend smaller events in the County do not make enough profit to pay the license tax and refuse to return to the County for other events.

The proposed ordinance amendment would go into effect on January 1, 2022.

Mr. Partin stated that since the language being removed is not currently being administered by the Commissioner of Revenue's office, this amendment would not impact annual revenue. He said as proposed, the increase to the contractor and service rates would increase annual business license revenue by an estimated \$40,695.51. He added that removing the license requirements for itinerant merchants/peddlers (commonly known as vendors) and promoter events would decrease annual business license revenue by \$15,885.96. He said that the total revenue loss was derived from the total of license taxes paid for these categories in 2019 and noted that 2020 was not included due to the effects of COVID-19.

In response to questions from Chairman Underwood, David Watson of the Commissioner of the Revenue's Office stated that the threshold amount in other localities varied, but noted that taxes on business licenses were typically based on the gross amount.

In response to questions from Supervisor Sili, Mr. Watson stated that Caroline County received approximately \$850,000 in business licenses taxes per year and noted that a large percentage of businesses in Caroline County did not pay any license tax because they were under the threshold.

After discussion, *Vice-Chair Black moved and Supervisor Sili seconded to authorize staff to advertise a public hearing for the proposed amendments to Chapter 103 as presented with the possible change of annual gross receipts threshold to \$200,000 and \$250,000 for discussion purpose at the public hearing.*

Chairman Underwood expressed concerns about the possible budget impact if the threshold was changed to \$250,000. County Administrator Charles M. Culley, Jr. stated that it could not be advertised that high because it would increase the tax threshold.

Vice-Chair Black amended his motion to authorize staff to advertise a public hearing for the proposed amendments to Chapter 103 as presented with the possible change of annual gross receipts threshold to \$175,000.

Supervisor Sili amended his second.

<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>

11. INFORMATIONAL/CALENDAR ITEMS

County Administrator Charles M. Culley, Jr. reviewed the Capital Projects Update included in the Board's packet and reminded everyone of upcoming meetings and events.

He informed Board members that he had received a request from Dr. Calveric for a joint meeting with the School Board in November. In response to questions from Board members, he stated that the audit results would not be in by that time.

CLOSING BOARD COMMENTS

Supervisor Thomas noted that Caroline County recently hosted its first Sunday voting.

CLOSED MEETING

There was no Closed Meeting.

ADJOURNMENT

Supervisor Sili moved and Supervisor Long seconded to recess the meeting to October 26, 2021 at 6 p.m. for a special meeting on solar.

<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>

CLERK TO THE BOARD

CHAIRMAN