

At a regular meeting of the Caroline County Board of Supervisors held on Tuesday, May 27, 2008 in the auditorium of the Community Services Center, located at 17202 Richmond Turnpike, Milford, VA 22514.

**PRESENT**

Floyd W. Thomas - Chairman  
Jeff Sili – Vice-Chairman  
D. M. “Maxie” Rozell, Jr.  
Wayne A. Acors  
Bobby Popowicz

**ALSO PRESENT**

Percy C. Ashcraft – County Administrator  
Alan L. Partin – Assistant County Administrator  
Benjamin W. Emerson – County Attorney  
Michael A. Finchum – Director of Planning & Community Development  
Gary R. Wilson – Director of Economic Development  
Allen T. Ramsay – Director of Public Works  
Joseph C. Schiebel – Superintendent of Public Utilities

**CALL TO ORDER**

Chairman Thomas called the meeting to order at approximately 6:10 p.m.

**INVOCATION**

Supervisor Rozell led the invocation.

**PLEDGE OF ALLEGIANCE**

Chairman Thomas led the Pledge of Allegiance.

**AMENDMENTS TO THE AGENDA**

*Supervisor Rozell moved and Supervisor Acors seconded to amend the agenda as follows:*

- ◆ *Removal of Item #4(A) – Approval of Minutes from the Consent Agenda*
- ◆ *Removal of Item #4(J) – Adoption of Reimbursement Resolution from the Consent Agenda*
- ◆ *Addition of Presentation of Resolution to A. P. Hill Representatives in Recognition of Communities of Excellence Award*

<b>Roll Call Vote:</b>	<b>Thomas</b>	<b>Yea</b>
	<b>Sili</b>	<b>Yea</b>
	<b>Rozell</b>	<b>Yea</b>
	<b>Acors</b>	<b>Yea</b>
	<b>Popowicz</b>	<b>Yea</b>

**PRESENTATION TO A. P. HILL**

Chairman Thomas read the resolution congratulating Fort A. P. Hill for finishing first in the Fiscal Year 2008 Army Chief of Staff Communities of Excellence Competition.

*Supervisor Rozell moved and Supervisor Sili seconded to adopt the following resolution:*

**R18/08**

**A Resolution Congratulating Fort A.P. Hill for Finishing First in the Fiscal Year 2008 Army Chief of Staff Communities of Excellence Competition**

***WHEREAS, Fort A.P. Hill was selected as the first place winner of the Army Chief of Staff Communities of Excellence Award Competition for Fiscal Year 2008 and was recognized by the Army at a ceremony at the Pentagon on May 8; and***

***WHEREAS, this prestigious award is presented annually to an Army installation that displays exemplary efforts in providing support to soldiers, civilian employees, retirees and their families; and***

***WHEREAS, the award also recognizes continuous business process improvements, individual innovation, groundbreaking initiatives and dedication to efficiency and customer care; and***

***WHEREAS, to win the award, which carries with it a top prize of \$2 million, Fort A.P. Hill staff had to complete detailed organizational self-assessments in leadership, planning, management, customer focus, personnel and business results and undergo a weeklong site visit by a team of evaluators; and***

***WHEREAS, Caroline County is thrilled by the accomplishments of Fort A.P. Hill, greatly values its close relationship with the fort that has developed over the years and proud to be home to “The Place Where America’s Military Sharpens Its Combat Edge”.***

***NOW, THEREFORE BE IT RESOLVED that the Caroline County Board of Supervisors extends a heartfelt and enthusiastic congratulations to all personnel at Fort A.P. Hill who worked so hard to make this award possible and expresses its appreciation and best wishes for continued success in the service of our great nation.***

*Adopted this 27<sup>th</sup> day of May 2008.*

<b>Roll Call Vote:</b>	<b>Thomas</b>	<b>Yea</b>
	<b>Sili</b>	<b>Yea</b>
	<b>Rozell</b>	<b>Yea</b>
	<b>Acors</b>	<b>Yea</b>
	<b>Popowicz</b>	<b>Yea</b>

Lieutenant Colonel Graese stated that he would like to take this opportunity to thank the Caroline County Board of Supervisors for this recognition. He said it means a lot and praised the County for the kind words and the great relationship that has existed over the years between the County and the Base. Lieutenant Colonel Graese said that it was heavy on his heart because there was something special here. He said on behalf of the 300 plus teammates and A. P. Hill, he humbly accepted this resolution.

Chairman Thomas said again, thank you to the soldiers and their support staff for all they do and protecting the rights that we have.

◆ **Proposed Dedication of County Bridges to Fallen Troopers**

Chairman Thomas stated that he talked with the Sheriff and Mr. Cavendish about this at the IDA reception.

Sheriff Lippa came forward and stated that this is long overdue, but he recalls two troopers from the area that were killed in the line of duty. He said that Trooper Lohr in 1978 was killed while assisting a lady to change her tire. Sheriff Lippa said that he was more familiar with how Trooper Robin Lee Farmer was killed in 1981 and explained how Trooper Farmer died. He said he would like to name bridges in Caroline County after these Troopers and thanked the Board for their help in doing this.

Chairman Thomas stated that VDOT has indicated that they need to have a resolution from the Board of Supervisors forwarded to them. He asked Sheriff Lippa to pass on the information to staff and then a resolution can be prepared and the bridges named immediately or as soon as possible.

**1. OPENING BOARD COMMENTS**

There were no opening Board comments.

**2. PRESENTATIONS/REPORTS**

◆ **Proposed Revisions to Caroline County Parks Operating Policy**

Mr. Donnell Howard, Director of Parks & Recreation, stated that the proposed revisions to the Parks Operating Policy are more user friendly and are long overdue. He said these

revisions would help citizens take advantage of the services that are available. Mr. Howard stated that some of the things they were concerned about involved people wanting to reserve the facilities for the entire day. He said this made it very difficult for others to use the facilities and they have limited resources. Mr. Howard said that he believed they could add time limits to the current policy that would help with this concern and allow other citizens to take advantage of the facilities. He said they also need to look at the other facilities such as Robert W. Farmer Park and Lowe Massie Park in an effort to make the park policy uniform. Mr. Howard said that they wanted to keep the Board of Supervisors informed about what is going on with their parks. He said again, their goal is to make the policy more user friend and more advantageous to the people of the County.

Chairman Thomas said that in the policy there was no differentiation for non-profit groups versus for profit groups. He asked if the fees were the same.

Mr. Howard responded that the fees were the same and that the schools and A. P. Hill are the most frequent ones to use the facilities and they were non-profit. He said this would also generate more revenue for the park. Mr. Howard explained that now revenues are primarily from the pavilion rentals and softball fields as well as basketball courts that also can be rented; however, maintenance costs are increasing and this is a way to defray those costs with the revenue being generated.

Supervisor Rozell directed attention to Page 2 of the policy, where it talks about the use of facilities for commercial groups and that it shall not be reserved for individuals or groups for use that results in personal financial gain or to commercial groups for non-recreational uses. He said that he was just thinking that sometime there may be a good cause for a commercial group to use the facility. Supervisor Rozell said that a thought had come to his mind, that if a commercial group wanted to use the gym for example, for exhibits, it may be a legitimate commercial use such as a fleet show or RV camping show. He said the use could be for the right reason and the right fee.

Chairman Thomas responded that for example, the Co-op has a golf tournament that they do for Project Big Heart, and they raise funds for non-profit. He asked if they wanted to have a softball tournament to raise funds for non-profit, could they use the facilities.

Mr. Howard responded that events like that could benefit the community at-large and those could be considered and allowed by himself or the County Administrator. He said they would be considered as non-restricted uses. Mr. Howard stated that they just wanted to allow everyone to take advantage of the services offered.

Supervisor Rozell said if there was a trade show, for example, that wanted to rent the space for the weekend to showcase their trucks, et cetera, he was just concerned because in the policy it says, "shall not be reserved".

Supervisor Sili directed attention to Page 3, Special Event Rentals, where it says, "special events will be submitted 45 days in advance", which would give you the opportunity to evaluate potential events that could come up and gives you more time to analyze the issue.

Supervisor Acors stated that he was having a hard time dealing with the fees being charged to County residents for the use of basketball courts, softball fields, playground equipment, et cetera because they do not offer a lot of recreational activities to the citizens now and he is concerned about charging them. Supervisor Acors said that he did not think that it is being fair to the people of the County.

Mr. Howard responded that, that is not what they are saying. He said they can still go in the park at free will and use the facilities.

Supervisor Acors responded that he just does not think it is being fair because there are not many opportunities for the young people. He said that he did not think that he was willing to vote in favor of this issue.

Supervisor Sili said that he was going to agree with Supervisor Acors because if someone wants to reserve time, there needs to be some mechanism for that. He said that he does not know the answer but if someone wants to set up a tournament, you have to reserve the facilities. Supervisor Sili said that he understands why you have to do it, however, if you are trying to influence other uses, he does not know how to do that.

Chairman Thomas said that he would ask the County Attorney and Mr. Ashcraft to make sure about this because this is going to end up as the Board's policy for Parks & Recreation. He said that they are just trying to do what is best for everyone. Chairman Thomas said that he understands that we do have expenses and they need to determine how much they are going to charge and how much they are going to give away. He said they would like to know what the break even is as far as costs are concerned and what costs the County will incur for having an event.

Mr. Howard responded that they have to line the fields, set up the fields, Public Works drags them, et cetera. He said they have looked at the rental of those facilities carefully and pretty much know when the down times are and when people are out there using them. Mr. Howard said that it was not his intention to discourage people from using them and he pretty much was trying to use the low times for people to visit the facilities such as daycare centers.

Supervisor Acors responded that he did not have a big issue with tournaments or other types of events being charged for usage because they charge individual players so much money to play. He said where he is having a problem is when they talk about charging residents of the County a fee. Supervisor Acors said that he could understand deposits, but then to turn around and say that they are not only going to charge a deposit but we are

also going to charge you a fee. He said the one thing that really concerns him is with the playground equipment because he would have a problem charging for that.

Supervisor Popowicz asked Mr. Howard if there was any information on how many non-residents use the facilities.

Mr. Howard responded that very few non-residents use the facilities and that most of the time people who use the facilities are County residents. He said County residents use it for a lot of family reunions and family members are from Caroline.

Supervisor Popowicz said that in some of his other endeavors, they have tried to encourage non-residential use and also charged more to those non-residents only.

Mr. Howard responded that he understands about the playground equipment, however, they also need to be careful because there are also some people who are non-residents that reserve County facilities. He explained that these non-residents then profit off of the County by running tournaments and that is what he had in mind when he was putting this policy together. Mr. Howard said on the other hand, someone could come in and say that they wanted to run a basketball tournament or softball tournament, et cetera and only be charged \$20 for the use of the field.

Chairman Thomas said that he understands better what they are looking at now. He said the Board needs to determine if they are going to provide these facilities at no cost for residents or provide it at a charge. Chairman Thomas asked Mr. Howard to help them in making this decision by providing information on how much it costs in staff time, et cetera.

Supervisor Acors also asked about how much revenue the County would be losing if they do not charge County residents at all.

Mr. Howard responded that most of the revenue from the Park is coming from the Pavilion rental. He said they charge \$20.00 and they get \$10.00 back.

Chairman Thomas said that he wanted to see what the investment was and then look at the policy again at the next meeting.

◆ **Discussion of Ladysmith Sheriff's Substation**

Sheriff Tony Lippa stated that he had written a letter to Mr. Ashcraft on May 19<sup>th</sup> basically addressing the Ladysmith Substation. He said that he knows times are tough and he is trying to save money from renting space at Ladysmith. Sheriff Lippa said that in trying to save money he suggested using the Visitor's Center because it was a County building and all he was looking for was office space. He said keep in mind, that substations are not manned 24/7, they are not going to be bringing in prisoners, and it would be just a place for deputies to finish paperwork. Sheriff Lippa said that they have

substations in Port Royal, Dawn and Ladysmith and these substations keep deputies from have to come back to Bowling Green every time to fill out reports. He said this was just a suggestion and that they would not have to pay rent if they were using a County office building and they have a good internet connection already there because their office is moving more to wireless paperwork. Sheriff Lippa said that he knew at one point, the Ladysmith Library was also mentioned as an option and he had no problems with that. He said he was just looking to save money and not trying to encroach on someone's space. Sheriff Lippa said that the Ladysmith Library has some potential for growth and it would be good to have law enforcement close to the schools.

Supervisor Popowicz responded that he believed the Sheriff had given them two fairly, decent options.

Supervisor Acors asked when the contract or lease on the current location expires.

Mr. Ashcraft responded that he believed the expiration date was in 2 years.

Mr. Partin responded that it was one year.

Chairman Thomas said that they will find a place and that they had talked about the old Ladysmith Library previously.

Mr. Ashcraft responded that he believes it has a opt-out clause and that they extended it for 3 years and are not committed for anything long term.

Supervisor Sili said that he was all for the old Ladysmith Library location and he would like to see the Visitor's Center get started and up on its feet before having a police car there all the time. He said he had some concerns about a police car parked at the Visitor's Center because it might deter people from coming and they might not want to stop because of it.

Sheriff Lippa responded that it could have a reverse effect because if you were to put a sign out there that it was a substation for police and that it was kind of like looking for a good place to eat, you look where all the cop cars are.

Supervisor Sili responded that he was just talking about what the Tourism people are saying that do this for a living.

Chairman Thomas asked how many patrols cars are on patrol at any one time.

Sheriff Lippa responded that currently it could be a minimum of four to as many as eight when they overlap on Friday and Saturday night, however, he said to keep in mind that at the substations the cop cars are parked there for people who live outside of the County. He said he has them park the cars there for security purposes.

Chairman Thomas stated that he was trying to determine the lease term and the Board's understanding that once they get out of the current lease, they can move to one of those locations.

3. **APPOINTMENTS**

◆ **Social Services Board (Bowling Green and Madison Districts)**

*Supervisor Acors moved and Supervisor Rozell seconded to reappoint Francine Whittaker as the Madison District representative to the Social Services Board for a term beginning July 1, 2008 and expiring June 30, 2012.*

<i>Roll Call Vote:</i>	<i>Thomas</i>	<i>Yea</i>
	<i>Sili</i>	<i>Yea</i>
	<i>Rozell</i>	<i>Yea</i>
	<i>Acors</i>	<i>Yea</i>
	<i>Popowicz</i>	<i>Yea</i>

The Bowling Green Appointment to the Social Services Board was deferred.

◆ **Rappahannock Emergency Medical Services (REMS) Council**

*Supervisor Rozell moved and Supervisor Acors seconded to reappoint Frank Dashnaw as one of the County's representatives to the Rappahannock Emergency Medical Services (REMS) Council for a term beginning July 1, 2008 and expiring June 30, 2011.*

<i>Roll Call Vote:</i>	<i>Thomas</i>	<i>Yea</i>
	<i>Sili</i>	<i>Yea</i>
	<i>Rozell</i>	<i>Yea</i>
	<i>Acors</i>	<i>Yea</i>
	<i>Popowicz</i>	<i>Yea</i>

◆ **Caroline County Museum Exploratory Committee**

Chairman Thomas stated that Mrs. Kay Brooks provided him with some possibilities for appointments to this committee and he would be distributing that information to the other Board members.

Supervisor Rozell asked if they knew if these meetings were going to be day or night meetings.

Chairman Thomas responded that it would be up to the Committee and the Committee would figure out all the assets the County has and fit them into one place and go from there.

4. CONSENT AGENDA

*Supervisor Acors moved and Supervisor Rozell seconded to approve Consent Agenda items the following Consent Agenda items:*

A) Approval of Minutes

*Action Taken: This item was removed from the agenda.*

B) Approval of Warrants

*Action Taken: Approval of the following warrants:*

<i>General Fund</i>	<i>\$213,846.31</i>
<i>Consumer Utility Tax 911</i>	<i>36,345.07</i>
<i>Law Library</i>	<i>398.78</i>
<i>Tourism</i>	<i>350.00</i>
<i>Capital Improvements Fund</i>	<i>240,248.04</i>
<i>School Projects</i>	<i>810.83</i>
<i>Utility Construction Fund</i>	<i>22,190.00</i>
<i>Milford Sanitary</i>	<i>1,038.72</i>
<i>Carmel Church Utilities</i>	<i>270,968.65</i>
<i>Dawn Sewer</i>	<i><u>1,061.33</u></i>
<i>TOTAL</i>	<i>\$787,257.73</i>

C) Review of Planning Commission Actions

*Action Taken: Approval of the actions taken by the Planning Commission at its May 21, 2008 meeting and no action was necessary.*

D) Adoption of a Resolution Highlighting Transportation Funding Inequities in the Commonwealth of Virginia

*Action Taken: Adoption of the following resolution:*

R17/08

*A Resolution Highlighting Transportation Funding Inequities in the Commonwealth of Virginia*

*WHEREAS, Caroline County is the fastest growing county along the*

*Interstate 95 corridor and one of the fastest growing in the entire Commonwealth of Virginia; and*

*WHEREAS, on average each year, the County generates approximately \$50 million dollars in federal and state fuel excise taxes at the Carmel Church I-95 exit alone; and*

*WHEREAS, this revenue flows into state and federal coffers to help finance transportation related improvements throughout the Commonwealth and nation; and*

*WHEREAS, the County receives very little, if any, benefit for the very significant financial contribution it makes toward state and federal transportation infrastructure improvements; and*

*WHEREAS, Caroline's list of critically needed transportation improvements continues to grow while its share of VDOT funding continues to shrink, with virtually no funding included in the recently adopted Six Year Secondary Road Plan for new construction and a 47% reduction in maintenance funding.*

*NOW, THEREFORE BE IT RESOLVED that the Caroline County Board of Supervisors wishes to call attention to and express its dissatisfaction with the degree of inequity that exists between the revenue generated for transportation purposes in Caroline County compared to the revenue allocated to the County in return.*

*BE IT FURTHER RESOLVED that the Board urges its representatives in the General Assembly and on the Commonwealth Transportation Board to take the measures necessary to correct this glaring imbalance as soon as possible.*

*Adopted this 27<sup>th</sup> day of May 2008.*

**E) Adoption of a Certification of Local Approval for Nonprofit Applicants for Virginia Department of Housing and Community Development Funding (Scenario, Inc.)**

**Action Taken:** *Approval of certification of local approval for nonprofit applicants for Virginia Department of Housing and Community Development Funding through Scenario, Inc. Scenario, Inc. is a non-profit organization with a mission to address housing needs of low-income and homeless families. Scenario, Inc. currently has one transitional home in the County and grant proceeds would be used to maintain the home and open a second home in the Town of West Point.*

**F) Approval of Supplemental Appropriation to Commonwealth's Attorney Budget from Asset Forfeiture Account Balance (Purchase of InterAct Police Reporting System)**

**Action Taken:** Approval of a supplemental appropriation in the amount of \$1,300 to the FY 2008 Commonwealth Attorney's budget from the Asset Forfeiture Account. These supplemental funds will be used to pay for an invoice from InterAct for police reporting software. No General Fund money is necessary for this purchase.

**H) Ranking of Firms for Geographic Information System Development Services**

**Action Taken:** Approval of the ranking of the top three firms for Geographic Information System (GIS) Development Services and authorized staff to begin contract negotiations with the top-ranked vendor. Staff will bring a proposed contract back to the Board at a future date for final approval.

**I) Approval of a Resolution Approving Adjustments Involving Addition, Discontinuance and/or Abandonment of Roadway as Requested by the Virginia Department of Transportation**

**Action Taken:** Adopt of the following resolution:

**R19/08**

*The Board of Supervisors of Caroline County, in regular meeting on the 27<sup>th</sup> day of May, 2008, adopted the following:*

**RESOLUTION**

*WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch dated December 7, 2006 depicting the additions, discontinuances and abandonments required in the secondary system of state highways as a result of Project 0609-016-188, C-502 which sketch is hereby incorporated herein by reference,*

*WHEREAS, the portions of old road identified to be discontinued are deemed to no longer serve public convenience warranting maintenance at public expense, and*

*WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need, and*

***NOW, THEREFORE, BE IT RESOLVED, this Board abandons as part of the secondary system of state highways those portions of road identified by the sketch to be abandoned, pursuant to §33.1-155, Code of Virginia, and***

***BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to add to the secondary system of state highways those portions of road identified by the sketch to be added, pursuant to §33.1-229, Code of Virginia and***

***BE IT FURTHER RESOLVED, this Board concurs with the discontinuance as part of the secondary system of state highways, those portions of road identified by the sketch to be discontinued, pursuant to §33.1-150, Code of Virginia, and***

***BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.***

***J) Adoption of Reimbursement Resolution***

***Action Taken: This item was removed from the agenda.***

***K) Authorize Public Hearing on Utility Bond Anticipation Note (BAN)***

***Action Taken: Staff was authorized to advertise a public hearing on an additional Bond Anticipation Note for the June 17, 2008 Board of Supervisors meeting.***

***Roll Call Vote:***

<i>Thomas</i>	<i>Yea</i>
<i>Sili</i>	<i>Yea</i>
<i>Rozell</i>	<i>Yea</i>
<i>Acors</i>	<i>Yea</i>
<i>Popowicz</i>	<i>Yea</i>

***G) Award of Bid for HVAC Replacement at Planning/Public Works Office***

Supervisor Sili stated that Item G, Award of Bid for HVAC Replacement at Planning/Public Works Office was pulled because he wanted to know about the funding.

Mr. Ashcraft responded that the funding would be from the Building Maintenance Fund , which has accumulated over the last few years to \$50,000. He said some of these funds have been used for minor repairs to this building.

*Supervisor Sili moved and Supervisor Popowicz seconded to award the bid for the replacement of the HVAC units at the Planning and Public Works office building to Town and County Mechanical at a cost of \$27,700.*

*Roll Call Vote:*

<i>Thomas</i>	<i>Yea</i>
<i>Sili</i>	<i>Yea</i>
<i>Rozell</i>	<i>Yea</i>
<i>Acors</i>	<i>Yea</i>
<i>Popowicz</i>	<i>Yea</i>

**CLOSED MEETING**

*Supervisor Sili moved and Supervisor Acors seconded to enter into Closed Meeting under Section 2.2-3711 (A)(7): Consultation with Legal Counsel and Briefings by Staff.*

*Roll Call Vote:*

<i>Thomas</i>	<i>Yea</i>
<i>Sili</i>	<i>Yea</i>
<i>Rozell</i>	<i>Yea</i>
<i>Acors</i>	<i>Yea</i>
<i>Popowicz</i>	<i>Yea</i>

The Board returned to regular session and adopted the following certification:

*I move 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 session requirements by Virginia law were discussed in closed session to which this certification applies; and*
- (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board.*

*Certification by Roll Call Vote:*

<i>Thomas</i>	<i>Yea</i>
<i>Sili</i>	<i>Yea</i>
<i>Rozell</i>	<i>Yea</i>
<i>Acors</i>	<i>Yea</i>
<i>Popowicz</i>	<i>Yea</i>

**PUBLIC COMMENTS**

There were no public comments.

## PUBLIC HEARINGS

5. **SPEX-02-2008 - OTHA ALLEN & CATHERINE P. HOWARD C/O JUNE PARKER LIFE ESTATE:** *Request the Renewal of an existing Special Exception Permit in accordance with Article XVII and Article 4, Section 5-24, on a portion of tax map #11-A-15, consisting of 1 acre, more or less, zoned RP, Rural Preservation. This property is located on Route 17 (21627 Tidewater Trail), approximately 4½ miles west of Route 301 (A. P. Hill Blvd.), Port Royal Voting District. Proposed Use: Renewal of an existing special exception permit (SPEX-04-2004) for a Construction & Excavating Business. The 2006 - 2026 Comprehensive Plan identifies this area as being located in the Resource Sensitive Overlay District with a density of one dwelling unit per twenty-five acres of land.*

Mr. Michael Finchum, Director of Planning and Community Development, stated that this is the petition of Otha Allen and Catherine Howard, owner/applicant, for renewal of a special exception permit to continue to operate Howard Brothers Paving.

Mr. Finchum said that comments were made during the public hearing before the Planning Commission by Mrs. Susan Parker, an adjacent property owner. He said her concerns were that the property has not been in compliance with the original conditions of the Special Exception; specifically the inoperable vehicles and dumping of hazardous materials. Mr. Finchum said Mrs. Parker also has concerns about the runoff onto their property from the Howard Brother's property.

Mr. Finchum stated that Planning Commission member Pete Davis asked the Environmental Planner, David Nunnally, Senior Environmental Planner, about the runoff from the site. He said that Mr. Nunnally said that staff worked with Howard Brothers, who installed a very simple mulch berm on the low edge of the site that was being used in conjunction with the existing silt fence that was already installed for sediment control during construction. Mr. Finchum said that Mr. Nunnally said that it seemed to have worked very well in controlling the runoff and effectively infiltrating the water back into the ground. He said that Mr. Nunnally said that there may be some extreme rains that may overtop that measure and that stormwater discharged. Mr. Finchum said that according to Mr. Nunnally, the mulch berm has, by all accounts, worked very well.

Mr. Finchum stated that Planning Commission member William Smith expressed concerns that during the winter months the vehicles could be seen from adjacent properties and were not screened. He said it was suggested that additional trees be installed to assist in the screening during the winter months.

Mr. Finchum stated that Mr. Davis requested a stone berm to reinforce the existing measures already in place to reduce runoff.

Mr. Finchum gave the following suggested conditions:

1. *The applicant shall record, in the County Clerk's Office, the approved conditions of the special exception within thirty (30) days of the date of Board of Supervisor's approval. A copy of the recorded conditions shall be provided to the Planning Department.*
2. *All equipment and material storage shall be contained in a building or screened by a row of Leland Cyprus trees on 20 foot centers from the view of adjacent properties and public rights-of-way.*
3. *Lighting shall be shielded and directed downward so the light source will not be directly visible to adjacent or nearby property owners.*
4. *No storage of hazardous materials/waste shall be permitted.*
5. *There shall be no storage/dumping of construction debris, which includes, but is not limited to, asphalt, concrete, brick/block, roofing materials, tar, logs, stumps, and brush.*
6. *There shall be no storage of inoperable motor vehicles. Inoperable refers to any motor vehicle which does not have a valid state inspection decals and license plates and is incapable of being operated under its own power.*
7. *Signage shall be a monument style sign which is not more than 5 feet in height and no more than 4 square feet in area. Such signage shall not be illuminated. No banners or streamers are permitted.*
8. *The operation of heavy equipment shall not begin before 6:00 a.m. in the morning (Monday through Saturday) and no later than 6:00 p.m. On Sundays, the hours of operation for heavy equipment shall be no earlier than 12 Noon and no later than 5:00 p.m.*
9. *Applicant shall maintain the existing mulch berm on the property to continue the prevention of any runoff from leaving the site.*
10. *The property shall continue to be kept in good condition.*
11. *Reinforce the existing silt fence with 18-24" of stone as directed by the Environmental Planner.*

Chairman Thomas noted that there was one citizen comment from an adjacent property owner, who complained about the runoff.

Mr. Finchum responded that Conditions #9 and #11 address those concerns.

Chairman Thomas asked if there were concerns about the original SPEX.

Mr. Finchum responded that there were some concerns about fill materials; however, the Department of Environmental Quality (DEQ) determined that there were no issues or concerns with those fill materials.

Chairman Thomas declared the Public Hearing open on SPEX-02-2008.

Mrs. Catherine Howard, of the Port Royal District, stated that her husband could not be here tonight because he was in a serious motorcycle accident in March and she was speaking on his behalf as well as their business. She said as mentioned, Howard Brothers is a Class A construction business and has 15 employees and 10 of them live in Caroline County. Mrs. Howard said that they have an excellent reputation in the County and pay a lot amount of taxes to Caroline County. She said they are requesting renewal of their SPEX for their business. Mrs. Howard stated that their original permit was approved by the Board of Supervisors in April of 2004 and the final site plan was approved in June of 2006. She said that they have completed their site for the business and have had inspections from the County every two weeks because of complaints from the same adjacent property owner. Mrs. Howard said that representatives from DEQ, Land and Air, have been on their property and found no issues or concerns and that a letter from DEQ should be in the Board's packet. She said that they have also had to appear before the BZA and they upheld their decision that they were in compliance. Mrs. Howard said that they have two letters from other adjacent property owners in favor of their request and are also in the Board's packet.

Mrs. Howard said that last month they went before the Planning Commission to ask for renewal of the SPEX and it was approved 5 to 0. She said the Planning Commission asked that they plant a row of Leland Cyprus trees on 20-inch centers to screen the view from the adjacent property owner and reinforce the existing silt fence with 18 to 24 inches of stone and this has been done.

Mrs. Howard stated that on May 11<sup>th</sup> after 4 inches of rain had fell, Mr. Nunnally came to the site and stated that there was no compelling evidence of non-compliance and that the runoff control measures appeared to be functioning as intended. She said there has been no documentation of any other complaints or problems except for the same adjacent property owner and his wife. Mrs. Howard said that her and her husband feel that their family have done everything that the County representatives have asked them to do along with hosting numerous visits to their site. She said they have a nice place and are asking that the Board please vote in favor of renewing their SPEX.

Mr. Andrew Howard, of the Port Royal District, stated that he wanted to reiterate what his mother just said. He said they have worked hard over the years to build the business and maintain it and have done everything that they were asked to do by the County. Mr. Howard said that he just wanted to clear this up once and for all and asked that the Board of Supervisors vote in their favor and allow them to "go to work".

Mrs. Susan Parker, of the Port Royal District, stated that she has had some issues in the past with Howard Brothers and she does have concerns. She said last month she brought out some concerns that her and her husband had concerning inoperable vehicles and a lot of them were taken off the property. Mrs. Parker said that with regard to Condition #7, there are still some vehicles on the property that still do not have current tags and inspection. She asked if they should be tagged or inspected to be able to stay on the property.

Mrs. Parker said she was also concerned about the Leland Cyprus trees and that she thought that it had to be completely screened from other property owners. She said they only planted 4 or 5 trees and it is not completed screened from the view of other property owners and that it was hard to tell if they were 20 feet on center. Mrs. Parker said that she could tell the Board that these trees are not going to be a good buffer from the view and noise when they get bigger.

Mrs. Parker said that she was also concerned about the stone and the runoff. She said whether they have a little rain or a lot of rain, they still have runoff. Mrs. Parker said that before they cleared the trees, they altered the land after they cleared the trees. She said they have talked to Mr. Nunnally to no avail. Mrs. Parker said that they were under the impression that it should have been riprap and that there is mulch between the rock berm and silt fence and that when it rains, it causes the fence to come down and she asked for suggestions to stop that. Mrs. Parker said when the hurricane came through years ago, they did not have that amount of water and she just wanted to bring this to the Board's attention. She said she appreciated the Board listening to her and what she had to say and that she was not saying that they do not want that business there, she just wanted them to be in compliance.

Mrs. Parker said that Mrs. Howard has said that they are doing whatever possible and they are doing as little as possible to get by and the two people that wrote letters are not down on the side where they get the runoff like they do.

Mr. Walter Parker, Port Royal, stated that he wanted to voice his concerns about the water runoff from the Howard's property and that it was a major concern to them. He said that since they altered the land it has caused water to go into their basement during heavy rain. Mr. Parker said that it was not right that he has to worry about his basement flooding and it is not right that he has to place sandbags at his door. He said he has spoken to Mr. Nunnally several times about having a culvert placed on the property; however, he dismissed the idea. Mr. Parker said that this problem needs to be fixed and it is completely unacceptable that a business can push water into his home.

Mrs. Patricia Parker, of the Port Royal District, stated that when a child acts up in a grocery store because they want something and we buy it because we don't want a temper tantrum on our hands, what happens the next time you go to the store is that they will try the same thing because it worked the first time. She said this is the exact same

thing. Mrs. Parker said it is obvious that this is not about the Howard's business and it's not about environmental issues, this is a family feud. She said the more they get, the more they want. Mrs. Parker said that each time they let the Parkers (Walter and Susan) take up valuable time and resources, meeting after meeting, they will keep coming back. She said the Howards have done everything that has been required and requested of them and so has the Board of Supervisors, and no more of the County's time should be taken up with family feuds. Mrs. Parker said it was time to say they have had enough.

Mr. Joe Parker, of the Port Royal District, he said first of all he thought the Free Lance Star said it best on May 12<sup>th</sup> concerning the heavy rain, Mother Nature strikes again. He said by his rain gauge, and he lives 1 ½ miles, it was 3 inches. Mr. Parker said referring back to Hurricane Isabel, they had a lot of wind but not a tremendous amount of rain at their location on that day. Mr. Parker said that as far as the vehicles are concerned, only two vehicles needed to be removed in the first place and the other vehicles that do not have tags are vehicles that are picked up and put on a lowboy and used at work locations and then brought back and County staff has checked that recently.

Mr. Parker said that concerning runoff at that spot, he has been over there many times and was there in April when 2 ½ inches of rain fell and there was a fair amount of water there and it was going into the pipe as it is designed to do. He said he has not been to his brother's house in several years, but the land slopes in a couple different directions towards the house. Mr. Parker said that he has taken another picture and the gutter spout that was installed sends the water back towards the house and fence and he doesn't know why they would do that. He said that he has built the house in a bottom and water is going to go there. Mr. Parker said that he did not believe that what the Howards have done is creating these problems and that what they have done modifies and takes control of the situation. He said that anyone will have water standing in their yard when 4 inches of rain falls. Mr. Parker said that with regard to the location of the parking lot, and that it wouldn't even been near his home except for the fact that he complained that he could see it from Route 17. He said this was the only other part where it could have been located because it is level. Mr. Parker said that the parking lot was moved because of his brother and he does not know what else that the Howards can do and be in compliance.

Mr. Tim Watson, of the Port Royal District, stated that he lives a few miles from the Howard Brothers and they have met the conditions and met the new conditions. He asked what else they have to do. Mr. Watson said that they are constantly hearing about the County needing businesses and this is a business that is run by County citizens. He said there were not many businesses in that part of the County and they have met the conditions and what else do they have to do.

Mrs. Susan Parker stated that Mr. Mitchell came down to look at the inoperable vehicles and they know the difference between inoperable vehicles and bulldozers and dump trucks.

Mrs. Catherine Howard stated that when this was appealed to the Board of Zoning Appeals, they said that some of the vehicles could be seen from the private rights-of-ways, however, private rights-of-ways are not included in the special exception permit and so they were not in violation. She said they needed to screen their businesses from public rights-of-way.

Chairman Thomas then gave everyone an opportunity to see all the pictures and explained that they have given everyone an opportunity to speak and with that, he declared the Public Hearing closed.

Supervisor Sili asked if staff had visited the site and looked at this more than one time.

Mr. Finchum responded yes, and he believes the issue in question is going to be resolved. He said with the other new conditions that were recommended by the Planning Commission and staff has not completed all the inspections related to those new conditions, recognizing that they would not be done by tonight's meeting. Mr. Finchum said that they are aware of the runoff and there are other measures that can be taken to address those runoff issues. He said the same with the Cyprus trees, they have not completed an inspection related to whether the plantings installed completely comply with that recommended condition because it has only been a month between the Planning Commission and tonight's meeting. Mr. Finchum said that they know how they are going to address these issues, however, if the Board has any specific environmental questions, Mr. Nunnally is present to answer those. He said Mr. Nunnally was the Senior Environmental Planner in charge of the environmental programs here in the County.

Supervisor Sili asked Mr. Nunnally if we knew how we were going to solve these issues.

Mr. David Nunnally, Senior Environmental Planner, responded that they have installed a number of measures to reduce and minimize the runoff. He said as the previous speakers have said, the Parker's property sits in the natural drainage area, and they have taken measures to try to fix the lot and those measures have been in place since last year. Mr. Nunnally said that they have a permanent silt fence in place.

Supervisor Sili said he was impressed that, that many efforts had gone into stopping the water. He said based on the topography of the County, he knows that water is going to go where it wants to go. He asked Mr. Nunnally, based on the inspections, if the Howards have done everything the County has asked of them.

Mr. Nunnally responded yes.

Supervisor Acors stated that the Howards have done what they asked and he is concerned about one of the conditions. He said the condition #10, "The property shall continue to be kept in good condition." Supervisor Acors said that with this condition, it creates another condition that is going to be constantly in question. He said the Howards say yes they are keeping their property in good condition and the Parkers are going to say no, the

Howards are not keeping their property in good condition. Supervisor Acors said that he does not want the County in the middle of this because and believes they will be spending a lot of time spinning wheels. He asked if this condition was really going to make a difference.

Mr. Finchum responded that he believes with the other conditions that condition #10 is not necessary. He said that they could certainly field the calls about the number of inoperable vehicles and do an inspection, but this is more subjective and he is not sure that #10 really adds anything beyond the other conditions that are already in place.

Supervisor Acors responded that with the other 10 conditions and from what he is hearing from everyone speaking, they are pretty much doing what they are supposed to do and the water runoff is not included in these conditions.

Mr. Finchum responded that was correct and he believes at this point, that the site is in substantial compliance.

Supervisor Acors said that with the original permit it did not talk about the cypress trees for screening.

Mr. Finchum responded that was correct, the cypress trees are a new condition.

Supervisor Acors said that he believes if they have had a good track record in the past, that tells him they are probably going to maintain any new ones too.

Supervisor Rozell stated that Joe Parker said that based on whether this operation was here or not, the water still had to go somewhere. He asked with the provisions that the Howards have put in place, does that make it back to the same type of situation that was there prior to their operation.

Mr. Finchum responded that they are continuing to monitor that situation and under the Storm Water Management Regulations, have the ability to reassess whether the stormwater requirements are meeting the needs of that facility. He said if they find that the current measures are, in fact, not working, then by regulation they have the ability to go back in and reassess that site or have the applicant reassess that site and identify additional measures that may be necessary to make sure that the regulations are met. Mr. Finchum said that this was not something that has to be a SE condition, but are a tool in the regulations that are currently adopted.

Supervisor Rozell asked if they had any other complaints about the water runoff recently.

Mr. Nunnally responded no.

Supervisor Rozell asked if Mr. Nunnally could tell him the worst year for the most rain in the last 10 years.

Mr. Nunnally responded that it would probably be 2003. He said they have had some intense rains this year, however, there are so many ways to analyze rainfall. Mr. Nunnally said that they have had several inches in a short period of time and that would put a test on any stormwater management system.

Chairman Thomas asked about the design of the silt fence and if there was a way to design it that would not create ponding.

Mr. Nunnally responded they can add to it and make some modifications, however, they are trying to put as much water back in the ground as they can. He said they have a number of things going on and they had between a foot and two feet of wood mulch to help filter that water before it goes back in the ground as a water quality measure. Mr. Nunnally said that this was above and beyond any regulation that they have.

Chairman Thomas said that this was pretty much a best management practice in place and was all done at the applicant's expense.

Mr. Nunnally responded that was correct. He said it is their intention to try to bring runoff back to predevelopment conditions as best they can.

Supervisor Popowicz said that if he remembers correctly, in erosion and sediment training, if they are talking about channel flow with this particular site, they have not added more channel flow.

Mr. Nunnally responded that the drainage area stayed the same and there was no change as a result of this project. He said the land cover, in part, within that drainage area did change from a wooded condition to a gravel condition and this was where they put in the best management practice to mitigate that.

Supervisor Popowicz asked how much riprap was placed as a barrier.

Mr. Nunnally responded that the berm of rock is three feet wide at the base and 12 inches to 18 inches tall and is mainly to reinforce the fence area and they want it to fill and spill out over the top so they have storage.

Supervisor Popowicz asked if the other alternative would be to build a storage facility on site.

Mr. Nunnally responded that he believes there would be a problem with that.

Supervisor Popowicz said that he has visited the site in the past and it is very nice and they keep it immaculate and looks more like a house than a business.

*Supervisor Popowicz moved and Supervisor Acors seconded to approve SPEX-02-2008 as presented with change requested by Supervisor Acors to delete Condition #10.*

Chairman Thomas asked Mr. Finchum if there would be a renewal after this approval.

Mr. Finchum responded there is no additional renewal recommended by the Planning Commission.

Chairman Thomas stated that normally when the original exception comes through there is a renewal, which is what they are doing now, and there are no renewals after this.

Supervisor Popowicz stated that he saw no need to change his motion.

<b>Roll Call Vote:</b>	<b>Thomas</b>	<b>Yea</b>
	<b>Sili</b>	<b>Yea</b>
	<b>Rozell</b>	<b>Yea</b>
	<b>Acors</b>	<b>Yea</b>
	<b>Popowicz</b>	<b>Yea</b>

6. **RZ-10-2007 - THIRD GENERATION LP, OWNER; QUARLES PETROLEUM, INC., APPLICANT.** *Request a Rezoning from RP, Rural Preservation (with a density of one dwelling unit per ten acres of land) to B-1, Business (no specified density) on tax map #52B-1-2-1, 2, 3, 4, 5, 8, 13, 17 and 31, consisting of 5.6489 acres, more or less. This property is located on the southwest corner of Route 1 (Jefferson Davis Highway) and Route 639 (Ladysmith Road), Madison Voting District. Proposed Use: Business. The 2006 - 2026 Comprehensive Plan identifies this area as being located in the Ladysmith Village Community Plan designated as Community Business with no specified density.*

This item was removed from the agenda at the applicant's request.

**UNFINISHED BUSINESS**

7. **PROPOSED INCREASES TO WATER AND SEWER AVAILABILITY FEES, SEPTAGE FEES AND PLAN REVIEW FEES**

Chairman Thomas stated that they previously discussed this matter at the worksession and now there is another item such as prepayment that is in the equation and because of that, they will need to have a public hearing.

Mr. Joseph Schiebel, Superintendent of Public Utilities, stated that per the Board of Supervisors' request, he spoke with seven of the eight developers in the County and two of them were in favor of it and would like to pursue possibly buying additional pre-paid connection fees. He said one developer said that he's in it for the next 20 years and

paying up front might not make good financial sense to him if he's got to finance the money and pay for that and with the market now, depending on how many homes he sold. Mr. Schiebel said that nobody was against raising the rates to \$8,000 because under the circumstances they understand that they have to do something to move forward. He said from that aspect, he believed everything was good.

Mr. Schiebel said the recommendation is to go to \$6,500 now and then to \$8,000 January 1, 2009. He said they have already had the public hearing on that and it could be adopted tonight. Mr. Schiebel said that in the worksession, the prepay issues were discussed and in talking with the County Attorney, it would need to go to public hearing for that portion.

Chairman Thomas stated that at the original public hearing, they talked about going from \$6,000 to \$12,000 and they heard from quite a few business people and developers that said that it was not a good idea given the current economic state of affairs. He said as previously stated, this only affects the County water system and does not include the Milford Water System. Chairman Thomas said that he has always made it a point that those two systems are distinctly different for different reasons, however, if they start talking new connections their differences become minimum. He said for new connections he would say, possibly they should have the Milford System on the same connection scale because it is an LMI (Low to Moderate Income) system and that could be included in the next public hearing as well.

Supervisor Popowicz stated that they may need to discuss this a little more. He said in a meeting with staff and with Supervisor Acors, they talked about a number of things, but they need to also look at some of the rate issues and tier systems and do this all at one time. Supervisor Popowicz said that he does not believe they have worked through all the bugs on this. He said the main thing was to try to offer some out to the developers to be able to purchase at a lower rate at this time at the \$6,500 rate, so that they didn't squelch development. Supervisor Popowicz said that he believes they need a little more research before going to \$8,000 and believes they also need more discussion about the Milford Sanitary District system.

Supervisor Rozell said that they could move forward with the \$6,500 now, but they do need to have more discussion on the other issue.

Supervisor Acors responded that it was the thought process when they talked, that they would go to the \$6,500 immediately, however, he and Supervisor Popowicz would like to meet with some of the people that were interested in this and maybe they can provide them with some insight. He said \$8,000 may not be the magic number and he believes they owe it to the people that expressed concern to meet with them and hear what they have to say.

Mr. Schiebel said that he talked with them and told them that they had not set a certain number of homes that could be pre-purchased and there were a couple of ideas that were

thrown out. He said they talked about winter billing and changing the rate structure and have a rate study to determine what their rates need to be. Mr. Schiebel said there is a lot of things they are going to do and at that point, they will be able to hopefully have a good idea about long term water needs. He said there are some things that they need to be able to fund that they do not have now.

Supervisor Sili stated that he was willing to wait and hear what other ideas surface. He said they were at \$6,500 right now and he does not have an issue with it, but is it going to get us any place between now and these other discussions. Supervisor Sili said that the question is do we want to bump the rate now and then again or all at one time.

Mr. Schiebel responded that he believes the idea was to raise it now and give the developers a chance to buy it at a lower rate.

Chairman Thomas said that it was about who was willing to prepay the \$6,500 now because they know it is going to be \$8,000 January 1<sup>st</sup>. He said maybe there will be some people and they can invest that money in the system.

Supervisor Popowicz said that he believes the idea was that they were going to try to see over the next year or two years, connections over a certain amount of time and soften the impact and so they could start catching up in the next few years because they have gotten behind schedule. He said the other part of that was, they wanted to look at the operating system and how that is costing the County and how they can get to a point without subsidizing. Supervisor Popowicz said that if they go forward, financially they are trying to do this in increments so that it does not hit people all at one time. He said in 6 months they are probably going to go up, but they do not know what that number is yet. Supervisor Popowicz said that he would like to see what that number should be.

Chairman Thomas asked if they should have staff meet with the developers who expressed an interest in prepaying.

Supervisor Popowicz said that at the original public hearing they had said that they would have a committee. He said Mr. Schiebel has already contacted the developers and he would like for them to set that committee with a few people outside of the developers to be on the committee.

Chairman Thomas stated that they could have a workgroup of concerned citizens and staff to meet and discuss the possibility of the rate change in January and move forward on the \$6,500 now and then they would also need a public hearing for the prepayment.

Mr. Courtney Rogers, Davenport & Company, said that if no action is taken tonight and it stays at \$6,000, they are talking about 6 months and 6 months could be a \$200,000 revenue impact for water and sewer. He said this is basically a 17½% increase of operating revenues and that is already taking into account the 5% from last week, so this is just to kind of show the Board how important the availability fees are.

Chairman Thomas asked if that was expected revenue right away.

Mr. Rogers responded that was correct and that the hope is the prepay works and they get some money in to offset that, but there is no guarantee.

Supervisor Sili responded that he is now more confused. He said they were talking about \$6,500 immediately and now he is hearing that it needs to be \$8,000 immediately with a negotiation later.

Mr. Rogers responded that if you do not do the \$8,000 now, the thought is they will have a better feel for the economy 6 months from now and if they have some prepaid coming in, that could change things.

Supervisor Popowicz said that the idea was that prepaids would bring in more money now.

Supervisor Sili asked how many of the people called by Mr. Schiebel gave an idea as to how many prepaids they were willing to purchase.

Mr. Schiebel responded there is one person who is interested in purchasing the maximum amount and currently has lots to be developed. He said the maximum amount that could be purchased would be at the discretion of the Board of Supervisors; however, they would have to make sure that they are not selling more than they have capacity for.

Supervisor Sili said basically they are saying that no one, based on the current market, has committed at \$6,500 and there is no one that is interested.

Mr. Schiebel responded that was correct, based on the market and the homes not being built, it is hard for the developer to shell out that money up front.

Supervisor Rozell said that they need to bank on a sure thing because it doesn't seem like they have anyone who wants to prepay. He said they need to make sure the numbers are right and the only thing they have going right now that is a sure thing is the \$6,500 and the \$8,000 in January.

Chairman Thomas said that the budget was built on \$8,000 and 100 connections and \$8,000 each for water and sewer. He said they are going to lose money or have a budget shortfall based on every connection that happens between now and when and if they change the rate.

Supervisor Acors said that during the discussions they had, it was discussed about trying to reduce costs as far as expanding the various systems. He asked if the \$8,000 was just to pay for debt retirement that they currently have.

Mr. Rogers responded yes and it does not include the \$7 million that they currently have. He said it includes some operations, but they are about \$300,000 short.

Supervisor Acors said there is no question that they are going to have to do something else and they are going to have to look at another availability unless developers come up with some magic that says we know what can solve this problem. He said unfortunately, we have not been able to come up with anything yet without raising the rates. Supervisor Acors said he was really concerned about raising the rates to \$8,000 and the impact that it is going to have on the industry. He said he understands that there are some systems that cost more to connect to in the County, however, a lot is tied to the housing industry and jobs, etc., and the builders are telling him that \$4,000 is going to hurt and will have an impact on what they are able to sell.

Chairman Thomas said that he understands the sheer numbers of the housing industry and he is willing to listen to the developers, but he is not sure that he necessarily wants them to solve his problems because they helped Spotsylvania.

Supervisor Popowicz responded that the crux of the matter was that they want to get to a point where the system is subsidized from the General Fund and getting our operations up to 100% of being paid for by the people who are currently using the system. He said as they have just heard Mr. Rogers say, that there is a \$300,000 shortfall in that operation's budget and they are subsidizing it. Supervisor Popowicz said that they are talking about \$150,000 shortfall if they keep the current rate at \$6,500 for the next six months. He said so if they get the operations up to 100% capacity as far as being paid for by the people currently using it, then you are talking about \$150,000 increase in the current operation budget.

Supervisor Popowicz said that as part of those discussions, they were talking about the different type of operating payment system for the water and sewer. He said this was part of what they need to look at because it was not just the connection fees but also the connection fees and operation operating system. Supervisor Popowicz said that as Supervisor Acors has indicated, those things also affect our industrial and commercial as well as home building. He said that what they were trying to get to was, they didn't want to kill any possibility of bringing in commercial and industrial development.

Chairman Thomas said that they had 100 connections last year on the County's system.

Mr. Schiebel responded that they have had 68 connections in the current year and 75 connections were estimated.

Mr. Finchum responded that it may be a five year process.

Chairman Thomas said that 7% at the most are businesses right now.

Supervisor Acors asked what the cost was for business connections.

Mr. Schiebel said that availability fees depend on usage.

Supervisor Acors stated then \$6,500 does not come into play.

Mr. Schiebel responded no, that it was actually more than that. He said it depends on the business and the availability fees are assessed based on average usage and currently it is \$15.00 for water and \$15.00 for sewer, so it is \$30.00 times the average usage for the day.

Supervisor Popowicz stated that he looks at connection fees as being capital and the goal of the meeting was to get the system to 100% paying for the system on the operations side, which they are subsidizing at \$300,000 per year.

Supervisor Sili responded to get there, they would have to raise the rates 44% and they are not doing that. He said when you use one time fees and charges to augment the operation system that don't go away, they are going backwards. Supervisor Sili said that they need to be careful because they could be in trouble because they are dependent as they are now, on actually using connection fees to run the plant. He said the point is that they are talking about \$8,000 being used as operations rather than as capital, which is where they lack the most in terms of actual County budget revenue.

Chairman Thomas said that when Mr. Rogers and his staff did their study, and said this is what we need to make the system work and that number was \$12,000.

Supervisor Acors asked what type of Debt Retirement were they talking about at \$12,000 because at one time they were talking about a \$53 million or a \$30 million dollar sewage treatment plant.

Mr. Rogers responded that they are both right, but they have to be aware of the here and now. He said the \$12,000 was helping to pay for some of what they have now and some was for the long-term capital. Mr. Rogers said they have to get somewhere close.

Supervisor Acors said that if the \$4,000 is going to cause the developer to lay off some of his people, its going to mean a lot more than that such as the impact to sales tax, BPOL tax, etc. He said if the commercial connections hurt the industry itself, it will hurt them more than the \$2,000 they will get off of the connections.

Chairman Thomas responded that was a good point, however, again, he wants to make sure that they are talking about the same thing and they all understand. He said they are talking the recommended \$16,000 water and sewer connections or \$13,000 that they say they are willing to go to right now.

Supervisor Acors responded that he thinks they need to go to the \$6,500 now and they have an opportunity that in 3 months, they can look and see if the \$1,500 is going to

make a difference. He said he believes though, that the developers need to tell them if this is going to make a difference.

Chairman Thomas asked if they go to \$6,500 what would be the prepayment incentive.

Supervisor Popowicz responded that he believes a couple of developers will come around and they will actually make up their connections and exceed them. He said what that does for you is if they go in tandem with getting their water and sewer operations being paid for by the actual users, that money should be used as capital to build the water and sewer plant. Supervisor Popowicz said they need to go to 100% paid by the user and look at going with a tiered system.

Chairman Thomas responded that Mr. Rogers said that it would take a 44% increase in rates and that the users pay for system operation. He said he believed that was a unacceptable increase for most people. Chairman Thomas said that for whatever reason, they are at this point, and now they have to figure out a logical resolution.

Mr. Finchum said that they are keeping a monthly tab of availability fees and the last full month was the 68 figure and they are up to 74 now of equivalent residential connections.

***Supervisor Popowicz moved and Supervisor Acors seconded to increase water and sewer availability fees to \$6,500 each effective immediately and direct staff to form an exploratory committee to look at an adjustment of the rates at a future date.***

Supervisor Acors said that he would not like to put a January deadline in the motion and form an exploratory committee.

Supervisor Rozell asked who would actually pay the fees.

Mr. Schiebel responded that ultimately the homebuyer would pay the fees, but the builder when they apply for the permit to build the house, pays that fee at that time.

Supervisor Rozell responded that the simple math is, \$12,000 over 20 years is \$50 for today and if it is \$16,000 over 20 years they pay \$66.00. He said when you break it down that way, it is not that far off. Supervisor Rozell said that they were at \$12,000 each and \$24,000 combined and they are at a happy medium where they are because they have come back a good ways, however, he wants the Board to think about it from the perspective of the people who actually pay it.

Supervisor Popowicz said that with a \$200,000 home, that is 1%.

Supervisor Sili asked if in the budget, if they do what they are going to do now, does this set them back from the line another \$300,000.

Mr. Rogers responded that if the Board of Supervisors does not make any adjustments and no new home connections within the next year, it would mean \$300,000 from the General Fund.

<b>Roll Call Vote:</b>	<b>Thomas</b>	<b>Nay</b>
	<b>Sili</b>	<b>Nay</b>
	<b>Rozell</b>	<b>Nay</b>
	<b>Acors</b>	<b>Yea</b>
	<b>Popowicz</b>	<b>Yea</b>

***The motion failed.***

Supervisor Sili said that he did not realize that \$8,000 for each connection was built into the budget and it would set them back another \$300,000 and now whatever they do now will be an impact.

Chairman Thomas said that they were \$170,000 short when they started this and when they get to the next agenda item, they will be \$470,000 dollars short.

Supervisor Rozell asked what was the only way to meet the budget.

Chairman Thomas said the only way to meet the budget was \$8,000.

***Supervisor Rozell moved to increase the water and sewer availability fees to \$8,000 dollars each.***

Supervisor Sili asked what the number of housing starts were from July to January.

Mr. Ashcraft responded that the number of housing starts were about 35.

Mr. Finchum said that the actual number of new permits were higher than that and that there were 49 through the 1<sup>st</sup> of the year connections to the County system. He said actually, the number of starts was probably about double that given all the other projects out there.

Supervisor Sili said that they were in a compromised position. He said they know they have to go up to \$8,000 and if they do \$7,000 tonight, they know that they have to go up to \$8,000 at some very near date and would give everyone an idea of where they are going.

***The motion died for the lack of a second.***

***Supervisor Sili moved and Supervisor Rozell seconded to increase the water and sewer availability fees now to \$7,000 each with the condition that it be reviewed for an additional increase in the very near future.***

<b>Roll Call Vote:</b>	<b>Thomas</b>	<b>Yea</b>
	<b>Sili</b>	<b>Yea</b>
	<b>Rozell</b>	<b>Yea</b>
	<b>Acors</b>	<b>Nay</b>
	<b>Popowicz</b>	<b>Nay</b>

***The motion carried on a 3-2 vote.***

Chairman Thomas explained that the rates are effective immediately.

***Supervisor Popowicz moved and Supervisor Acors seconded to authorize staff to advertise a public hearing for prepayment of availability fees to the current ordinance.***

Supervisor Rozell said that so far they have heard that there is not that much interest. He asked if they believed there would be much of an interest and benefit to go through this process.

Chairman Thomas responded that theoretically, they could come back and say that the rate is going to be \$10,000 and there could be a mad rush to prepay.

Supervisor Sili asked if at the Public Hearing for prepays, if they would also advertise to increase the rate at the same time to \$8,000 dollars.

Chairman Thomas responded that they have already conducted a public hearing with an amount up to \$12,000 dollars.

Mr. Ashcraft said that as the County Attorney has just advised, in order to approve prepayment language in the ordinance, you have to have a prepayment amount that you are prepaying to include in the advertisement. He said as a matter of policy, it would be based on an incentive.

Chairman Thomas said that Mr. Rogers originally said that it should be \$12,000 dollars.

Mr. Ashcraft responded that unless it is in the ordinance, it is just speculation.

<b>Roll Call Vote:</b>	<b>Thomas</b>	<b>Yea</b>
	<b>Sili</b>	<b>Yea</b>
	<b>Rozell</b>	<b>Yea</b>
	<b>Acors</b>	<b>Yea</b>
	<b>Popowicz</b>	<b>Yea</b>

***\*The Board took a break at approximately 9:45 p.m. and reconvened at approximately 10:20 p.m.***

8. **CONTINUED DISCUSSION OF PROPOSED FY 2008/09 BUDGET**

Chairman Thomas stated that this was continued discussion from the budget worksession and the purpose of this agenda item is to insure that they are all on the same page. He said the number is now closer to \$170,000 dollars shortfall.

Mr. Rogers stated that the number is \$212,246 based on the last discussion. He said that the salary and the employees that they found were overlapping on the spreadsheet as well as the fuel increase.

Supervisor Acors said that the Social Services number was not in the proposed number. He said they have a reduction in the rent and the Director of Social services believes that we can send a bill to the State for electricity, fuel costs for heating, and basic phone service.

Chairman Thomas added that maybe a position or two that they had discussed but not confirm on Page 2 of 3 that could conceivably get them some more and need to make deductions to the \$212,246. Chairman Thomas asked about the Circuit Court Clerk's new machinery.

Mr. Rogers responded that they could actually include that in the CIP.

Chairman Thomas said there were no salary deductions or position eliminations and there are some positions unfilled that will not be funded.

Supervisor Popowicz asked about the library.

Chairman Thomas said they could delete that and cut this \$212,246 dollars in half.

Mr. Ashcraft responded that it is the children's librarian and it takes over when the current librarian retires; however, given the situation, this could be deferred for a year. He said that the \$85,000 identified by Supervisor Acors was not in here.

Mr. Rogers responded that was correct.

Mr. Ashcraft said that Supervisor Acors has talked about cutting contributions by 10% and that if they follow his recommendation they will be pretty close.

Mr. Rogers said that under the Training line item, \$10,500 was cut, and then explained the other cuts that were made for the various departments.

Chairman Thomas said that based on the \$85,000 plus for the library position and server, they are at \$23,000 short of what they needed. He asked Mr. Ashcraft to find that \$23,000 dollars and bring it back to the Board so they will know exactly where they are.

Chairman Thomas said that they are close and by the time they have their next meeting on June 17<sup>th</sup> they will finalize where they are.

Mr. Rogers said that he would not be at the meeting on the 17<sup>th</sup>, however, he will send Mr. Rodriguez in his place and he will show the Board where they are and then the Board can tell them where they need to make adjustments and then adopt it on June 24<sup>th</sup>.

Mr. Ashcraft said that any item in the CIP needs to be approved by the Board at the time that they decide to work on that project. He asked the Board to let him bring those projects to the Board on a project-by-project basis and then the Board decide how to fund them instead of bogging down the deliberation time. Mr. Ashcraft asked the Board to keep in mind that there are things that they do every year such as replacement of Sheriff's vehicles, which is typically 12 to 13 vehicles each year and they would look at this and determine if they need to do that many this year. He said they also have some ambulances with deferred purchases, and they would look at those and see if they could squeeze out something for one more year. Mr. Ashcraft said that rather than coming up with a funding strategy, let him bring these back with a recommendation and a funding strategy so that the Board knows exactly where they are with each and every project.

Mr. Rogers said that they have the differential between the employees and the fuel was another \$8,000 dollars and so there is another \$11,000 there on the positive side and he thinks they can get there.

### **NEW BUSINESS**

#### **9. APPROVAL OF LEASE WITH STATE FAIR OF VIRGINIA FOR NUTTER HOUSE (EXTENSION OFFICE)**

Mr. Ashcraft stated that this was on the agenda previously. He said that they, for quite some time, have been working with the State Fair to determine how to move the Extension Office, which has the agricultural mission of both groups. Mr. Ashcraft said that they have worked with and met with the State Fair, County Agencies and Mr. Ramsay and the lease is a project of those meetings. He said to keep in mind, this is the lease price and not the renovation price.

Mr. Allen Ramsay, Director of Public Works, said that a lot depends on whether they can configure the office on the first floor for handicapped accessibility and putting the office in the garage for \$15,000 dollars versus \$30,000 dollars. He said the Board of Supervisors needs to decide if it is a good idea for the Extension Office to move to the State Fair and what about the budget.

In response to a question from Supervisor Sili, Mr. Ashcraft stated that the County would not be reimbursed by the State.

Supervisor Sili asked how much space the Extension Office would need.

Mr. Ashcraft responded that they are really cramped and that when they were relocated a few years ago, they were moved to quarters much smaller than what they had. He said the Board of Supervisors at that time, said that whenever something became available they would move them out as soon as possible. Mr. Ashcraft said he could honestly say that they are very cramped for what they do and the services they provide. He said they will be looking out for the State Fair and its mission and the 4-H livestock, farming, et cetera, and it does seem like a natural arrangement, however, there is a lease there and an ongoing cost.

Chairman Thomas responded that he would love to have that natural connection without a budget impact. He said he remembers that someone pointed out the amount of time and travel to Dowell and it would be kind of centralized to have it in Bowling Green. Chairman Thomas said it would take a lot of maneuvering and he didn't know if he wanted to pay \$15,000 now and the Fair not open until next year.

Supervisor Popowicz asked about the current square footage.

Chairman Thomas responded that the current square footage was dismal.

Mr. Ashcraft said currently, it is two offices for four people with no main entrance.

Chairman Thomas said that it was like two bathrooms. He asked if conceivably, they could get them to hold out a little longer with the renovations, when would they be able to move at the earliest.

Mr. Ramsay responded October or around that vicinity.

Supervisor Rozell said that they may want to talk again to the local agents and Susan Quesenberry from Virginia Tech. He said he remembers there were some good benefits for the County to have a close presence at the State Fair.

Mr. Ashcraft said that it is something that the Extension Office supports and the fact that they are closer to the mission, Virginia Tech also supports it.

Chairman Thomas asked if there was any funding from Virginia Tech.

Mr. Ashcraft responded that by law, the County has to provide space for the Extension Office.

Supervisor Rozell said that maybe Mrs. Quesenberry could bring some ideas and insight about this issue.

Chairman Thomas asked staff to invite Mrs. Quesenberry to the next meeting.

**10. INFORMATIONAL/CALENDAR ITEMS**

Mr. Ashcraft reminded everyone of the following upcoming events:

- ◆ The annual Relay for Life to be held at Caroline High School on May 30<sup>th</sup> and 31<sup>st</sup>
- ◆ The welcome reception for new Spotsylvania Medical Center on May 29<sup>th</sup>
- ◆ The Tampa trip for Ladysmith Sub-Area Plan Award on June 3<sup>rd</sup>
- ◆ The Ribbon Cutting at VSE on June 4<sup>th</sup>

**CLOSING BOARD COMMENTS**

Chairman Thomas thanked the other Board members for their indulgence in moving the next meeting to June 17<sup>th</sup> because of a conflict with his work schedule.

Supervisor Popowicz stated that he would be singing at the Relay for Life event and encouraged everyone to attend the very worthy event.

Supervisor Sili reminded everyone that there would be a dunking booth at the Relay for Life event.

**ADJOURNMENT**

*Supervisor Popowicz moved and Supervisor Sili second to adjourn the meeting.*

<b>Roll Call Vote:</b>	<b>Thomas</b>	<b>Yea</b>
	<b>Sili</b>	<b>Yea</b>
	<b>Rozell</b>	<b>Yea</b>
	<b>Acors</b>	<b>Yea</b>
	<b>Popowicz</b>	<b>Yea</b>

  
CLERK TO THE BOARD

  
CHAIRMAN