

At a regular meeting of the Caroline County Board of Supervisors held on Tuesday, March 8, 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
Christopher M. MacKenzie – County Attorney

CALL TO ORDER

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

INVOCATION

Supervisor Long led the invocation.

PLEDGE OF ALLEGIANCE

Chairman Underwood led the Pledge of Allegiance.

OPENING BOARD COMMENTS

Chairman Underwood recognized Vice-Chair Black for being named Teacher of the Year for Spotsylvania High School.

Supervisor Thomas talked about the recent groundbreaking for the Route 639/Ladysmith Road Improvement Project and said he was looking forward to completion of the project and the many benefits that would be received for the County and the citizens. He then informed everyone that the bridge on Cool Water Drive had to be closed because of deficiencies.

AMENDMENTS TO THE AGENDA

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

- *Removal of Recreation Advisory Committee Appointment*
- *Addition of Chairman’s Presentation*
- *Addition of Item #10A – Discussion of Recreation Facilities*
- *Addition of Item #14A – Consideration of Split Precinct Waiver*

<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

- **Presentation by Caroline’s Promise to Mark 20th Year Anniversary**

Representatives of Caroline’s Promise, including Jessie Rollins and Shermeka Baker-Latney provided an update on the organization’s 20th anniversary noting the importance of the program in the lives of so many young people of the community and thanked current and previous Board members for their continued support of such a worthwhile organization. Several students also spoke in support of the organization and talked about the various projects they were able to participate in and the confidence instilled in them because of programs and activities sponsored by Caroline’s Promise.

Supervisor Thomas shared a PowerPoint presentation of the ten year anniversary program for Caroline’s Promise when Alma Powell, now widow of military and political figure Colin Powell, was in attendance.

- **Recognition of Caroline High School Student Addison Muhlenkamp for Qualifying for Virginia High School League State Competition in the 100 Meter Backstroke**

Addison Muhlenkamp was recognized by the Board of Supervisors for her accomplishments in qualifying for the Virginia High School League (VHSL) State Competition in the 100 Meter Backstroke.

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

R8/22

***A RESOLUTION CONGRATULATING ADDISON MUHLENKAMP
FOR HER ACCOMPLISHMENTS AS A SWIMMER AT
CAROLINE HIGH SCHOOL***

WHEREAS, Addison Muhlenkamp, a freshman at Caroline High School who is the daughter of Nicholas and Jennifer Muhlenkamp of Ladysmith, is a member of the Caroline High School swim team; and

WHEREAS, she also swims for the Caroline Family YMCA Orcas summer swim team and practices at the Ron Rosner YMCA with the RAYS; and

WHEREAS, Addison recently qualified for the Virginia High School League state competition in the 100 meter backstroke and is believed to be the first CHS student to ever qualify at the state level, and

WHEREAS, in addition to her work ethic and dedication toward athletic success, Addison exhibits good manners, always presents herself in a kind and respectful manner and is the biggest cheerleader for her teammates; and

WHEREAS, Addison's accomplishments are very impressive and have brought credit and positive recognition to Caroline County.

NOW, THEREFORE BE IT RESOLVED that the Caroline County Board of Supervisors hereby congratulates and commends Addison Muhlenkamp for a job well done and extends its best wishes for continued success in the future.

Adopted this 8th day of March 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>

➤ *VDOT Report*

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

➤ **Presentation from Chairman Underwood**

Chairman Underwood stated that Board of Supervisors previously agreed to redo the softball field at Caroline High School and commended Building Official Kevin Wightman, Fire-Rescue Chief Jason Loftus, Captain Scott Moser of the Sheriff’s Office and Lt. Travis Nutter also of the Sheriff’s Office for all their efforts associated with the projects and for “going the extra mile” for the citizens of the County. They were each presented with Certificates of Appreciation for their efforts associated with the project.

2. APPOINTMENTS

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

This item was removed from the agenda.

➤ **Children’s Services Act Community Policy & Management Team (Health Department Representative)**

Supervisor Long moved and Supervisor Thomas seconded to appoint Debra Sulser as the Health Department representative to the Community Policy and Management Team.

<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>

3. CONSENT AGENDA

Supervisor Thomas requested that *Item H, “Approval of Rankings of Responses to Request for Proposals for Auditing Services”*, from the Consent Agenda for additional information.

Supervisor Thomas 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 September 28, 2021 Board of Supervisors meeting.

B) Approval of Warrants

Action Taken: Approval of the following warrants:

<i>General Fund</i>	<i>\$683,865</i>
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<i>Social Services Fund</i>	434
<i>Law Library Fund</i>	479
<i>Tourism Fund</i>	775
<i>Fire/Rescue Grants Fund</i>	3,605
<i>Sheriff Special Revenue Fund</i>	7,863
<i>CARES Fund</i>	8,829
<i>Capital Improvements Fund</i>	56,848
<i>Debt Retirement Fund</i>	1,442,555
<i>Carmel Church Utilities Fund</i>	72,752
<i>Capital Projects – Utilities Fund</i>	59,750
<i>Dawn Wastewater Fund</i>	<u>87,916</u>
 TOTAL	 \$2,425,670

C) Approval of Planning Commission Schedule

Action Taken: *Authorization for staff to advertise SPEX-15-2021 – Gramm Properties, LLC, Owner/Everett, Randall, Applicant for public hearing at the April 12, 2022 meeting.*

D) Request for Congratulatory Letter for Jabberwock Souvenir Journal – Delta Sigma Theta Sorority Fredericksburg Area Alumnae Chapter

Action Taken: *Authorization for staff to submit a congratulatory letter to the Fredericksburg Area Alumnae Chapter of Delta Sigma Theta Sorority to be included in a souvenir journal commemorating the 2022 Little Miss and Miss Jabberwock Pageant.*

E) Authorization to Submit Rescue Squad Assistance Fund Grant Application for Purchase of New Ambulance

Action Taken: *Staff was authorized to apply for a Virginia Office of EMS Rescue Squad Assistance Fund Grant in the amount of \$253,600 for the purchase of a new ambulance with a local match commitment of \$126,800.*

F) Approval of Purchase over \$50,000 – Re-Chassis for Ambulance 15

Action Taken: *Approval to proceed with the re-chassis of Ambulance 15 at a cost of \$70,608.23 to extend the lifespan of the ambulance for another nine years. Insurance will cover \$31,133.65 from the accident and the remaining \$39,474.38 will be taken from “4 for Life” funds received from the Commonwealth of Virginia and the Fire-Rescue Capital Reserve.*

G) Approval of Request to Construct a Pole Barn Behind the Fire-Rescue Logistics Building

Action Taken: *Staff was authorized to construct a pole barn for the Department of Fire & Rescue on West Broadus Avenue behind the existing logistics building to provide exterior storage to protect equipment from exposure to the sun and rain at an estimated cost of \$37,000 for the cost of materials. Labor will be provided inhouse. Funds for this purchase will be taken from the County's Dominion Power Radiological Emergency Preparedness outlay.*

H) Approval of Rankings of Responses to Request for Proposals for Auditing Services

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

I) Request by Applicant to Defer SPEX-09-2021 & SPEX-10-2021 – Mitchell, Barbara; Dove, Jeffrey; Engel Farms, Inc.; Schermerhorn, Natalie, Owners; Frog Solar Center, LLC Applicant to May 24, 2022 Board of Supervisors Meeting

Action Taken: *The Board accepted a request from the applicant to defer SPEX-09-2021 and SPEX-10-2021 from this meeting until the May 24, 2022 meeting. Additional advertising costs will be reimbursed to the County by 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>

CLOSED MEETING

Vice-Chair Black moved and Supervisor Sili seconded to convene in Closed Meeting pursuant to:

- *the prospective business and investment of public funds exemptions of Sections 2.2-3711, A.5 and A.6 of the Code of Virginia, to discuss a prospective business and economic development project in the County requiring the investment of public funds, about which no previous public announcement has been made; and*
- *the contract negotiation exemption of Section 2.2-3711, A.29 of the Code of Virginia, to discuss the terms or scope of the contract negotiations relating to the project, where discussion in open session would adversely affect the bargaining position or negotiation strategy of 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>

Thomas Yea
Underwood Yea

Vice-Chair Black moved and Supervisor Thomas 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 Thomas seconded that the 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 Certify
Forehand Certify
Long Certify
Sili Certify
Thomas Certify
Underwood Certify

3H) Approval of Rankings of Responses to Request for Proposals for Auditing Services (Continued)

Supervisor Thomas stated that staff had answered his questions.

Supervisor Thomas moved and Supervisor Sili seconded to approve the rankings of the firms that submitted responses to the County’s RFP for auditing services as provided by staff and authorized staff to negotiate a contract with the top-ranked firm Brown Edwards.

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

PUBLIC COMMENTS

John Hudson, of the Reedy Church District, stated that Goochland County had recently denied an events permit for a festival noting concerns for public safety and noise. He talked about the After Hours concerts held last summer at Meadow Event Park and said it was very unpleasant for most people in the area. He spoke about the proximity of his house to the stage and said the noise was bad enough during the ten days of the State Fair, but the concerts were even closer to his house.

Ann Middlebrook, of the Reedy Church District, stated that she lived next to Meadow Event Park and had paid taxes in the County for twenty years. She said they decided to move to this area because it was very rural and serene, until the concert series arrived and had caused her much anxiety with additional traffic, trash, noise, vibrating windows and there was no escape from those issues during the concerts. She asked that the citizens' comments be heard and reflected in the minutes.

Kathleen Hudson, of the Reedy Church District, stated that she lived very closed to Meadow Event Park and expressed her displeasure of the continued push for fireworks because of potential dangers of fires and not having a plentiful and available water source if needed. She asked that any request for fireworks at Meadow Event Park be denied.

Gaby Farnsworth, of the Reedy Church District, expressed concerns about the number of approved events for the After Hours Concert Series as well as concerns about the noise being imposed on the residents. She asked that the Board consider the impacts on the citizens and not just the revenue being brought in by the events. She expressed concerns about the potential for fireworks at the events and requested more transparency and accountability for the neighbors. She also asked about a noise and traffic study for the events/area.

Karen Stole, of the Reedy Church District, stated that Caroline County did not have a lot of restaurants, shopping or even good broadband, but the rural character of the area outweighed all of those. She said the peace of quiet and "country living" in the area had been seriously jeopardized by the concert series and asked that it be corrected.

Karen Lambert, of the Reedy Church District, stated that she agreed with everyone's concerns about the concerts at Meadow Event Park. She also expressed concerns about the dangers of alcohol use during the events and possible drug use and weapons. She pointed out that people under 18 years old needed a parent or guardian to attend the event, but expressed concerns about the enforcement of this. She also pointed out that the back to back concerts were unbearable on the neighbors.

There being no further comments, Chairman Underwood declared the Public Comments closed and stated that the festival permit for the After Hours Concert Series was scheduled to be discussed by the Board later in the meeting.

PUBLIC HEARINGS

4. PROPOSED AMENDMENT TO CHAPTER 92 OF THE CODE OF CAROLINE COUNTY (SEWERS) – CHANGES TO CHESAPEAKE BAY SEPTIC PUMP OUT PROGRAM

Director of Planning & Community Development Michael Finchum stated that the Board of Supervisors conducted a first reading of the proposed amendment to Chapter 92 of the County Code related to septic pump-out language at the February 8, 2022 meeting and authorized the public hearing. He explained that the proposed amendment would allow the County to continue implementing the Chesapeake Bay Program and ensure compliance with the ongoing Department of Environmental Quality (DEQ) review.

He stated that although provisions to require septic pump-out were referenced in the County's Chesapeake Bay Preservation regulations in Article XV-Section 17 of the Zoning Ordinance, no reference was included in Chapter 92 of the County Code as required by DEQ.

In reference to questions from Supervisor Sili, Mr. Finchum stated that the septic pump-out was mandatory for property owners identified within the Chesapeake Bay Preservation Area, Resource Protection Area and Resource Management Areas and notices were sent out on a regular basis. He noted that DEQ was requiring that the County take more active enforcement actions with violation notices against properties that failed to provide evidence of septic system pump-out as required by state and local regulations.

Chairman Underwood declared the public hearing open for TXT-01-2022.

John Hudson, of the Reedy Church District, asked if the septic pump-out requirement applied to two-pump tanks or gravity tanks.

Mr. Finchum stated that it could apply to one or the other types of tanks, but would not apply to alternative septic systems.

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

Supervisor Long moved and Supervisor Forehand seconded to adopt TXT-01-2022, "An Ordinance to Amend the Code of Caroline County, Chapter 92, Sewers, by Amending Section 2-16, Pumping and Disposal of Sludge, to Add Paragraph D", as presented.

In response to questions from Vice-Chair Black, Mr. Finchum stated that the pump-out regulations would only apply to some of the lots in the Western Caroline District and explained that letters would be sent to those impacted. He noted that the regulation required that the septic system be pumped out or inspected and functioning well every five years.

<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. AN ORDINANCE TO PARTIALLY EXEMPT REAL ESTATE TAXATION FOR THE PROPOSED DEVELOPMENT OF PROPERTY KNOWN AS COOL WATER DEVELOPMENT, LLC (BELMONT GREEN) BY LOCAL CLASSIFICATION OR DESIGNATION FROM FULL ASSESSMENT OF TAXES

Director of Planning & Community Development Michael Finchum stated that the Board of Supervisors previously approved a rezoning request for Belmont West at its January 14, 2020 meeting, but the applicant opted not to pursue the application to the Virginia Housing and Development Authority (VHDA) at that time. He explained that Chris Waller was now preparing an application with the VHDA for the 2022 Tax Credit Housing Program. He said that Mr. Waller was now requesting the Board’s consideration of an ordinance to abate taxes in the amount of \$2,000 for three years upon completion of the project and the adoption of a resolution designating the property as a Revitalization Area and approving the tax abatement as required by VHDA. He explained that this designation would be a statement by the County for the desire to develop and revitalize a given area, but resulting in no financial or other obligation by the County.

Supervisor Sili expressed concerns about the designation of a revitalization area when the property was an undeveloped field with stumps and trees. Mr. Finchum stated that the form was part of the process required by the VHDA.

Chairman Underwood declared the public hearing open.

Christian Waller, managing representative of the Cool Water Development, LLC (Belmont Green), stated that Mr. Finchum had explained the request and the revitalization designation was an important part of the VHDA process. He noted that there would be no financial obligation on the County’s part, but it would mean a great deal to the workforce housing in the County. He said that they previously requested \$30,000, but had capped it at \$2,000 for the first three years after the project was built, with a maximum of \$6,000. He added that the projected increase in taxes at the completion of the project would be approximately \$200,000.

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

In response to questions from Supervisor Sili, Mr. Waller stated that the homes would be a combination of one, two and three bedrooms. He explained that the first phase would be for 132 units with a total of 264.

Supervisor Thomas moved and Supervisor Long seconded to adopt “An Ordinance to Partially Exempt Real Estate Taxation for the Proposed Development of Property Known as Cool Water Development, LLC Henceforth Known as Belmont Green, Located in Caroline County, Virginia by Local Classification or Designation from Full Assessment of Taxes” 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>

Underwood Yea

Supervisor Thomas moved and Supervisor Long seconded to adopt the following resolution as presented:

R7/22

A RESOLUTION TO DESIGNATE PROPERTY (BELMONT WEST, CAROLINE COUNTY TAX PARCEL #82-A-131) AS A REVITALIZATION AREA AND APPROVAL OF A TEMPORARY REAL ESTATE TAX ABATEMENT

Pursuant to § 36-55.30:2(A) of the Code of Virginia of 1950, as amended, the Caroline County, Virginia, Board of Supervisors, desires to designate Cool Water Development, LLC, Belmont West, Caroline County Tax Parcel #82-A-131 (Henceforth known as Belmont Green) as shown on Exhibit A attached hereto as a revitalization area;

Belmont Green (Tax Parcel 82-A-131) is located in an area where the industrial, commercial, or other economic development of such area will benefit Caroline County but such area lacks the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare or nonprofit enterprises or undertakings to locate or remain in such area; and private enterprise and investment are not reasonably expected, without assistance, to produce the construction of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in such area and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area.

Resolution adopted by the Board of Supervisors of Caroline County, Virginia, the 8th day of March, 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>

- SPEX-09-2021 – Mitchell, Barbara; Dove, Jeffrey; Engel Farms, Inc.; Schermerhorn, Natalie, Owners; Frog Solar Center, LLC, Applicant: Request a Special Exception Permit in accordance with Article XVII, Section 13 (Standards for Special Use Permits) and Article XV, Section 23.6 (Solar Energy Overlay District, General District Standards). The purpose of this special exception request is to modify standard 23.6.2 of Article XV, Section 23 to allow a major solar energy project to be located within ½ mile of a designated growth area as identified in the Caroline Comprehensive Plan. This project includes tax map #102-A-86; 102-A-87; 102-A-89; 103-A-13; 103-A-14, 103-A-21; 103-A-50; 103-A-51; 103-A-52; 103-A-53; 103-A-55; 103-A-56; 103-A-57; 103-A-58; 103-A-59; 109-A-3; 109-A-49A; consisting of 914 acres, more or less. This property is primarily located south of Route 600 (Frog Level*

Road), west of Route 601 (Edgar Road) and north of Route 694 (Courtney Road), Reedy Church Voting District. The 2030 Comprehensive Plan designates this property as being within the Dawn Land Use Plan as Rural Preservation and Village Conservation.

SPEX-10-2021 – Mitchell, Barbara; Dove, Jeffrey; Engel Farms, Inc.; Schermerhorn, Natalie, Owners; Frog Solar Center, 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 #102-A-86; 102-A-87; 102-A-89; 103-A-13; 103-A-14, 103-A-21; 103-A-50; 103-A-51; 103-A-52; 103-A-53; 103-A-55; 103-A-56; 103-A-57; 103-A-58; 103-A-59; 109-A-3; 109-A-49A; consisting 914 acres, more or less. This property is primarily located south of Route 600 (Frog Level Road), west of Route 601 (Edgar Road) and north of Route 694 (Courtney Road), Reedy Church Voting District. The 2030 Comprehensive Plan designates this property as being within the Dawn Land Use Plan as Rural Preservation and Village Conservation. Proposed Use: Major Solar Energy Project (71 MW).

Under the Consent Agenda, the Board accepted a request from the applicant to defer SPEX-09-2021 and SPEX-10-2021 from this meeting until the May 24, 2022 meeting. Additional advertising costs will be reimbursed to the County by the applicant.

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

At the request of Supervisor Long, it was the consensus of the Board to invite someone from the State Department of Social Services to a future meeting to discuss the roles of an administrative board compared to an advisory board.

8. RZ-07 -2021 – D.R. HORTON OWNER/APPLICANT

Director of Planning & Community Development Michael Finchum stated that the applicant was requesting approval for a proffer amendment to the Maple Grove Subdivision proffers to be consistent with Federal and State regulations related to age restricted communities. He reminded everyone 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 could reside in the dwellings. He said that the original form of this statement appeared to be somewhat vague, though the intent was to comply with State Law.

He further stated 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 people 55 and over and must comply with HUD's regulatory requirements for age verification. He explained that the requested modification also allowed for people under the age of 19 to reside in a dwelling for up to ninety (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 intention of the development remained as a 55 plus community.

He reminded everyone that a public hearing was held at the January 25, 2022 meeting and action

deferred to this meeting to allow Supervisor Forehand an opportunity to explore alternative language for consideration by the Board and the applicant.

Supervisor Long pointed out that the application was originally presented as a 55 and over project and Mr. Finchum said that was correct.

County Attorney Chris MacKenzie clarified that proffers were voluntary and the proffers stated that 80% had to be 55 years old or more to meet the requirement. He explained that the amendment was to change the language be consistent with FHA Fair Housing law and noted that the applicant had to consent.

A representative from DR Horton clarified that the language change was required to be consistent with State and Federal Housing laws. He explained that in order to comply with the federal age restriction housing requirement, at least one resident needed to be 55 years old

Supervisor Sili expressed concerns about the enforcement of the age requirement and the representative from DR Horton ensured everyone that they were required to adhere to the proffer language and the State and Federal regulations for Fair Housing.

Vice-Chair Black moved and Supervisor Thomas seconded to accept the changes to the proffers for RZ-07-2021 – D.R. Horton as presented.

In response to questions from Supervisor Forehand and Supervisor Long, the representative of DR Horton stated that the requested amendment was for stays for people under the age of 19 to be limited to ninety days because the development was not intended for school-age children. He further stated again that at least one occupant needed to be at least 55 years old, in the event that someone under the age of 55 had a younger spouse.

County Attorney Chris Mackenzie clarified that the language as written was done so in accordance with the *Code of Virginia*.

After discussion, Chairman Underwood stated that this item was being deferred to later in the meeting.

9. REQUEST FOR FESTIVAL PERMIT – AFTER HOURS CONCERT SERIES AT MEADOW EVENT PARK

Director of Planning & Community Development Michael Finchum stated that the Board considered the festival permit for the After Hours Concert Series at the February 8th meeting and after discussion approved the schedule for May 2022 only. He said that the request was deferred to this meeting for continued discussion.

He stated that suggested conditions were included in the Board's packet and included changes suggested by Board members. He explained that the changes were made to Condition #7 to include language that prior to each event the applicant needed to contact the appropriate Health Department personnel regarding distribution and obtain proper permits and Condition #14 to include noise and

vibration studies be provided prior to each event as well. He further explained that Condition #18 was added to include language that failure to comply with the conditions may result in the revocation of this permit for future events.

Chairman Underwood stated that the Board had added changes to the conditions in an attempt to make the festival permit acceptable. However, he still had concerns about fireworks being included.

Marlene Pierson-Jolliffe, of Meadow Event Park, stated that they had no plans for fireworks at the events and assured Board members that there had been a great deal of discussion about safety and alcohol at Meadow Event Park with Virginia State Police and VDOT and the Safety Committee as well as meetings with the Health Department related to proper permits and oversight related to the food vendors. She talked about efforts to mitigate the noise concerns and said they had made every good faith effort to address noted concerns and be a good neighbor.

After discussion, ***Supervisor Sili moved and Vice-Chair Black seconded to approve a request for a festival permit for Meadow Event Park and EventMakers-USA, Inc. for the After Hours Concert Series with the conditions recommended by staff and with the addition of condition #19 for 25 (twenty-five) concerts.***

Chairman Underwood expressed traffic concerns.

Supervisor Thomas expressed concerns about the possibility of concerts being held on Tuesday, Wednesday and Thursday (consecutive nights during the week) and infringing on other people's property rights. He suggested scheduling events only one night per week and then the remainder on the weekend. Mr. Finchum stated that issue was discussed at the last meeting and no action was taken.

Matt Creeger, of EventMakers, stated that the schedule was very fluid and there would be times when dates would have to change due to the schedules of the entertainers. He said that they had made adjustments from last year's set-up related to sound and would continue with their best efforts to make improvements.

<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>Nay</i>
	<i>Underwood</i>	<i>Nay</i>

**The motion carried 4-2.*

7. RZ-07 -2021 – D.R. HORTON OWNER/APPLICANT (continued)

County Attorney Chris MacKenzie stated that after discussion, the applicant had expressed a desire to work with staff on issues noted by Board members and come back at a future meeting.

Supervisor Sili moved and Supervisor Forehand seconded to defer action on RZ-07-2021 – D.R. Horton to the April 12, 2022 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>

The Board took a recess at approximately 10:13 p.m. and reconvened the meeting at approximately 10:23 p.m.

NEW BUSINESS

10A. DISCUSSION OF RECREATION FACILITIES

Supervisor Forehand talked about the lack of indoor athletic/recreational facilities in the County. He said the County spent money to improve facilities at the former Ladysmith Elementary School and was now at a loss because it was no longer available for County-sponsored activities and the gymnasium at the Community Services Center was the only suitable facility for events. He said there was a great need for multi-purpose space in the County and he would like to move forward in planning for a facility near the center of the County.

Vice-Chair stated that surrounding localities had very nice recreational facilities and noted that people moving into the County were looking for more recreational opportunities.

In response to questions from Supervisor Long, Supervisor Forehand stated that Ladysmith Village, Lake Caroline and Lake Land’Or all had clubhouses, but they were only available to residents. He said that the YMCA had designated space for events and classes.

Chairman Underwood stated that there was a definite need for additional space and he was looking forward to future discussions.

10. FIRST READING OF AN ORDINANCE TO REPEAL CHAPTER 103 TAXATION, ARTICLE V VEHICLE LICENSE TAX OF THE CODE OF CAROLINE COUNTY

County Administrator Charles M. Culley, Jr. stated that the vehicle license tax had remained in place following the Board’s decision to eliminate the requirement to purchase and display a “County sticker” in 2018. He explained that the license fee was \$30 for automobiles and truck and \$25 for motorcycles and similar two-wheel vehicles.

He stated that the value of used cars had increased dramatically due to the COVID-19 pandemic, supply chain issues, material shortages and increased consumer demand. He said it had been determined by the Commissioner of the Revenue’s Office that personal property assessments for tax year 2022 were up approximately 34% in the County compared to 2021 assessments. He

informed everyone that the total taxable value of personal property in Caroline County on the 2021 personal property book was \$14,519,309.62 and through the beginning of February 2022, the total estimated taxable value was already \$18,500,000. He explained that without a reduction to the rate, citizens would pay significantly more in personal property taxes for calendar year 2022 than they did in 2021 due to the large increase in assessed value.

In response to questions from Supervisor Thomas, Mr. Culley stated that during conversations with Commissioner of the Revenue Mark Bissoon, he reported that if the Board decided to move forward with the elimination of the vehicle license fee, there would be enough funds available in Personal Property to cover the revenue loss.

Supervisor Long moved and Supervisor Thomas seconded to authorize staff to advertise the proposed ordinance to repeal the Vehicle License Tax for public hearing 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>

11. FIRST READING OF AN ORDINANCE TO AMEND ARTICLE VI, TANGIBLE PERSONAL PROPERTY AND MACHINERY AND TOOLS TAXES, §103-43.1, TO REMOVE LANGUAGE PRORATING THE PERSONAL PROPERTY TAX FOR BOATS

Commissioner of the Revenue Mark Bissoon requested that the Board consider amending Article VI, Tangible Personal Property and Machinery and Tools Taxes, §103-43.1 of the County Code to remove language prorating personal property tax for boats and boat motors. He pointed out that the proposed amendment would not affect proration for another personal property category.

He explained that the Virginia Department of Wildlife Resources (VDWR) oversees the registration of boats and it was very difficult for his office to accurately determine when boats were purchased and sold based on registration changes provided, which was often months behind. He explained that this also created confusion to taxpayers who sell boats months before the VDWR registration catches up and an inability to apply proration for boats uniformly and accurately. He pointed out that out of 51 localities in Virginia that prorated personal property tax, only 27 of those localities currently prorated boats.

He further stated that the elimination of proration on boats would result in a projected revenue loss of approximately \$5,600.

Vice-Chair Black moved and Supervisor Long seconded to authorize staff to advertise the proposed ordinance to remove language prorating the personal property tax on boats for public hearing as presented.

<i>Roll Call Vote:</i>	<i>Black</i>	<i>Yea</i>
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<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 POSSIBLE IMPLEMENTATION OF A CIGARETTE TAX IN CAROLINE COUNTY

County Administrator Charles M. Culley, Jr. stated that effective July 1, 2021, all Virginia localities were granted the authority to impose a cigarette tax of up to two cents per cigarette or 40 cents per pack of 20 cigarettes. He said this local tax was in addition to the 60 cents per pack imposed by the Commonwealth of Virginia. He said that prior to the new law going into effect, only cities, towns and two counties (Arlington and Fairfax) were authorized to tax cigarette. He pointed out that the tax only applied to cigarettes and not cigars, chewing tobacco, electronic cigarettes (vaping) or other tobacco products.

He reviewed information included in the Board’s packet related to how surrounding localities had implemented the tax and the options available, should the Board decide to move forward with the tax. He said that several localities had joined cigarette boards and explained the process. He said that staff was investigating the requirements if the County decided to run the program locally as opposed to joining a cigarette board. He explained that if handled locally, it would be run through the Commissioner’s Office and additional personnel may be needed.

He stated that staff had been asked to explore this potential tax and if the Board decided to move forward, additional discussions would have to be held with the Sheriff related to enforcement and the Commissioner on the stamp process as well as a possible grace period to sell existing inventory.

David Watson, Systems Administrator for the Commissioner of the Revenue’s Office, stated that staff reached out to the 30 identified retailers selling cigarettes in the County and received responses back from 15. He said the potential revenue was estimated at \$387,000 and the average cost of cigarettes per pack was \$6.

Supervisor Thomas stated that he believed the revenue may be lower because some people would stop smoking when the price increased.

Supervisor Forehand stated that he was not supportive of an additional tax, but if the Board decided to move forward with the cigarette tax, he would like to see more health and wellness activities and facilities.

Supervisor Long moved and Supervisor Forehand seconded to authorize staff to move forward with the preparation of an ordinance to implement a cigarette tax.

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

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

13. FIRST READING OF A PROPOSED ORDINANCE TO REPEAL AND REPLACE CHAPTER 49 OF THE CODE OF CAROLINE COUNTY (FESTIVALS)

Director of Planning & Community Development Michael Finchum stated that staff had been working on the draft ordinance for over a year to update the regulations to address the variety of events that the County was likely to see, not just music festivals. He said that the proposed amendment had been reviewed by the Sheriff, Commissioner of the Revenue and Fire & Rescue Administration, with the understanding that additional comments may be forthcoming as the Board begins working through the process.

Supervisor Sili asked about the impact on the County Fair. Mr. Finchum stated that staff had tried to ensure that there was not an adverse effect to the County Fair. He said that the proposed ordinance had been included in the Board’s packet for review and would be brought back at a future meeting for discussion.

14. APPROVAL OF TASK CONTRACT TO COMPLETE THREE DIMENSIONAL PARTICLE TRACKING HYDRODYNAMIC MODEL FOR RAPPAHANNOCK RIVER INTAKE PERMIT APPLICATION

Director of Public Works/Utilities Joseph Schiebel stated that staff and the County’s environmental engineering consultant, Hazen and Sawyer, had concluded that it was necessary to conduct a hydrodynamic model study to evaluate potential impacts to aquatic resources as part of the County’s application for a surface water intake permit from the Rappahannock River.

He stated that the Virginia Institute of Marine Science (VIMS) had recently performed similar studies for Prince George County and Chesterfield and staff was now recommending that VIMS complete the study for Caroline rather than Hazen and Sawyer.

Supervisor Sili moved and Supervisor Long seconded to approve the task contract with the Virginia Institute of Marine Science (VIMS) in amount of \$72,708 and authorized the appropriation from the FY 2021/2022 Undesignated General Fund Balance to the FY 2021/22 Utility Fund for this purpose as presented.

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

14A) CONSIDERATION OF WAIVER FOR SPLIT PRECINCT

County Attorney Chris MacKenzie stated that the State Board of Elections had approved the County’s request for a waiver to allow a split precinct in the Port Royal District. However, the approval only applied to elections held in 2022. He explained that in order to administer a split precinct for any election in 2023 or later, the County must request a new waiver each year from the State Board of Elections and go through the pre-clearance process with the Attorney General’s Office for each ordinance change.

He stated that he had spoken with the County Administrator Charles M. Culley, Jr. and the Registrar Kathy McVay regarding this and Ms. McVay indicated that the Wright’s Chapel precinct would be ready for the November 2022 elections and would not be needed for the June 2022 primaries. He said therefore, staff was recommending that the Board decline the waiver and proceed with the new precinct at Wright’s Chapel United Methodist Church.

Supervisor Long spoke in support of staff’s recommendation.

Supervisor Long moved and Supervisor Sili seconded to decline the waiver for a split precinct.

<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, Jr. reviewed the Capital Projects Update Report included in the Board’s packet along with upcoming meetings.

CLOSING BOARD COMMENTS

There were no Closing Comments.

ADJOURNMENT

Supervisor Sili moved and Supervisor Long 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