

At a regular meeting of the Caroline County Board of Supervisors held on Tuesday, January 25, 2022 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
Benjamin W. Emerson – 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 reminded everyone that the Polar Plunge was scheduled for February 12th. He then expressed his condolences to the family of Gary Dudley for his recent passing.

Supervisor Thomas expressed concerns about bills in this General Assembly session that would negatively impact localities related to tax rates and tax cuts. He noted that there had been quite a bit of action at a school board meeting in another locality and one person had to be arrested. He expressed support for the Caroline County School Board and all their efforts. He then asked everyone to consider supporting the Polar Plunge.

Chairman Underwood encouraged everyone to read the words of the Pledge of Allegiance and to be a responsible citizens.

AMENDMENTS TO THE AGENDA

Supervisor Sili moved and Supervisor Long seconded to move the Closed Meeting up on the Agenda after the Consent Agenda.

<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

➤ **Meadow Event Park Annual Review**

Marlene Pierson-Jolliffe, Vice President of Operations for Meadow Event Park and Executive Director of the State Fair of Virginia, provided a PowerPoint presentation on events and activities for 2021. She reported that they came back strong coming out of COVID with over 500,000 visitors last year and noted that the first quarter of the year was still considered part of the pandemic.

In response to questions from Board members, Ms. Pierson-Jolliffe reported that the After Hours concerts were a success and had made a significant impression in the market. She noted the upcoming schedule was on the Board’s agenda for consideration next month.

2. APPOINTMENTS

➤ **Recreation Advisory Committee(Madison)** – This appointment was deferred.

➤ **Board of Zoning Appeals (Port Royal, Western Caroline, Madison)**

Supervisor Black moved and Supervisor Long seconded to recommend the following individuals to the Circuit Court Judge for appointment to the Board of Zoning Appeals for a term beginning February 2, 2022 and expiring February 1, 2027:

- *James Street – Port Royal District*
- *Sharon Vickstrom – Western Caroline District*
- *David Rababy – Madison District*

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>

➤ *Rappahannock Area Alcohol Safety Action Program*

Supervisor Sili moved and Supervisor Forehand seconded to appoint Taylor Calhoun as the County’s representative to the Rappahannock Area Alcohol Safety Action Program (RAASAP) for a term beginning immediately and expiring on February 28, 2025.

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>

3. CONSENT AGENDA

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

A) Approval of Minutes

Action Taken: Adoption of the minutes from the September 14, 2021 Board of Supervisors meeting as presented.

B) Authorization to Apply for Fiscal Year 2021 FEMA SAFER Grant (Department of Fire & Rescue)

Action Taken: Authorization to submit a FY 2021 SAFER grant application from FEMA in the amount of \$1,080,525.6 with no local match. If successful, the grant would provide funding for 15 new full-time firefighter/EMS positions for three years which would assist with covering the new Carmel Church Fire Station

C) Adoption of Resolution Designating Caroline County a Purple Heart Community

Action Taken: Adoption of the following resolution:

**A RESOLUTION DESIGNATING CAROLINE COUNTY
AS A PURPLE HEART COUNTY**

WHEREAS, Caroline County has always supported its military veteran population; and

WHEREAS, the residents of Caroline County have a great admiration and the utmost gratitude for all the men and women who have selflessly served their country and this community in the United States Armed Forces; and

WHEREAS, the Purple Heart is specifically awarded in the name of the President of the United States to members of the Armed Forces who have been wounded or paid the ultimate sacrifice in combat with a declared enemy of the United States of America; and

WHEREAS, chartered by Congress in 1958, the Military Order of the Purple Heart's mission is to foster an environment of goodwill and camaraderie among combat-wounded veterans, promote patriotism, support necessary legislative initiatives and, most importantly, provide service to all veterans and their families; and

WHEREAS, Caroline County appreciates the sacrifice of Purple Heart recipients in defending our freedoms.

NOW, THEREFORE BE IT RESOLVED that the Caroline County Board of Supervisors hereby designates Caroline County as a Purple Heart County honoring the service and sacrifice of our nation's men and women in uniform wounded or killed by the enemy while serving to protect the freedoms enjoyed by all Americans.

BE IT FURTHER RESOLVED that a copy of this resolution be permanently recorded among the papers of this Board of Supervisors of Caroline County, Virginia.

Adopted this 25th day of January 2022.

<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>

CLOSED MEETING

Vice-Chair Black moved and Supervisor Sili seconded to convene in Closed Meeting pursuant to the consultation with legal counsel and contract exemptions of Section 2.2-3711. A.8, A.29 of the Code of Virginia, for consultation with the County Attorney and discussion with Staff regarding specific legal matters associated with pending solar applications and the negotiation of related project siting agreements, where discussion in open meeting would adversely affect the County’s bargaining position or negotiating strategy.

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

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

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

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: *Black* *Yea*
 Forehand *Yea*
 Long *Yea*
 Sili *Yea*
 Thomas *Yea*
 Underwood *Yea*

PUBLIC COMMENTS

Ray Schiebel, of the Port Royal District, stated that he would address his concerns about the Board’s by-laws at an upcoming meeting.

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

PUBLIC HEARINGS

4. **SPEX-05-2021 – BERBERICH, JOHN, OWNER / RACEHORSE 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 #39-A-10 and 39-A-12 consisting of 145.9 acres, more or less. This property is located at on Route 632 (Quarters Road), approx. 1.5 miles west of Route 1 (Jefferson Davis Highway), Port Royal Voting District. The 2030 Comprehensive Plan designates this property as Rural Preservation. Proposed Use: Minor Solar Energy Project (12 Mw). (CONTINUED from 1/11/22)**

Director of Planning & Community Development stated that this public hearing was continued from the last meeting to allow anyone affected by the weather-related power outage an opportunity to speak.

Tamra Cannon, of the Port Royal District, spoke in support of this project. She said she believed it would be good for the economy and help people with the cost of electric bills.

Everette Green, of the Madison District, expressed his discontent with solar energy. He said he purchased solar in 2020 for his home and was completely dissatisfied. He noted issues with batteries, going without power during the snowstorm and paying much more than he was originally told.

County Attorney Chris MacKenzie reminded everyone that the purpose of the public hearing was to allow people to speak regarding SPEX-05-2021 – Racehorse Solar and not for solar in general.

Roxanna Gray, of Spotsylvania, talked about costs associated with possible lawsuits related to solar projects and cautioned that other localities were being sued, such as Frederick County, Virginia. She expressed concerns about the impacts of water runoff and “opening the gateway” for solar if this project was approved. She then asked the Board to reconsider the solar district.

Frances Collier, of the Port Royal District, stated that she lived on Quarters Road, and was concerned about the land and the impact from the proposed project on well water in the area. She said that she hoped solar was not taking all of the County’s farmland.

Bob Schwartz, of the Bowling Green District and also a member of the Planning Commission, stated that he was familiar with the presentations made by the solar companies. He talked about this area being Rural Preservation and Agricultural Preservation and said that two members of the Planning Commission did not vote on this request because they were absent and the vote was 2 to 2. He said that he was confident that a recommendation would have been provided to the Board of Supervisors if all members had been in attendance.

Skyler Zunk, representing Clean Energy Land of Liberty Coalition of Greater Richmond, spoke in support of Racehorse Solar. He said that the proposed project aligned with the County ordinances and he believed it would not have an adverse impact on the neighbors and pointed out no traffic and no noise would come from the project.

Seth Maughan, representing the applicant, stated that Board members had heard from people supporting the project and he believed the people against the project did not understand the specific project. He said that the proposed project complied with the County ordinances and they were committed to being good neighbors. He talked about the vegetative buffers and said that the project would not have a negative impact on the land. He said that they had been working on the proposed project for five years and had changed conditions as suggested.

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

Supervisor Long moved and Supervisor Sili seconded to defer action on SPEX-05-2021 – Berberich, John, Owner/Racehorse Solar, LLC, Applicant to the May 10, 2022 meeting in order to provide time to review possible DEQ and EPA water quality discrepancies and any relevant General Assembly action on solar projects.

<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>

- SPEX-03-2021 – BROWN, SANDRA, OWNER/APPLICANT: Request a Special Exception Permit in accordance with Article XVII, Section 13 (Standards for Special Use Permits) and Article IV, Section 5.11 (Adult Homes/Nursing Homes) of the Caroline County Zoning Ordinance on tax map #102-A-37 consisting of 1.59 acre, more or less. This property is located at 30500 Richmond Turnpike, Reedy Church Voting District. The 2030 Comprehensive Plan designates this property as Planned Development within the Dawn Community Plan. Proposed Use: Assisted Living Facility (25 beds).***

Director of Planning & Community Development Michael Finchum stated that the applicant was requesting special exception approval to operate a 25 bed assisted living facility in an existing building on Richmond Turnpike. He said the structure had been vacant for a number of years and last operated as a motel. He noted that a special exception permit (SPEX-11-2012) for an assisted living facility was approved in 2013, but the permit expired due to inactivity. He noted that the property was zoned Rural Preservation and allowed for an assisted living facility under a special exception permit.

He stated that the Planning Commission forwarded this request to the Board with a unanimous recommendation of approval. He then reviewed the Staff Report included in the Board's packet as well as conditions suggested by staff, should the Board vote to approve the request.

John Bennett, representing the owner, stated that they spent a lot of time going through the process with the site plan and going through the staff comments. He said that they had considered several general design concepts for the proposed project and the owner now believed this was the right time to move forward. He explained that they believed reuse of the existing building was a good fit for the proposed assisted living facility and asked for the Board's approval.

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

Supervisor Sili asked about the facility currently being under a Stop Work Order by the Building Official.

Building Official Kevin Wightman stated that the building did not meet the current Building Code and he had reviewed what was needed with the owner. He said that he had agreed to allow the owner to make the building weather tight with the roof and then they were supposed to submit plans for a permit, but had not done so. He said that this process had been ongoing since 2013 and they still had not submitted a site plan or an approved drawing.

Mr. Finchum stated that this was a very uncommon situation because now they were not allowed to submit a site plan or building plan because the previous special exception expired and they were now waiting on possible approval from the Board on the current special exception. He explained if this request was denied, there would be no need to submit.

In response to questions from Board members, Mr. Bennett stated that funding was an issue and part of the reason the first permit expired. He explained that the owners were not familiar with building and development processes and regulations and were learning as they went along. However, they were ready to move forward now. He said that they also had a similar facility in Richmond and apologized that Ms. Brown was unable to attend the meeting.

Supervisor Forehand spoke in support of utilizing the existing building and moving forward in the right direction.

In response to questions from Board members, Mr. Bennett stated that he was speaking as an engineer and not an architect, but believed that the building was structurally sound and would agree that it needed to be evaluated for safety and compliance.

After discussion, ***Supervisor Forehand moved and Vice-Chair Black seconded to approve SPEX-03-2021 for Sandra Brown with the conditions recommended by staff and with the addition of a condition that a structural assessment of the existing building must be submitted to the Department of Planning & Community Development (Building Department) within six (6) months of the special exception approval.***

Supervisor Sili stressed the importance of moving forward with the new special exception and not letting the building sit and decay after going through the process twice and reminded everyone of the conditions in place.

Chairman Underwood stated that the exterior of the building was some type of material on brick and expressed concerns about the safety of the building after sitting vacant for almost twenty years.

Mr. Wightman stated that the interior of the building may need to be insulated, but they would do some remedial inspections to determine exactly what was needed including measuring for ADA requirements.

Supervisor Thomas asked about the name of the facility operated by the owner in Richmond and Mr. Bennett stated that it was Brownstone Assisted Living.

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>Nay</i>

The motion carried 5-1.

6. **RZ-06-2021 - BURKE DEVELOPMENT, LLC; OWNER / CC SOLAR, LLC APPLICANT:** *Request a Rezoning in accordance with Article XVII, Section 12 and Article XV, Section 23.4 (Amendments) to modify the boundary of the Solar Energy Overlay District (SEOD) as set forth in Article XV, Section 23 of the Caroline County Zoning Ordinance The purpose of this rezoning is to add TM 40-A-22 and 40-A-22A to the SEOD. The subject parcels, consisting of 20 acres, more or less are zoned Rural Preservation with density of one dwelling unit per 10 acres of land. This property is located on the north side of Sunshine School Road, across from Hobbie Street, Port Royal Voting District. The 2030 Comprehensive Plan designates this area as Agricultural Preservation.*

Supervisor Long moved and Supervisor Thomas seconded to defer RZ-06-2021 – Burke Development, LLC, Owner / CC Solar, Applicant at the request of the applicant.

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>

7. **SPEX-04-2021 – BURKE DEVELOPMENT, LLC; BURKE HOLDINGS, LP; CONCORD NORTH, LLC; CONCORD SOUTH, LLC; AA WRIGHT PROPERTIES, LLC, GARDNER, DONALD; MILFORD EXCELSIOR, LLC; MAGGIE NELSON THORNTON ESTATE; CC SOLAR, LLC, OWNERS / CC SOLAR, LLC APPLICANT:** *Request a Special Exception Permit in accordance with Article XVII, Section 13 (Standards for Special Use Permits) and Article XV, Section 23, Solar Energy Overlay District, of the Caroline County Zoning Ordinance on tax map #28-A-6; 28-A-7; 28-A-8; 28-A-11; 28-A-14; 28-A-39; 40-A-19A; 40-*

A-21; 40-A-22; 40-A-22A; 40-A-23; 40-A-26; 40-A-74; 40-A-75; 40-A-76; 40-A-79; 40-A-85; 40-A-86; 40-A-87; 40-A-88; 40-A-89; 40-3-1; 40-3-1A; 40-3-2; 40-3-3; 40-3-4; 40-3-4A; 41-A-1; 41-A-2; 41-A-3; 41-A-4; 41-A-5; 41-A-6; 41-A-7; 41-A-8; consisting 1,682 acres, more or less. This property is primarily located south of Route 605 (Paige Road), west of its intersection with Sunshine School Road (Route 626), Port Royal Voting District. The 2030 Comprehensive Plan designates this property as Agricultural Preservation. Proposed Use: Major Solar Energy Project (150 Mw).

Director of Planning & Community Development Michael Finchum stated the applicant was requesting special exception approval for a major solar energy facility as set forth in the Zoning Ordinance. He explained that the project was situated on multiple parcels totaling 1.682 acres, with approximately 655 acres utilized for solar panels and equipment and located on Paige Road west of the intersection with Sunshine School Road. He noted that the application submittal documents as well as written comments from citizens were included in the Board's packet.

He reviewed the Staff Report included in the Board's packet and stated that the County's Comprehensive Plan identified this area as Rural Preservation and the proposed project was located within the boundaries of the Solar Energy Overlay District, with the exception of two parcels. He said that a rezoning for those two parcels had been requested under RZ-06-2021. He said with the exception of those two parcels, the proposed project was consistent with the adopted Comprehensive Plan. He explained that if RZ-06-2021 was approved, those two parcels would be included in the Solar Energy Overlay District. However, if RZ-06-2021 was denied, those two parcels would not qualify for consideration as part of the project.

He further stated that the Planning Commission deferred action on the proposed project several times to conduct a site visit and to allow staff time to complete suggested suggestion. He said the Planning Commission forwarded this request to the Board of Supervisors with no recommendation as a result of tie vote.

Mr. Finchum reviewed the standards for Special Exception permits, general district standards for a major solar energy project and zoning conditions as well as the conditions suggested by staff and noted that they were all included in the Board's packet.

Rob Propes, stated that he was with solar developer Urban Grid and representing the applicant, stated that they had provided two permit changes for the conditions associated with the proposed request. He reviewed the changes to condition #14 related to stormwater measures being made functional prior to scheduling a final inspection by the County's Building Official and condition #24 related to videotaping of the roads to assess damage.

He then reviewed information prepared by the Timmons Group for Urban Grid and provided a PowerPoint presentation. He showed the area for the proposed project with dense vegetation and short areas of road. He stated that Urban Grid was a leading developer of utility-scale solar power plants in the Mid-Atlantic United States. He explained that Urban Grid delivered solar energy projects that were a vital source of clean, renewable energy and explained the company's history and experience since 2011. He noted that they had over 497 megawatts of solar projects operating

in Virginia, Maryland, Delaware, New Mexico and New York, with more than 10,000 megawatts of solar projects under development in the nine states in the U.S.

Mr. Propes stated that Urban Grid believed that solar brought many benefits to the community and talked about the various community meetings and outreach efforts made by the company to provide a transparent environment to the citizens. He explained the proposed project would be on 1,637 acres with 665 acres covered by solar panels and approximately 700 acres would be preserved as wetlands and vegetative buffer areas. He noted that various areas would be fenced in, but not the entire area and pointed out the measures in place for wildlife. He said they would like to begin construction in early 2023 with completion in early 2024. He said that they believed the highlight of the project was the remote location and the extensive mature vegetation surrounding the projected area.

Chairman Underwood declared the public hearing open for SPEX-04-2021 Burke Development, LLC; Burke Holdings, LP; Concord North, LLC; Concord South, LLC; AA Wright Properties, LLC, Gardner, Donald; Milford Excelsior, LLC; Maggie Nelson Thornton Estate; CC Solar, LLC, Owners / CC Solar, LLC Applicant.

David Ogle, of the Port Royal District, stated that he had no objection to solar energy, but did have objections to being surrounded by solar panels and explained that the proposed panels would be at his back property line. He noted that Mr. Burke owned a lot of property, but was not trying to put solar near his home. He expressed concerns about the construction and maintenance of the panels as well as possible impacts to existing wells.

Kenneth Spear, of the Port Royal District, stated that was an adjacent property owner to the proposed project and loved the area. He said he would love to see the area stay the same, but knew that was not realistic and would prefer to have a quiet solar site as opposed to other projects. He said that the County had adopted a good ordinance to protect the existing landowners and talked about the possible tax revenue that could be generated from solar projects and help keep the taxes lower for citizens. He then asked for approval of the project.

Bob Schwartz, of the Bowling Green District and member of the Planning Commission, reminded Board members of his previous comments related to solar and that the Planning Commission had a 2-2 vote because two members of the Commission were not present for the vote. He said he believed there could have been a discerning vote.

Roxanna Gray, of Spotsylvania, talked about the importance of decommissioning in the solar process and expressed concerns that the LLC (limited liability corporation) could just walk away when the project was done and leave the County to clean up what was left. She also expressed concerns about hazards related to solar panels.

Kirk Hardclow, of the Port Royal District, stated that he was the owner of a 130-acre farm on Cedon Road and the only civilian airstrip in Caroline which was used by the Boy Scouts, the Girl Scouts, the Air force and crop dusters. He expressed concerns about the proposed project have an adverse impact on the character of the land and interfering with the airstrip. He said that he moved

to the County in 2013 for the rural and agricultural area and would like to see that preserved for children in the future.

Ray Campbell, of the Bowling Green District, talked about the procedures in place for solar projects (ordinances) and believed the Board should follow the procedures and approve the proposed project. He noted that it would provide people with a source of power when there was no electricity. He added that he was part of the project, Excelsior, LLC.

John McGruder, of Essex County, stated that he managed timber for many of the residents involved with the proposed project and also served on the Essex County Board of Supervisors. He said he believed in people's property rights and spoke in support of the proposed solar project. He noted that the proposed project had vegetative buffers to protect the citizens as well as areas for wildlife. He then commended Caroline for the measures set in place with the solar text amendments.

Mary Hodge, of the Port Royal District, stated that they had a petition from people in the area with almost 50 signatures opposing this project. She expressed concerns about the environment, water runoff and the impact on neighboring properties. She said it had been reported that roads had been damaged in other localities during construction for solar projects and was concerned that would happen because of this project as well. She noted the lack of a recommendation from the Planning Commission on this request and asked if this was the legacy that Board members wanted to leave for everyone's children.

Jill Burns, of the Port Royal District, stated that she was an adjacent property owner to the proposed project and did not want solar next to her land. She expressed concerns about the negative impact to the wildlife and the lack of communication with the neighbors. She spoke in support of keeping the rural area.

John Burke, of the Port Royal District, stated that he was associated with the family involved in the proposed project and his house was located next to the proposed project area. He talked about the importance of solar energy for the future. He noted that he and his wife had been in the area for 34 years and were vested in the community with their children. He spoke in support of solar project and said that they had been approached by other solar companies, but wanted to point out that Urban Grid had done their due diligence and were selected because of their experience and commitment to being a good neighbor and support for wildlife.

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

Mr. Propes stated that he appreciated everyone's support and concerns and realized that new technology brought a lot of questions. He said with regard to the water concerns, they did not intend to draw any water from the site and explained that water would be brought in for any needs during constructions, such as dust control. He noted that they would purchasing the land, not leasing it and the panels were not hazardous waste and could be recycled or disposed of in nearby landfill. He then reminded everyone that there would be approximately 700 acres that would be preserved as wetlands, and vegetative areas. He added that there were concerns mentioned about high temperatures and explained that that technology was associated more with concentrated solar, which was a different type of technology and not used with the proposed project.

Cutter Sydnor, of Urban Grid, explained the erosion and sediment measures in place, including perimeter ditches to catch the runoff. He said that all of the water would be captured and circulated through a process prior to being released. He noted that the topsoil would not be stockpiled for long decades, but only as needed during construction and spread out as necessary. He then talked about the deep rooted ground cover and noted all measures were a result of being compliant with the County’s ordinance as well as State regulations. He pointed out that those efforts would protect the project as well as the neighbors downstream. He said that had worked with several operational and successful solar projects. He commended the County on its efforts for having such a strong ordinance in place and noted that the vegetative buffers around the proposed project would almost shield the entire project from public view. He added that they were committed to protecting the health and safety of the citizens.

After discussion, *Supervisor Long moved and Supervisor Sili seconded to defer action on SPEX-04-2021 – Burke Development, LLC; Burke Holdings, LP; Concord North, LLC; Concord South, LLC; AA Wright Properties, LLC, Gardner, Donald; Milford Excelsior, LLC; Maggie Nelson Thornton Estate; CC Solar, LLC, Owners / CC Solar, LLC Applicant to the May 10, 2022 meeting in order to provide time to review possible DEQ and EPA water quality discrepancies and any relevant General Assembly action on solar projects.*

<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>

The Board took a recess at approximately 9:32 p.m. and reconvened the meeting at approximately 9:45 p.m.

- RZ-07-2021 – D.R. HORTON OWNER / APPLICANT:** *Request an amendment to existing zoning proffers for Maple Grove Subdivision, zoned Planned Residential Development (with a density of no more than 10 dwelling units per acre), consisting of 20 acres +/- on tax map #52E2-1, Blocks A through P, Lot 1 through 84. This property is located at 7092 Durette Road, 0.37 miles west of Jefferson Davis Highway, abutting the YMCA, Ruther Glen, Virginia, Madison Voting District. The purpose of this amendment is to modify proffers accepted with RZ-04-2018 as they relate to age restricted communities to be consistent with Federal and State regulations. The 2030 Comprehensive Plan designates this area as being located within the Ladysmith Community Plan as Planned Mixed Use Development.*

Director of Planning & Community Development Michael Finchum stated that the applicant was requesting approval for a proffer amendment to the Maple Grove Subdivision proffers. He explained that the current proffer stated that all dwellings were intended to be occupied by persons 55 and older consistent with fair housing law, and that no one under the age of 19 may reside in

the dwellings. He explained that the original form of this statement was somewhat vague, though the intent of the statement was to comply with State law. He said that the applicant is requesting the proffer amendment to clarify the age restriction language in the State Code.

He reviewed the Staff Report included in the Board's packet and explained that State law required that 80% of the housing be reserved for persons 55 and over, that the subdivision had policies and procedures published that demonstrated the subdivision was for persons 55 and over and must comply with HUD's regulatory requirements for age verification. He said that the requested modification would also allow persons under the age of 19 to reside in a dwelling for up to 90 days to allow for grandchildren stays. He said that the ninety day time limit would ensure that there were no school impacts and that the intent of the development remained as a 55 plus community.

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

Chairman Underwood declared the public hearing open for RZ-07-2021 – D.R. Horton, Owner/Applicant. There being no comments, he then declared the public hearing closed.

Supervisor Sili stated that when the original request was approved, it was intended to be a 55 and over community and the Board was assured that the language was fine at the time and expressed concerns as to why this was necessary now.

Mr. Finchum explained the proffer process and stated that proffers could be more stringent than required by the law. He said that everyone understood that the County could accept proffers, as voluntary conditions, that said everyone in the subdivision had to be 55 years old or older and it was not the intent for anyone under 19 years of age, or school age, to live here permanently. He said the changes were being done in order to comply with Fair Housing requirements.

Board members expressed concerns about enforcement of the 55 and over requirement as well as the changing proffers.

In response to questions from Board members, County Attorney Chris MacKenzie stated that he could consult with Ben Emerson, as the County Attorney present at the original rezoning, if that was the Board's desire. He said that the County was not violating any Fair Housing laws by accepting the volunteer proffer and believed it was the applicant's intent to track this more closely in conjunction with the Fair Housing Law.

Supervisor Sili expressed concerns about this being the second change in the proffers. Mr. Finchum explained that the first change was in the configuration from a townhouse type of setting to a duplex setting.

Supervisor Long asked about the original proffer related to the age restriction. Mr. Finchum explained that the original proffer stated everyone in the development had to be 55 plus. He said that he proposed change would clarify the age restriction to state that 80% of the development would be 55 plus to comply with HUD's regulatory requirement. He said the proposed change

would allow anyone under the age of 19 to visit their grandparents, for example, for up to ninety days.

Vice-Chair Black moved and Supervisor Thomas seconded to approve the proposed amendment to the proffers for RZ-07-2021 – D.R. Horton, Owner/Applicant as presented.

Supervisor Long suggested language to include the recognition for 55 and older housing.

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

The motion failed 4-2.

Supervisor Forehand moved and Vice-Chair Black seconded to defer action on RZ-07-2021 – D.R. Horton, Owner/Applicant until February.

<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

9. SPEX-06-2021 – GARRISON, MELVIN & KATRINA, OWNER/WHALEBONE SOLAR, LLC, APPLICANT

Supervisor Long moved and Supervisor Sili seconded to defer action on SPEX-05-2021 – Berberich, John, Owner/Racehorse Solar, LLC, Applicant to the May 10, 2022 meeting in order to provide time to review possible DEQ and EPA water quality discrepancies and any relevant General Assembly action on solar projects.

<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. REVIEW OF COMMENTS CONTAINED IN MANAGEMENT LETTER FOR FISCAL YEAR 2020/2021 AUDIT

Finance Director Tomeka Smith provided an update on the status of comments contained in the management letter provided by Robinson, Farmer, Cox Associates as part of the FY 2021 County audit. She reported that comments and discussion with appropriate members of staff had taken place on proposed areas of improvement and they were moving forward with recommended processes.

NEW BUSINESS

11. REQUEST FOR COUNTY SUPPORT FOR GEORGE WASHINGTON REGIONAL COMMISSION HOUSING GRANT APPLICATION – CAROLINE COUNTY HABITAT FOR HUMANITY

Deputy County Administrator Alan Partin stated that Caroline County Habitat for Humanity was requesting support for a grant application to the George Washington Regional Commission (GWRC) to build and deliver affordable homes in Caroline County. He explained that GWRC was seeking submissions from for-profit developers and housing providers or government agencies for projects that would increase the new unit inventory of affordable housing in Planning District 16.

He stated that successful applicants would be awarded funding from a \$2 million grant being considered for the GWRC from Virginia Housing (formerly the Virginia Housing Development Authority) as part of a \$40 million grant program to Virginia's Planning District Commissions. He explained that Caroline County Habitat for Humanity planned to present a proposal to GWRC to build and deliver 20 affordable homes over the next three years.

Caroline County Habitat for Humanity President & CEO Jason Tickle stated that the deadline for the grant submission was Friday and an important part of the grant process was to show the community buy-in and requested that the County donate property that would be sold for unpaid real estate taxes to non-profit housing developers. He also requested that the County consider committing to cover any applicable water and sewer availability and connection fees for up to 20 new homes. He noted that the Town of Bowling Green indicated the potential for providing water and sewer services for up to 15 of the houses.

In response to questions from Board members, Mr. Tickle stated that they had built ten (10) homes in a little over two years. He said that that the proposed grant had a timeline of three years to build the proposed number of homes with the possibility of a one-year extension if requested, but he did not believe it would be necessary. He noted that not as many people had applied since COVID.

In response to questions from Board members, County Attorney Chris MacKenzie stated that he looked at the statutes related to donating foreclosed properties and this did not qualify.

Board members talked about the possibility of reimbursing the costs for the water & sewer and connection fees.

Supervisor Thomas stated that he had attended the last five house dedications and noticed the loss of one of the Habitat employees. Mr. Tickle said that it was a very difficult decision to let the employee go, but explained that it was the result of a funding loss.

After discussion, *Supervisor Thomas moved and Vice-Chair Black seconded to approve \$20,000 for Caroline County Habitat for Humanity to help with the reimbursement of water and sewer connection fees and to provide up to \$20,000 to help with staffing with funds being taken from the ARPA funds.*

<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>

12. DISCUSSION OF ALLOCATION OF FISCAL YEAR 2020/2021 END OF YEAR SCHOOL FUNDS

Chairman Underwood stated that the Caroline County Public Schools ended Fiscal Year 2020/2021 with a remaining balance of \$697,739 and he believed all leftover funds should remain in the General Fund.

Supervisor Sili moved and Supervisor Long seconded to move the remaining balance of \$697,739 from the Caroline County Public Schools FY 2021 budget back to the General Fund.

Supervisor Forehand stated that if the schools brought projects forward and the Board of Supervisors decided to fund them, those funds could be moved back.

<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>

13. DISCUSSION OF ALTERNATIVES FOR CAROLINE COUNTY SOCIAL SERVICES BOARD (ADMINISTRATIVE BOARD OR ADVISORY BOARD)

Chairman Underwood stated that this item had been placed on the agenda at his request. He said that County Administrator Charles M. Culley, Jr. had experienced the transition from an Administrative Board for Social Services to an Advisory Board during his time in Middlesex and information related to that transition had been included in the packet as requested.

In response to questions from Board members, Mr. Culley stated that there were currently 35 employees in the Social Services Department and, if the Board decided to move forward and make the Social Services Board an advisory board, the Director would report to him as a County department head and he would be responsible for those employees as well. He said any type of grievance would be made to him as the County Administrator.

Supervisor Long spoke in support of converting to the advisory board and noted the Social Services Board only met once every other month.

Supervisor Black noted the additional responsibility to Mr. Culley with an advisory board.

Supervisor Thomas stated that he did not have any issue with the current set-up and Supervisor Forehand noted that he was comfortable either way.

After discussion, it was the consensus of the Board to defer this item to the March 8th meeting.

14. AUTHORIZATION TO ISSUE REQUEST FOR PROPOSALS (RFP) FOR EMPLOYEE COMPENSATION STUDY

County Administrator Charles M. Culley, Jr. requested authorization to issue an RFP for a comprehensive employee compensation study and noted that the results of the last comprehensive study were implemented in September 2017. He said that other localities had increased employee pay significantly since that time and the County was having difficulty recruiting and retaining several positions in today's highly competitive labor market.

In response to questions from Board members, Deputy County Administrator Alan Partin stated that the last study cost the County approximately \$30,000, but pointed out that the study recently conducted by New Kent was \$70,000. Chairman Underwood suggested doing the study inhouse.

After discussion, *Supervisor Long moved and Vice-Chair Black seconded to authorize staff to issue a Request for Proposals (RFP) for a comprehensive employee compensation study and to include a possible clause to include the schools.*

<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>

15. INFORMATIONAL/CALENDAR ITEMS

County Administrator Charles M. Culley reviewed upcoming meetings.

CLOSING BOARD COMMENTS

There were no closing Board comments.

ADJOURNMENT

Supervisor Sili moved and Supervisor Forehand seconded to adjourn the 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>

CLERK TO THE BOARD

CHAIRMAN