

At a regular meeting of the Caroline County Board of Supervisors held on Tuesday, December 14, 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
Joseph C. Schiebel – Director of Public Utilities
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 6:00 p.m.

INVOCATION

Chairman Underwood led the invocation.

PLEDGE OF ALLEGIANCE

Chairman Underwood led the Pledge of Allegiance.

OPENING BOARD COMMENTS

Vice-Chair Black stated that he attended the annual VACo Conference and it was very informative. He noted that they discussed available funding from opioid issues in the State. He noted that it was important for everyone to understand that information from the State related to available

funding was sent out to all localities and he believed it was important for counties across Virginia to come together and request those funds from the State. He noted that the Polar Plunge for the coming year was again scheduled at Lake Land'Or. He then thanked Chairman Underwood for serving as Chairman of the Board for the year.

Supervisor Sili talked about the great displays of Christmas lights on the homes and businesses in the Town of Bowling Green and throughout the County and pointed out the great participation at the Bowling Green Parade.

Supervisor Thomas expressed his condolences to Wayne Acors and his family at the passing of his wife Judy as well as Chairman Underwood's family at the passing of his mother-in-law.

He then thanked Finance Director Tomeka Smith for her successful efforts on the audit and noted that the Board provided funding to the School Board to support teacher raises.

Chairman Underwood stated that he had met with some of his constituents regarding the concert series at Meadow Event Park and their noise concerns. He said that they planned to attend an upcoming Board meeting to express those concerns to everyone. He noted that he also attended the annual VACo Conference and expressed concerns about unfunded mandates being pushed down to localities and explained that some localities were not able to provide 5% for teachers because they could not afford to so.

AMENDMENTS TO THE AGENDA

Supervisor Sili moved and Supervisor Forehand seconded to amend the agenda as follows:

- ***Removal of Item #2, Appointments***
- ***Addition of Item #3 I, Online Tax Payment Issues***
- ***Addition of Item 8 A – Broadband Discussion/Update***

<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

- ***Recognition of Reverend Kevin James Upon His Retirement as Lead Pastor of Salem Baptist Church***

Rev. Kevin James was recognized by the Board upon his retirement as pastor of Salem Baptist Church for 33 years of service.

Supervisor Sili moved and Supervisor Thomas seconded to adopt the following resolution:

**A RESOLUTION HONORING REVEREND KEVIN JAMES UPON HIS RETIREMENT AS
LEAD PASTOR OF SALEM BAPTIST CHURCH**

WHEREAS, Reverend Kevin James recently announced his retirement as Lead Pastor of Salem Baptist Church in Sparta after 33 years of service; and

WHEREAS, Reverend James was born and raised in Winchester, Virginia and graduated from the University of Virginia and Southern Baptist Theological Seminary in Louisville, Kentucky; and

WHEREAS, after serving as Associate Pastor at Braddock Baptist Church in Alexandria, Virginia for 18 months, Reverend James accepted an invitation to become Pastor of Salem Baptist Church; and

WHEREAS, since his arrival in 1989 Reverend James has led his church through a period of tremendous growth that included hiring the first part-time and full-time Youth Pastor, completing the three-year “Find Us Faithful” fundraising program that built a fellowship hall and paved the church parking lot for the first time ever, purchasing the first church van and bus, renovating the sanctuary and completing the “Experiencing God and the Purpose Driven Life” programs that changed the way the church makes all decisions; and

WHEREAS, the reach of the church has extended well beyond Caroline County to the nation and the world through missions in Southwest Virginia, Florida, Mississippi and Louisiana for hurricane relief, Tennessee, Georgia, North Carolina, Pennsylvania, New York City, Haiti, Thailand and Italy for community ministry, ten plus years of vacation bible school and community ministry in the Bahamas and a construction ministry in Ivory Coast in Africa for ten years and counting; and

WHEREAS, Salem Baptist Church has thrived under Reverend James’ leadership as Lead Pastor and has served as a beacon of hope and a pillar of stability and service to its congregation, community and Caroline County for more than three decades; and

WHEREAS, in the midst of all this activity and accomplishment Reverend James still found time to serve as a long-time volunteer at Sparta Volunteer Fire Department.

NOW, THEREFORE, BE IT RESOLVED that the Caroline County Board of Supervisors hereby extends its most sincere appreciation to Reverend Kevin James for his decades of outstanding service to Salem Baptist Church and Caroline County, congratulates him on his upcoming retirement and wishes him the very best in the future.

Adopted this 14th day of December, 2021.

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

➤ **Caroline County Ordinance Updates and How They Impact County Citizens**

Mark Bissoon, Commissioner of the Revenue, and David Watson, Systems Administrator for the Commissioner’s Office, provided a PowerPoint presentation on the impact of recent ordinance changes related to the Personal Property exemption for disabled veterans, changes to the Personal Property filing requirement that was previously an annual requirement as well as how late penalties were assessed. They reviewed the requirements for high mileage discounts and pointed out that if vehicles were more than 20 years old, no documentation was necessary.

They also talked about gross receipts and rates for various categories as well as vendor/promoter licenses for business licenses. They reviewed changes for tax relief for the elderly and handicapped individuals and explained the documents needed to apply.

➤ **Update from Department Heads on 2021 Goals**

Department heads provided an update on the status of their goals for calendar year 2021. Several of the projects associated with goals were moving forward, such as the design for the Carmel Church Fire Station, the Ladysmith Service Area sewer improvements project; increased spending for ebooks and online programs for the Library; training for Inspection and Planning Department employees on updates to the Statewide Uniform Building Code and coordination of the redistricting process; approved additional staffing for Fire & Rescue; recruitment of industry to existing Economic Development sites; successful before and after school program for Parks & Recreation and increased online services to promote recreation activities; an improved backup system for network security and improved internet services at Frog Level Volunteer Fire Station as the back-up EOC; and more creative budgeting and transparent reporting for the County’s Annual Financial Report to be submitted to the GFOA (Government Finance Officers Association) for consideration.

➤ **Renewal of 2022/2023 Employee Health/Dental Insurance Plans**

Deputy County Administrator Alan Partin reminded everyone that the County converted to a self-funded health plan/self-insurance several years ago and currently utilized Anthem as its third-party administrator to manage claims and provide medical and dental plans utilized by employees. He reported that staff and the County’s benefits consultant, One Digital, remained satisfied with the bundling of all products and services through Anthem and recommended continuing in the upcoming plan year.

He stated that with year to date expenses running significantly over budget in the current plan year and One Digital’s renewal analysis, the County was facing an almost 22% increase to the rates.

He and Mary Jones, Managing Consultant with One Digital, then reviewed the various options available to the County with increasing deductibles and various plan options to cover the increase.

Board members talked about the various options and the potential impacts to employees because of increasing costs.

After discussion, *Supervisor Thomas moved and Vice-Chair Black seconded to move forward with the renewal of employee medical and dental insurance for the period of March 1, 2022 through February 28, 2023 with Option #1 as presented, which would:*

Retain existing plans with the County covering 75% of the cost increase and employees covering the remaining 25%;

The County's estimated total premium contribution would increase from \$3,706,807 to \$4,427,072 in the next plan year, or \$720,265 more than the current plan year; and

The employee's cumulative premium contributions would increase by an estimated \$240,302 to a total of \$939,766.

Supervisor Sili talked about the potential cost if employee salaries had to be increased to cover the insurance cost.

<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

- Recreation Advisory Committee (Madison)
- Broadband Advisory Committee (Madison)

The appointments were removed from the agenda.

3. CONSENT AGENDA

Supervisor Long requested that *Item E, "Approval of Engineering Task Contract for Surveying Services (Rappahannock River Intake and Water Treatment Plant)"* be removed from the Consent Agenda and added as *Item #7A for discussion.*

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

A) Approval of Warrants

Action Taken: *Approval of the following warrants:*

<i>General Fund</i>	<i>\$1,166,204</i>
<i>Law Library Fund</i>	<i>479</i>
<i>Social Services fund</i>	<i>6,364</i>
<i>Tourism Fund</i>	<i>1,237</i>
<i>Fire/Rescue Grants Fund</i>	<i>318</i>
<i>Sheriff Special Revenue Fund</i>	<i>3,230</i>
<i>CARES Fund</i>	<i>41,900</i>
<i>Capital Improvements Fund</i>	<i>305,921</i>
<i>School Capital Project Fund</i>	<i>168,061</i>
<i>Debt Retirement Fund</i>	<i>407,144</i>
<i>Carmel Church Utilities Fund</i>	<i>79,851</i>
<i>Capital Projects – Utilities Fund</i>	<i>147,750</i>
<i>Dawn Wastewater Fund</i>	<i>38,344</i>
<i>Port Royal Utilities Fund</i>	<i><u>119</u></i>
TOTAL	\$2,366,920

B) Approval of Planning Commission Schedule

Action Taken: *Authorization for staff to advertise the following requests for public hearing:*

- *SPEX-03-2021 – Brown, Sandra, Owner/Applicant (January 11, 2022 meeting)*
- *D.R. Horton, Owner/Applicant (January 25, 2022 meeting)*
- *SPEX-09-2021 & SPEX-10-2021 – Mitchell, Barbara; Dove, Jeffrey; Engel Farms, Inc.: Schermerhorn, Natalie, Owners; Frog Solar Center, LLC, Applicant (March 8, 2022 meeting)*

C) Approval of Amendments to Caroline County Library Internet Acceptable Use Policy

Action Taken: *Approval of amendments to the Caroline County Library Internet Acceptable Use Policy to accommodate the lending of hotspot lending devices.*

D) Adoption of Resolutions Approving Caroline County’s Participation in Commonwealth of Virginia Settlement of Opioid Related Claims

Action Taken: *Adoption of the following resolution:*

R24/21

**A RESOLUTION OF THE CAROLINE COUNTY BOARD OF SUPERVISORS
APPROVING THE COUNTY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF
OPIOID-RELATED CLAIMS AGAINST MCKESSON, CARDINAL HEALTH,
AMERISOURCEBERGEN, JANSSEN, AND THEIR RELATED CORPORATE ENTITIES,
AND DIRECTING THE COUNTY ADMINISTRATOR AND COUNTY ATTORNEY TO
EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY'S
PARTICIPATION IN THE SETTLEMENTS**

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

WHEREAS, the Commonwealth of Virginia and its cities and counties have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Virginia; and

WHEREAS, settlement proposals have been negotiated that will cause McKesson, Cardinal Health, AmerisourceBergen, and Janssen to pay up to \$26 billion nationwide to resolve opioid-related claims against them;

NOW THEREFORE BE IT RESOLVED that the Caroline County Board of Supervisors this 14th day of December, 2021, hereby approves the County's participation in the proposed settlement of opioid-related claims against McKesson, Cardinal Health, AmerisourceBergen, Janssen, and their related corporate entities, and directs the County Administrator and County Attorney to execute the documents necessary to effectuate the County's participation in the settlements, including without limitation the required release of claims against settling entities.

Adopted this 14th day of December 2021.

R25/21

**A RESOLUTION OF THE CAROLINE COUNTY BOARD OF SUPERVISORS
APPROVING THE COUNTY'S PARTICIPATION IN THE VIRGINIA OPIOID
ABATEMENT FUND AND SETTLEMENT ALLOCATION MEMORANDUM OF
UNDERSTANDING ("MOU") AND DIRECTING THE COUNTY ADMINISTRATOR AND
COUNTY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO
EFFECTUATE THE COUNTY'S PARTICIPATION IN THE MOU**

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

WHEREAS, the Commonwealth of Virginia and its cities and counties have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Virginia; and

WHEREAS, in order to advance their common interests, Virginia local governments and the Commonwealth of Virginia, through counsel, have extensively negotiated the terms of a memorandum of understanding relating to the allocation and use of litigation recoveries relating to the opioid epidemic;

NOW THEREFORE BE IT RESOLVED that the Caroline County Board of Supervisors, this 14th day of December, 2021, hereby authorizes and approves the Virginia Abatement Fund and Settlement Allocation Memorandum of Understanding (“MOU”) attached hereto and incorporated by reference as Exhibit “A,” and directs the County Administrator and County Attorney to execute the MOU and to take such actions as are called for therein.

Adopted this 14th day of December 2021.

E) Approval of Engineering Task Contract for Surveying Services (Rappahannock River Intake and Water Treatment Plant)

Action Taken: This item was moved from the Consent Agenda and added to New Business as Item #7A for discussion.

F) Appropriation of Donation from Friends of the Ladysmith Branch of Caroline Library to FY 2021/2022 Library Budget

Action Taken: Approval of a supplemental appropriation to the FY 2021/2022 Library Budget in the amount of \$8,383.75 and authorization of the expenditure of the funds.

G) Supplemental Appropriation for Continued Use of PBM Enhanced Cleaning Services through June 30, 2022

Action Taken: Approval of a supplemental appropriation in the amount of \$47,400 to the FY 2021/2022 General Properties Budget (Other Contractual Services Line Item) to extend enhanced disinfecting services from PBM through January 20, 2022 as presented.

H) Authorize Submission of Grant Application for Third Party Erosion & Sediment Inspector (Department of Planning & Community Development)

Action Taken: Authorization for staff to submit a grant application for funding of a third party Erosion & Sediment Inspector through the Virginia Department of Conservation and Recreation’s Community Flood Preparedness Fund with no direct financial cost to the County.

I) Online Tax Payment Issue

Action Taken: *Supervisor Thomas was authorized to work with the Treasurer to look into an issue with an online tax payment.*

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>

The Board took a recess at approximately 7:45 p.m. and reconvened the meeting at approximately 8:10 p.m.

PUBLIC COMMENTS

Corey Garrett, of the Port Royal District, stated that he would have liked for the item related to the engineering task contract for surveying services for the Rappahannock River Intake item (*Item #3E/new Item #7A*) to have been for public discussion. He then expressed concerns about potential risks associated with the project.

There being no further comments, Chairman Underwood declared the Public Comments closed.

PUBLIC HEARINGS

4. TXT-03-2021 - AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF CAROLINE COUNTY BY REPEALING ARTICLE XV, SUPPLEMENTAL REGULATIONS, SECTION 6-FLOOD HAZARD ZONES. THIS SECTION WAS REPLACED BY CHAPTER 45, ARTICLE II OF THE CODE OF CAROLINE

Director of Planning & Community Development Michael Finchum stated that the proposed text amendment would remove Article XV, Section 6 Flood Hazard Zones from the Zoning Ordinance. He explained that in April 2016, the Board adopted a new Flood Plain Ordinance incorporating it into Chapter 45 of the Code of Caroline, thereby rendering Section 6 of the Zoning Ordinance obsolete. He said it was simply a matter of housekeeping to avoid confusion.

Chairman Underwood declared the public hearing open for TXT-03-2021. There being no public comments, he then declared the public hearing closed.

Supervisor Sili moved and Supervisor Forehand seconded to adopt TXT-03-2021, “An Ordinance to Amend the Zoning Ordinance of Caroline County by Repealing Article XV, Supplemental Regulations, Section 6 – Flood Hazard Zones” as presented.

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

5. **RZ-03-2019 THE VIRGINIA BAZAAR, OWNER/ PANATTONI DEVELOPMENT CO, INC., APPLICANT: Request a Rezoning from B-1 Business (no specified density) to M-1 Industrial (no specified density) on tax map #53-A-64B consisting of 97.25 acres, more or less. This property is located at 18188 Bazaar Avenue, Ruther Glen, Mattaponi Voting District. Proposed Use: Industrial- development of a 517,220 S.F. warehouse and distribution facility with 184,350 S.F. of storage (701,570 S.F. total). The 2030 Comprehensive Plan designates this property as being within the Ladysmith Community Plan as Regional Business.**

Director of Planning & Community Development Michael Finchum stated that the applicants were requesting a rezoning of the Virginia Bazaar site from B-1(Conditional) to M-1 Industrial (Conditional) in order to develop a project that included office space, warehouse, distribution and other similar uses within a 701,570 square foot building. He explained the location of the property being on the southeast quadrant of the I-95/Route 639 (Ladysmith Road) interchange and said it was referred to as the southern gateway to Ladysmith off of I-95. He said that the property was rezoned to Business in 1999 to accommodate the Virginia Bazaar, subject to proffers.

He reviewed the Staff Report and reminded everyone that a public hearing had been held by the Board of Supervisors at the January 14, 2020 meeting and action deferred numerous times due to the vagueness of the application, concerns with compatibility of uses and to allow the applicant to bring forward a prospect for consideration by the Board. He said after a public hearing on an amended application at the June 2021 meeting and action being deferred until August, Flint withdrew as the applicant in July. He explained that the application remained pending at the Board level until October 2021 when the Board was advised that a new developer, Panattoni, was interested in the site with a smaller and more manageable warehouse/distribution facility of 500,000 square feet and action was deferred until this meeting to allow the Planning Commission the opportunity to review the project and advise the Board of any concerns.

Mr. Finchum stated that the Planning Commission reviewed the project in November and comments from that meeting had been included in the Staff Report. He said that the Planning Commission noted that the proposed overall design of the project was attractive and offered significantly better architectural control; and the proposed use limitations, through the proffers, were substantially better than the original rezoning application for unlimited M-1 use. He said that the Commission expressed concerns about traffic impacts to the interchange; however, it was noted that VDOT would not make improvements to that area in anticipation of development, but in response to development impacts. He added that there was also some concern about the loss of commercial acreage to industrial uses.

In response to questions from Supervisor Thomas, Mr. Finchum stated that the amended proffers increased funding from \$150,000 toward future traffic improvements along Ladysmith Road and/or the I-95 interchange area to \$400,000.

Supervisor Sili stated that M-1 zoning was not consistent with the Comp Plan.

Mr. Finchum stated that the applicant had proffered out a number of industrial uses or modified by-right uses of concern to be special exception uses through the proffers. He noted that light warehouse and distribution facilities were permitted by special exception permit in the Business District with Board approval.

In response to questions from Vice-Chair Black related to growth coming to Exit 110 (Ladysmith) versus Exit 104 (Carmel Church), Mr. Finchum stated that the market showed that people were willing to move to this area from the north, but continue to travel north to work. He said that that there was building activity on what was currently there and lots and proffers were in place for that development in the Ladysmith area.

Vice-Chair Black stated that people had noted that they did not want to move to Carmel Church because of the number of truckstops in the area.

In response to questions from Supervisor Long, Mr. Finchum explained that the B-1 zoning would still be in place. However, they would be looking at a different set of uses and noted that they had proffered out some of the more intensive M-1 uses, such as tow storage lots.

Chairman Underwood declared the public hearing open for RZ-03-2019, the Virginia Bazaar, Owner/Panattoni Development Co., Inc., Applicant.

Charlie Payne, representing the applicant, stated that this was the second application for this year on this property. He said that the proposed request was for a smaller building and an end user had been identified, but they could not disclose that information at this time. He reminded everyone that the property had been for sale for over ten years and said that the applicant had tried to tailor the proposed project to be consistent with underlying proffers and noted that the Board could limit the use as well as the footprint.

He then provided a PowerPoint presentation reviewing the proposed request. He explained that the proposed project would be designed to accommodate office, warehouse, storage, distribution, light assembly, packaging, manufacturing and other general light industrial and flex uses and noted that existing structures would be removed from the property. He then reviewed the 32 uses that Panattoni had proffered out of the request. He said that they believed the projected conformed to the County's Comprehensive Plan by establishing an employment center, investing in the environment and adhered to the Ladysmith Area's Community Plan of business expansion and creation of employment opportunities. He talked about the traffic and said that the project would generate significantly lower vehicle trips compared to a by-right use of the property.

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

Vice-Chair Black talked about public meetings held by the developer of Airlee when they wanted to come to the County. He expressed concerns about the impact of the truck traffic on neighborhood traffic. He pointed out that the County had spent a great deal of money and time to develop that area of the road.

Mr. Payne explained that this project was different and was not located across from a residential neighborhood, Lake Caroline, and was outside the footprint of a heavy traffic area. He explained that traffic associated with the proposed developer would be spread out and not be travelling during peak hours. He also noted that Kyles Bates from VDOT did not have any issue with the left turning trucks.

He further stated that this was the type of user that would stimulate activity and attract other users and the tax revenue would be beneficial to the County as well as the community and Panattoni wanted to have a positive impact on the community.

Supervisor Sili talked about the County spending \$6 million on improvements to Ladysmith Road and \$21 million from the State and expressed concerns about no businesses being opened in that area as of yet. He then expressed concerns about additional traffic.

Mr. Payne stated that the proposed project would be a low-impact project as compared to a by-right use of the property.

In response to questions from Supervisor Long, Mr. Payne stated that Panattoni had agreed to everything suggested by VDOT.

Supervisor Thomas stated that he did not believe this project could be compared to Airlee and this project was economically advantageous. He said that Mr. Payne noted that the proposed project would create between 200 and 600 jobs and talked about the cost for this development versus residential and the various costs associated with residential development, including education. He said he was aware that there would be additional traffic in the bridge area and suggested that if approved, funds should go into a transportation fund for improvements.

Chairman Underwood expressed concerns about the Virginia Bazaar property being for sale for a number of years and said that everyone had questions as to whether infrastructure should be first or development. He said he believed the pros would outweigh the cons for the proposed project and help to lighten the burden on taxpayers.

Vice-Chair Black stated that he believed this was a good project, but in the wrong location. He talked about traffic being backed up in the area when there were issues on I-95, especially in the summer months, and expressed concerns about additional truck traffic without needed infrastructure being in place.

Supervisor Long talked about citizens noting benefits of working closet to home.

Supervisor Thomas stated that the landowner of Virginia Bazaar had been trying to sell this property for quite a while. He noted that the Board had supported the sale of the property and

worked to bring development to the area. He also talked about all the uses that had been proffered out to make this an acceptable project.

Supervisor Thomas moved and Supervisors Forehand seconded to approve RZ-03-2019 – The Virginia Bazaar, Owner/Panattoni Development Co., Inc., Applicant subject to the amended proffer statement dated November 4, 2021 as presented.

<i>Roll Call Vote:</i>	<i>Black</i>	<i>Nay</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 4-2.*

- SPEX-06-2021 – GARRISON, MELVIN & KATRINA, OWNER / WHALEBONE SOLAR, LLC, APPLICANT: Request a Special Exception Permit in accordance with Article XVII, Section 13 (Standards for Special Use Permits) and Article IV, Section 5.40 (Minor Solar Energy Project) of the Caroline County Zoning Ordinance on tax map #8-A-72; 8-A-72A1; and 8-A-72B consisting of 30 acres, more or less. This property is located on Route 2 (Fredericksburg Turnpike), approx. 3.5 miles south of the Caroline/Spotsylvania County line, Port Royal Voting District. The 2030 Comprehensive Plan designates this property as Rural Preservation. Proposed Use: Minor Solar Energy Project (3 MW).***

Director of Planning & Community Development Michael Finchum stated that the applicant was requesting approval of a special exception permit for a minor solar facility. He explained that the proposed project would be located on two properties on Route 2 (Fredericksburg Turnpike) and utilize approximately 12.5 acres of the 30 acres associated with these properties.

He stated that the proposed project would provide up to 3 megawatts of renewable energy to the Rappahannock Electric Cooperative power grid. He explained that due to the proposed project being under 5 megawatts of production, it was exempt from the Machinery and Tools Tax. However, the application had proposed, as a condition, voluntary payments equal to the amount of Machinery and Tools Tax or revenue share taxes that a project of this size would pay if the State exemption were not in effect.

Mr. Finchum then reviewed the Staff Report included in the Board packet and noted that the Planning Commission forwarded this request to the Board of Supervisors with no recommendation. He said that the application appeared to meet the requirements set forth in the standards of the Zoning Ordinance for a minor solar energy facility and reviewed those standards as included in the Board's packet along with possible conditions recommended by staff for consideration.

Chairman Underwood declared the public hearing open for SPEX-06-2021 Garrison, Melvin & Katrina, Owner/Whalebone Solar, LLC, Applicant.

Seth Maughan, of SolUnesco, provided a PowerPoint presentation on behalf of the applicant. He talked about SolUnesco's reputation and pointed out that they currently had 14 solar projects under development in Virginia. He reviewed the proposed project and explained the type of equipment that would be utilized and how it would be installed onsite between the project and the existing REC (Rappahannock Electric Cooperative) distribution line. He explained the proposed layout and the buffer areas as well as the environmental permitting process.

He stated that in accordance with the County's ordinance, a decommissioning plan would be submitted for approval prior to construction as well as a financial surety would be provided to the County. He said they intended to be good neighbors and noted that adjacent property owners had submitted letters of support for the project and A.P. Hill reported that the proposed project would have no impact on their day-to-day activities.

He then noted that the Planning Commission members expressed opposition to solar in general, and not specifically this request. He said that everyone was aware that solar projects had been slowly accumulating over the last few years and all the applications had been filed since the adoption of the text amendments.

Skyler Zunk, representing Clean Energy Land of Liberty Coalition of Greater Richmond, stated that they assist people with conservative clean energy. He praised the County for its efforts and strength in the solar ordinances related to design standards and decommissioning requirements. He said that he believed solar would be a good investment for the County as well as quiet neighbors and then asked that each solar energy project be considered on its own merit.

Mary Hodge, of the Port Royal District, expressed her opposition to solar projects being considered on sites where food could be planted. She spoke in support of the agricultural landscape and expressed concerns about the potential toxins being released into the environment from the panels and equipment associated with solar projects.

Karen Carter, of the Port Royal District, expressed her opposition to this request. She said she lived in the same area as the proposed Whalebone Solar project and was concerned for the environment, the food supply and the animals. She also said that some of the neighbors were not aware of the proposed project.

A lady from the Reedy Church District spoke as a representative of her mother Mary Williams, from the Port Royal District, who was not able to attend the meeting. She stated that her mother was not against solar projects, but had questions. She said that Ms. Williams was concerned about the future of the panels and equipment and the potential financial impact to the County if the company decided to walk away. She noted concerns about the food supply and asked that the Board consider the neighbors.

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

Mr. Maughan noted that the comments were opposed to solar in general and not specifically the proposed Whalebone project.

Supervisor Long stated that there was still one Board member that wanted a site visit of the proposed site.

Supervisor Thomas stated that everyone in Caroline had the ability to speak about any issue being considered in the County, not just projects next door to them. He spoke in support of people's property rights as long as it did not impact others.

Supervisor Sili expressed concerns about the impact of groundwater runoff to the soil.

Sean Millow, Civil Engineer for the project, explained the constraints in place to protect the environment. He also explained how grading would take place and the creation of erosion and sediment ponds to protect downstreams. He noted that they planned to protect as much of the existing vegetation as possible.

In response to questions from Supervisor Sili, Mr. Maughan pointed out that the first step would be to protect the perimeter with ponds, silt fences, ditches, etc. He explained the process and said they had been doing solar projects for approximately five years.

Supervisor Sili continued to express concerns about rainwater runoff from the panels as well as the decommissioning process.

Chairman Underwood stated that he visited the property and would like to see the impact to wildlife addressed. He noted that there marsh areas in the back of the property and he was concerned that the vegetative buffer was not sufficient.

Vice-Chair Black stated that there had been a lot of discussion of solar energy at the VACo conference and differing opinions. He noted that erosion was a major concern for Louisa and Spotsylvania. He said he believed there could be good projects, but erosion on other peoples' properties created concerns. He said that the County had spent a lot of time developing strong solar ordinances. However, he had concerns about changes in technology and the replacement of panels when needed.

Mr. Maughan stated that they did not plan to replace the panels with newer technology unless there was a tremendous change in the efficiency.

Supervisor Long talked about another site visit and asked that Board members to have questions ready for staff.

After much discussion, ***Supervisor Long moved and Supervisor Sili seconded to defer action on SPEX-06-2021 – Garrison, Melvin & Katrina, Owner/Whalebone Solar, LLC, Applicant to the January 25, 2022 meeting to allow some Board members time for a site visit.***

<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

7. MEMORANDUM OF UNDERSTANDING (MOU) FOR USE OF FORMER LADYSMITH ELEMENTARY SCHOOL BY CAROLINE COUNTY

Caroline County entered into an amended Memorandum of Understanding (MOU) with Caroline County Public Schools (CCPS) for the use of a portion of the former Ladysmith Elementary School in 2016. The County uses its portion of the building primarily for Department of Parks & Recreation programs and activities and a satellite office for the Caroline County Sheriff’s Office.

Under the current MOU, the County was responsible for all routine maintenance and costs associated with the use of the County occupied spaces as well as a significant portion of the utility costs for the building. CCPS recently proposed good-faith amendments to make the MOU more palatable to the County in conjunction with expanding their footprint in the building to accommodate the LOTUS Academy (former Diversified Learning Center). However, recent changes by CCPS to accommodate the LOTUS Academy limit the County's ability to make productive use of the building and a mold problem was recently discovered due to a malfunctioning HVAC automation system not in the County’s ability to control.

Supervisor Long moved and Vice-Chair Black seconded to withdraw from the current MOU with Caroline County Public Schools for use of the former Ladysmith Elementary School effective December 31, 2021.

In response to questions from Vice-Chair Black, County Administrator Charles M. Culley, Jr. stated that staff had been in discussion with Dr. Calveric and the County would still have the ability to rent rooms in the building for Parks & Recreation activities.

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>

8. PROPOSED PURCHASE OF CIVICPLUS DEPARTMENT OF PARKS & RECREATION AND MUNICODE INTERNET SOFTWARE PACKAGES

Deputy County Administrator Alan Partin stated that staff had been in discussions with CivicPlus about the possibility of purchasing additional internet software products to improve the level of service provided to the citizens. He requested that the Board consider purchasing CivicRec software to assist with facility reservations, activity registrations and various other Parks and

Recreation services in the amount of \$11,588 for the first year with an annual recurring cost of \$6,300.

He also requested consideration of converting maintenance of the Code of Caroline County from General Code to Municode, which was acquired by CivicPlus earlier this year. He explained the cost discounts for hosting of the County Code and the benefits of changing to MuniCode. He noted that the majority of local governments in Virginia appeared to utilize Municode and this offer would allow the County to convert at a reduced cost and consolidate the County's web related services under one entity.

Supervisor Thomas moved and Supervisor Sili seconded to approve the requests as presented with the funding coming from the FY 2021/2022 Undesignated General Fund Balance.

<i>Roll Call Vote:</i>	<i>Black</i>	<i>Nay</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>

**The motion carried 5-1.*

7A) APPROVAL OF ENGINEERING TASK CONTRACT FOR SURVEYING SERVICES (RAPPAHANNOCK RIVER INTAKE AND WATER TREATMENT PLANT) (Removed from Consent Agenda (#3E) for Discussion)

In response to questions from Supervisor Long, Director of Public Works/Utilities Joseph Schiebel explained that the proposed task contract was for surveying services associated with the County's proposed Rappahannock River water withdrawal. He explained the process and noted that the County had already spent a significant amount of money on this project and said that these services would allow the County to move forward with property acquisition of the intake and water treatment plant sites in anticipation of obtaining a withdrawal permit.

After discussion, Supervisor Sili moved and Supervisor Thomas seconded to authorize the County Administrator to sign Proposal No. R15287R-10 with Draper Aden Associates in the amount of \$54,840 as presented. Funds for this project were included in the April 2021 borrowing.

<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>

8A) BROADBAND DISCUSSION/UPDATE

Director of Information Technology David Sadler stated that the County was one of 11 counties that did not make the cut for this round of the VATI Grant. He explained Caroline scored low because of being unable to submit an application with coverage for the entire County. He said that it was noted that the plan was strong and the County was encouraged to reapply for the next grant cycle, which would start in September.

After discussion, Mr. Sadler noted that it was the desire of the Broadband Committee to move forward with an RFP in an effort to get universal broadband coverage for the County, noting that this would help the application to score higher in the next round. Board members spoke in support of submitting a better grant application for the next grant cycle.

9. APPROVAL OF FUNDING FOR NEW FULL-TIME POSITIONS (PUBLIC WORKS CONSTRUCTION MANAGER, COMBINATION PLANNING/BUILDING PLANS REVIEWER & UTILITY CONSTRUCTION INSPECTOR)

County Administrator Charles M. Culley, Jr. stated at the November meeting, the Board of Supervisors directed staff to prepare job descriptions and cost estimates for the following three new proposed full-time positions:

- Public Works Construction Manager (Department of Public Works/Utilities)
- Combination Planning/Building Plans reviewer (Department of Planning & Community Development)
- Utility Construction Inspector (Department of Public Works/Utilities)

He stated that the job descriptions had been included in the Board’s packet and reviewed the estimated salary and benefit costs associated with the positions for an estimated total cost of \$359,263.

Supervisor Long moved and Vice-Chair Black seconded to approve the new positions with the job descriptions and associated costs 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>

10. INFORMATIONAL/CALENDAR ITEMS

County Administrator Charles M. Culley, Jr. reviewed the Capital Projects Update and upcoming meetings as well as the holiday schedule for County offices.

CLOSING BOARD COMMENTS

There were no closing Board comments.

CLOSED MEETING

Vice-Chair Black moved and Supervisor Long seconded to convene in Closed Meeting pursuant to the real estate and consultation with legal counsel exemptions of Section 2.2-3711. A.3, A.8 of the Code of Virginia, for consultation with the County Attorney and discussion with Staff regarding the potential acquisition of real estate in the Ladysmith area for use as a satellite Sherriff's office, where discussion in open meeting would adversely affect the County's bargaining position or negotiating strategy.

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 Black moved and Supervisor Sili 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>
<i>Sili</i>	<i>Yea</i>
<i>Thomas</i>	<i>Yea</i>
<i>Underwood</i>	<i>Yea</i>

Vice-Chair Black moved and Supervisor Sili 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.*

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>

ADJOURNMENT

Supervisor Long moved and Vice-Chair Black seconded to adjourn the meeting.

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

CLERK TO THE BOARD

CHAIRMAN