

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS HELD ON  
TUESDAY, FEBRUARY 1, 2022, IN THE BOARD ROOM OF THE HISTORIC  
COURTHOUSE, SALUDA, VIRGINIA:

Present: Wayne H. Jessie, Sr., Jamaica District  
Don R. Harris, Saluda District  
Reginald A. Williams, Sr., Harmony Village District  
Lud H. Kimbrough, III, Pinetop District  
John B. Koontz, Jr., Hartfield District

Matthew L. Walker, County Administrator  
Betty S. Muncy, Assistant County Administrator  
Ann Marie Ricardi, Assistant County Administrator  
Heather W. Lewis, County Attorney  
Susan C. Traner, Deputy Clerk

**CALL TO ORDER**

Chairman Kimbrough called the meeting to order at 3:00 p.m. Supervisor Williams led the group in prayer; Mr. Walker led in the Pledge of Allegiance.

**CONSENT AGENDA**

A motion to approve the Consent Agenda, as presented, was made by Supervisor Jessie, seconded by Supervisor Williams, and carried by the following roll call: Supervisor Koontz – Aye; Supervisor Harris – Aye; Supervisor Williams – Aye; Supervisor Jessie – Aye; and Chairman Kimbrough – Aye.

The Consent Agenda included approval of minutes from the January 4, 2022 Regular meeting and the January 7, 2022 Work Session; disbursements dated January 5, 2022 – February 1, 2022, numbered 99304 – 99352, and 99354 – 99417 totaling \$658,959.79; and payroll dated January 18, 2022, numbered 99275 – 99303, and January 25, 2022, numbered 99353, totaling \$500,571.02.

**PUBLIC COMMENT**

Chairman Kimbrough opened the public comment period at 3:02 p.m.

Bridget Weinberg addressed the Board, saying she was actually there representing Michael Knez, who was unable to attend the meeting. She read a statement from Mr. Knez regarding moving the Historic Courthouse Confederate monument. Some citizens have stated that removing the monument would be erasing history while others say the monument stands for racist history. The monument and portraits on the walls of the Historic Courthouse honor people who argued that secession was necessary in order to preserve their property rights. Unfortunately, their human slaves of African descent were the property

they were referring to. He proposed that a memorial to honor the strength, resilience, and faith of the ancestors of the people in the County of African descent be erected to honor their heritage. Ms. Weinberg said she herself had spoken to the Board in the past about the monument. Previously, she used the word removing when she should have said relocating. Relocating the monument to a more appropriate place would help with reconciliation in the County. If that cannot be done, then she would be in favor of putting up a monument to honor the enslaved in Middlesex County.

Darrell Sears said that it was his understanding that the reason that the water line only ran down one side of the highway was because it had to be 10 feet away from the sewer line. He said there are at least two places where the water line has crossed the road, gone a short distance, and then crossed back across the road again. He would like to have an explanation on how those lines are going to be separated by 10 feet when the sewer line goes in. He stated that it is extremely rude for people that work for the County not to call him back after he leaves a polite voicemail message, and he sees that as a problem. He said that there are sections of the road that had gravel on it after the water line was put in. Those sections have now been paved, and he considers it be the worst paving job he has ever seen, and he certainly hopes that they are planning on repaving it again. He said he is also in favor of leaving the monument where it is. In November, the citizens of the County voted overwhelmingly to leave the statue where it is, not to remove it or relocate it.

Deborah Miller commended the Board and administrative staff for the work they do, saying it is most likely a thankless job where they hear nothing but complaints. She recommended that citizens go online and read the June 2021 Audit. It would give a greater understanding of where their tax dollars go. She asked the Board to be mindful of the citizens when they are deciding on the budget. She is a business owner and a homeowner who pays her fair share of taxes, but the personal property tax went up 37% from 2020 to 2021. She feels that this source of revenue has been tapped out. Real estate taxes have been fairly consistent. She said that the debt service, however, continues to get higher and higher, and that means someone is going to suffer, most likely the citizens.

Robert Jackson addressed the Board regarding the Confederate statue on the Historic Courthouse grounds, saying it represented hate and those that fought to keep slavery. If Confederate monuments are kept, they should be contextualized so they are not mistakenly an honored symbol. The monument should be placed in a museum where it can be preserved as something to learn from but not celebrate. Confederate monuments and schools named after Confederate soldiers have the purpose of keeping alive the idea that people of color are inferior and should not be treated as equals.

Lauren Wood said she wanted to thank the Board for the tireless work they do to make the right decisions and do their due diligence for the 10,000+ citizens in the County. She said she had a proposal for the Board in light of the divisiveness and heated conversations in the County now. She proposed that the County should not conduct County business in the Historic Courthouse so citizens would not have to come to Board of Supervisors meetings and walk past the monument, see the Confederate flag, and look at the portraits of those who made decisions at that time.

Ms. Muncy read an emailed public comment from Michael Pierce. Mr. Pierce said that the monument stands for racism, white supremacy, and the Lost Cause and those things are totally inconsistent with the values of today. It desecrates the Courthouse and shames the community. He stated that last October, while trick-or-treating, his daughter was given a bag of candy that also included petty, opportunistic, political material and pro-Confederate propaganda. The only thing worse than his daughter getting this bag was the fact that it was handed to her by a Middlesex County elementary school teacher from a tent set up by a School Board member. Part of the cure is getting rid of the monument, and part is telling the truth. On the eve of the War of the Rebellion, 54% of this community was enslaved. The wealth in this community was built on their backs, and without their generations of suffering and forced labor, there would be no Middlesex. But there is no monument for the slaves who helped build this community, so one should be built.

Chairman Kimbrough closed the public comment period at 3:18 p.m.

### **CONSTITUTIONAL OFFICERS**

Kathy Thrift, Treasurer, was present at the meeting to answer any questions, but the Board had no questions for Ms. Thrift.

Mae Burke Diggs, Commissioner of the Revenue, was present at the meeting to answer any questions, but the Board had no questions for Ms. Diggs.

Supervisor Koontz stated that since the Board had not had any questions for Ms. Thrift and Ms. Diggs in recent months, perhaps they should just join the meetings quarterly at this point.

The Board agreed, by consensus, to have Ms. Thrift and Ms. Diggs attend meetings quarterly, but still provide their monthly reports to them in the Board packet.

### **AGENCY AND STAFF REPORTS**

#### ***VDOT:***

No one from VDOT was present at the meeting.

Supervisor Koontz asked that administration get some clarity from VDOT regarding the bad pavement on the road in Deltaville and whether it is the final coat or not.

#### ***Schools:***

Dr. Seitz, Superintendent, reviewed two budget supplement requests and one budget transfer request. Budget Supplement Request FY2022-26 was for appropriating grant funds received from the USDA for emergency operating costs for cafeteria services, dual enrollment alignment grant funds, and school security equipment grant funds which will require a local match. Budget Supplement Request FY2022-27 was to appropriate an insurance property damage check to cover repair costs for damage to a school bus. Budget

Transfer Request FY2022-08 was for reallocation of funds between instruction and maintenance to cover a maintenance contract change, a local match of a school security grant, and additional funds for purchased services and maintenance supplies. In order to receive the \$216,000 for security upgrades at all of the buildings, a local match is required which can be accomplished by transferring funds over.

Dr. Seitz informed the Board that within a few weeks, the School Board should be able to return some funds to the County that were used for replacing the HVAC systems at the elementary school. The School Board was able to take advantage of a grant and recapture about \$200,000 that can be returned to the CIP. She said that, after a couple of delays, the School Board had finally gotten to meet with the architects to start the process of developing plans for renovating the high school. She said that there would be a School Board meeting on February 14, 2022, in the auditorium of St. Clare Walker Middle School, at 6:30 p.m., where she would present the draft budget as well as the school calendar for next year. The masking mandate will also be discussed. Then, on February 15, 2022, the School Board will be giving its budget presentation to the Board of Supervisors at 4:00 p.m.

A motion to approve Budget Supplement Requests FY2022-26 and 27, and Budget Transfer Request FY2022-08 was made by Supervisor Koontz, seconded by Supervisor Harris, and carried by the following roll call: Supervisor Harris – Aye; Supervisor Williams – Aye; Supervisor Jessie – Aye; Supervisor Koontz – Aye; and Chairman Kimbrough – Aye.

FROM:	AMOUNT:	TO:	AMOUNT:
3-072-031055-6000	(\$38,634.14)	4-072-065100-6002-900	\$38,634.14
3-071-024030-7001	(\$216,420.00)	4-071-064200-8200-900	\$216,420.00
3-071-024089-4000	(\$2,212.38)	4-071-061210-3000-310-100	\$2,212.38
3-071-018991-0001	(\$4,883.16)	4-071-063200-3000-900	\$4,883.16
4-071-061100-1120-200-100	(\$154,105.00)	4-071-064200-3000-900	\$25,000.00
		4-071-064200-3340-900	\$50,000.00
		4-071-064200-6007-900	\$25,000.00
		4-071-064200-8200-900	\$54,105.00

***FY2021 Audit Presentation:***

Paul Lee, Robinson, Farmer, Cox, addressed the Board regarding the FY2021 audit. He said that the County had received an unmodified opinion on their financial statements, which was good. There were no federal compliance issues to report. The CARES Act was a major program that was audited as well. The Water Authority was merged into the audit this year, so all federal loan money received this past year was under a compliance audit. The unassigned fund balance is approximately \$12 million. If 20% of that was set aside for the FY23 budget, that amount would be approximately \$4.9-5 million. The County is in good fiscal health from the standpoint of fund balance at the end of the year. The tax collection percentage was 97%. Mr. Lee said there was a weakness to disclose relative to getting the bank reconciliations done timely. This has been addressed by the County who came up with a corrective action plan.

Chairman Kimbrough reviewed a few points that he had taken away from the audit. He said that it appeared that the net position of the County is approximately \$21 million. Chairman Kimbrough said the next item he would like verified was that the fund balance was \$17.7 million, an increase of \$5.4 million, and 68% of the fund balance was unassigned. Mr. Lee confirmed that those figures were correct, and the unassigned amount is about \$12 million. He said the debt had decreased by \$1.1 million. Chairman Kimbrough noted that at the end of the year, the County had total debt of approximately \$18.4 million, which did not include the Water Authority. He also noted that the net pension for the County was an asset, while it was a liability for the School Board. Chairman Kimbrough said another interesting item is that, over the past 10 years, the County population has decreased and the per capita debt in the County has decreased from \$2,200 to \$1,695. Chairman Kimbrough said he felt very good about where the County is financially, and the audit made him feel even better.

Mr. Lee said the audit report speaks to the primary government, Middlesex County, and the Water Authority speaks for itself. The audit report will reflect what the Water Authority debt is, but it is not included with the primary government. The Water Authority is a stand-alone entity, and their revenue will also not be included in the primary government. The Water Authority has a separate set of financials/books and is not co-mingled with the County. In the past several years, the Water Authority had its own audit report. This is the first year that it has been merged. It shows the County's responsibility, overall, for the Authority, but it is still presented separately.

A motion to accept the audit, as presented, was made by Supervisor Koontz, seconded by Supervisor Jessie, and carried by the following roll call: Supervisor Williams – Aye; Supervisor Jessie – Aye; Supervisor Koontz – Aye; Supervisor Harris – Aye; and Chairman Kimbrough – Aye.

***Parrish and Partners Airport Update:***

Jon McCalmont, Parrish and Partners, updated the Board on the airport project. The ultimate goal is to increase the safety at the airport. The Virginia Department of Aviation (VDOA) said that two reports were needed before doing the planning, a feasibility study and changing the role of the airport. Those reports have now been completed. Next to be done is the Airport Layout Plan (ALP) and an Environmental Impact Review (EIR). All of these steps are being done to meet the objective of realigning and extending the runway at the airport. Airport projects have many items, procedures, phases, and submittals that are required. Some of the environmental steps were completed before getting the state's approval for the ALP drawing. Permission was given by the Board to start the environmental process last year. A final document has now been submitted to the state. It will be reviewed by the state Aviation Agency. If they concur with everything in the final document, they will submit it to DEQ, which will start the clock. The timeframe is roughly 60 days, but it could take less or possibly more time. His firm coordinated with the other agencies prior to them seeing the final document to make them aware of what was coming in an effort to move things along more quickly. He is waiting on the notification from the state, giving it to DEQ, starting the process, and scheduling the public meeting. He believes

the public meeting will be held virtually which will allow more people to attend. He does not anticipate a lot of opposition. After the EIR is reviewed and approved by DEQ, that will move the project into the design and construction phase. Moving too quickly with the design and construction phase could possibly jeopardize the project, so they have not progressed beyond what is reasonable. Some EIR documents have been prepared and preliminary design work done to be ready to move quickly when the time comes. The goal is to build the runway in 2022. The 60-day window would move the project into the spring which would lead to a potential summer construction and completion of the project by the end of the year.

## **REGULAR AGENDA ITEMS**

### ***Citizen Appointment:***

Ms. Muncy informed the Board that an application had been submitted by Meriwether Putney for the vacancy on the Board of Building Code Appeals. If he is appointed, he would be fulfilling a vacant position with a term expiration of October 31, 2024. It is an at-large position, and the vacancy requires someone with property management experience, which Mr. Putney has. This is a five-year term position.

A motion to appoint Meriwether Putney to serve on the Board of Building Code Appeals, with a term expiration of October 31, 2024, was made by Supervisor Harris, seconded by Supervisor Jessie, and carried by the following roll call: Supervisor Jessie – Aye; Supervisor Koontz – Aye; Supervisor Harris – Aye; Supervisor Williams – Aye; and Chairman Kimbrough – Aye.

### ***Mill Creek Landing Change Order Request:***

Supervisor Koontz said that some months ago, the Board authorized some sand fencing and planting of sprigs to encourage the sand dune to stay in place and reject sand finding its way into the Mill Creek Boat Ramp. Mr. Koontz said that after working in the area for the last six weeks and observing the sand movement daily, it occurred to him that it would help to crisscross the existing fencing to enhance the dune at a faster rate. The contractor said he could add the additional fencing and plant the sprigs which will take root through the end of March. The contractor said he was willing to add the additional fencing for cost only which is \$348.

A motion to approve the change order of \$348 for the additional sand fencing was made by Supervisor Harris, seconded by Supervisor Williams, and carried by the following roll call: Supervisor Koontz – Aye; Supervisor Harris – Aye; Supervisor Williams – Aye; Supervisor Jessie – Aye; and Chairman Kimbrough – Aye.

## **ADMINISTRATOR UPDATES**

Mr. Walker reminded the Board that VACo was holding their Legislative Day on Thursday, February 3, 2022.

## **COUNTY ATTORNEY UPDATE**

Ms. Lewis informed the Board that, after working with staff, it came to light that there is no written policy to address written comments. She said staff was seeking guidance on how the Board would like handle written comments moving forward. Chairman Kimbrough suggested that any written public comment would need to be received before the packet deadline of the Tuesday before the Board meeting at 4:30 p.m. If the comment is received before the deadline, it could be included in the current Board's packet. If it comes in after the deadline, it would be included in the following month's packet.

A motion to create a policy regarding written public comment that said that written public comment must be received by the deadline of 4:30 p.m. on the Tuesday before a Board meeting and be put into the current Board's packet, or, if after the deadline, it would go in the following month's Board packet, was made by Supervisor Koontz, seconded by Supervisor Harris, and carried by the following roll call: Supervisor Harris – Aye; Supervisor Williams – Aye; Supervisor Jessie – Aye; Supervisor Koontz – Aye; and Chairman Kimbrough – Aye.

## **UNFINISHED/NEW BUSINESS**

### ***Unfinished Business:***

No unfinished business was discussed by the Board.

### ***New Business:***

No new business was discussed by the Board.

## **MATTERS PRESENTED BY THE BOARD**

Board Members reported on their activities and meetings since the last regular meeting on January 4, 2022.

Supervisor Harris said he thought it would be a great opportunity for citizen involvement if the County would offer Zoom meetings to increase citizen participation. Chairman Kimbrough said the meetings are broadcast on YouTube, but he recognizes that YouTube does not give citizens an opportunity for input. However, he said that two Public Comment periods are offered to accommodate citizens that might not be able to attend at 3:00 p.m. He said an additional public comment period is offered at the conclusion of the afternoon meeting or after the 7:00 p.m. meeting if there is a night session.

Supervisor Koontz said he wanted to commend all of the departments of the County for participating in the "We Are Not Alone" suicide prevention seminar held on January 26, 2022. There were over 400 attendees from all over the state.

Supervisor Koontz said he wanted to clarify some confusion around his position on the Confederate monument standing on the public courtyard. He said he would continue to

represent the minority and the majority of his constituents. He does not believe the monument belongs on public ground. He would happily help fund any private landowner in the 75% majority if they would like to host the monument. He wants it clearly understood that he understands what a 75/25 referendum means, but he still feels strongly that it does not belong on public ground. His initial motion several months ago was for the monument to be removed from public grounds, but he will not seek any further additional motions or votes. And in response to his constituents, he will embrace history, not erase history.

Supervisor Koontz reviewed the story of six young men who risked their lives to escape enslavement by leaving Stingray Point Lighthouse in a small wooden boat. The USS Mount Vernon spotted the rowboat and dispatched sailors to investigate, bringing the enslaved men aboard the USS Mount Vernon. The men were allowed to serve on the ship. They all became formally enlisted sailors, joining the US Navy and fighting to save the United States. One of the young men made it back to Middlesex, purchased some land, and started a business. The fate of the other five comrades is lost to history. The Emancipation Proclamation was issued by Lincoln, but many of the enslaved self-emancipated and enlisted to fight for the United States. Chairman Kimbrough added that a monument was erected in Deltaville last year to honor those young men.

### **CLOSED SESSION**

A motion to convene in a closed session pursuant to the Code of Virginia, Sections 2.2-3711(A)(3) and (A)(8), for the discussion and/or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position and/or negotiating strategy of said public body; and for consultation with legal counsel employed or retained by the public body regarding specific legal questions about said acquisition of real property, was made by Supervisor Jessie, seconded by Supervisor Harris, and carried by the following roll call: Supervisor Williams – Aye; Supervisor Jessie – Aye; Supervisor Koontz – Aye; Supervisor Harris – Aye; and Chairman Kimbrough – Aye.

### **RETURN TO OPEN SESSION**

A motion to return from closed session, with the following statement, was made by Supervisor Jessie, seconded by Supervisor Williams, and carried by the following roll call: Supervisor Jessie – Aye; Supervisor Koontz – Aye; Supervisor Harris – Aye; Supervisor Williams – Aye; and Chairman Kimbrough – Aye.

To the best of the members' knowledge, only public business matters lawfully exempted in the motion by which the closed session was called were considered or discussed in said closed session.

No action was taken on any business discussed during closed session.

### **RECESS**

The meeting was recessed until the evening session at 7:00 p.m.

## **RECONVENE**

The meeting reconvened at 7:00 p.m.

## **PUBLIC HEARINGS**

### *Special Exception 2021-05:*

Mr. Kretz reviewed Special Exception 2021-05, which requests approval of a special exception to construct and operate a nursery. The property for which a special exception is being requested is in Village Community, 168 Warner Road, Urbanna, Virginia, and is further identified as Tax Map parcel 18-152 in the Jamaica District. Mr. Kretz reviewed the statistics for the site and pictures of the site. Village Community requires a special exception use for a nursery. If approved, greenhouses would be considered accessories and could be approved by the Planning Department. He said the criteria had been met for the special exception and staff feels that this use is well-suited for the area proposed. A nursery would transition the property to a commercial use while still maintaining the rural character of the area, and it would be consistent with the intent of the Zoning Ordinance and Comprehensive Plan. The special exception request is in substantial conformance with the requirements of the Zoning Ordinance and staff recommends approval.

The applicant thanked the Board for taking the time to review her request. Chairman Kimbrough commented that when greenhouses are no longer in use, they become unsightly and torn. The applicant said she would use the tunnels year-round, and they are made with five-year plastic. It would be imperative to the growth of her plants that she replace the plastic in a timely manner. She will sell cut flowers, mostly wholesale through Richmond, but she is planning on selling locally, too.

Chairman Kimbrough opened the public hearing public comment period at 7:08 p.m.

No public hearing public comments were made.

Chairman Kimbrough closed the public hearing public comment period at 7:08 p.m.

Supervisor Jessie welcomed the applicant to the area, and said he thinks it is an excellent location for this type of project.

A motion to approve special exception 2021-05 to construct and operate a nursery was made by Supervisor Jessie, seconded by Supervisor Harris, and carried by the following roll call: Supervisor Koontz – Aye; Supervisor Harris – Aye; Supervisor Williams – Aye; Supervisor Jessie – Aye; and Chairman Kimbrough – Aye.

### *Ordinance Amendment 2021-03:*

Mr. Kretz reviewed Ordinance Amendment 2021-03, which was a request for the purpose of amending Article 8, Section 8-3, Village Community, in the Middlesex County

Zoning Ordinance, to add boat, RV, and camper storage yards as a special exception use and to add boat, RV, and camper storage yards to the Article 22 Definitions. The proposed Zoning Ordinance amendment would add boat, RV, and camper storage yards as a special exception use in Village Community. It would be listed as 8-3.31. A special exception request is associated with this Ordinance Amendment request to establish a boat, RV, and camper storage yard on Tax Map parcel 40-249A. The Ordinance committee met to establish the parameters and conditions. The consensus among the committee was that there should be adequate screening to obscure the use from the street and adjoining property owner view and that it should be listed within the special exception uses. Requiring special exception approval would allow the Planning Commission and Board of Supervisors some latitude with respect to location appropriateness of the site. The committee also discussed establishing greater setbacks to allow more desirable uses to be located along the corridors. However, the additional setbacks being proposed are to allow ample area basically to install vegetation, not to create a different corridor district. The draft ordinance language does not have the setbacks included that would allow a separate development corridor. He reviewed the conditions that would be placed, such as setbacks and screening. Based on the determinations of the Planning Commission and the Ordinance committee, staff recommends approval of Ordinance Amendment 2021-03.

Mike Jackson, a real estate broker, spoke to the Board on behalf of his clients, Paul and Tracy Seitz, saying that numerous large subdivisions do not allow residents to house their boat, RV, or camper on their property. He said the boat, RV, and camper storage yard would be gated with a keyless entry. He said his clients would be happy to work with the Board and the Planning Department on any conditions.

Chairman Kimbrough opened the public hearing public comment period at 7:21 p.m.

No public hearing public comments were made.

Chairman Kimbrough closed the public hearing public comment period at 7:21 p.m.

Mr. Kretz said that the ordinance amendment language had opaque screening as a requirement. He reminded the Board that through the special exception process, there is a caveat at the end that says that the Board can add any condition they choose, so they can require whatever screening they think is necessary to hide the area. If a vegetative screening is offered, the Board can require it to be a certain height or apply other conditions. The Ordinance can set up a minimum requirement, but then the Board will have the discretion to add or require items during the special exception process.

A motion to approve Ordinance Amendment 2021-03 to allow boat, RV, and camper storage yards in Village Community, was made by Supervisor Jessie, seconded by Supervisor Williams, and carried by the following roll call: Supervisor Harris – Aye; Supervisor Williams – Aye; Supervisor Jessie – Aye; Supervisor Koontz – Aye; and Chairman Kimbrough – Aye.

*Special Exception 2021-06:*

Mr. Kretz reviewed special exception 2021-06, submitted by Paul and Tracy Seitz, requesting approval of a special exception to allow a boat, RV, and camper storage site in Village Community along Fishing Bay Road, Deltaville. It is identified as Tax Map parcel 40-249A. The parcel is approximately 3.27 acres, and it is vacant. He reviewed the site's statistics. There are several commercial uses adjacent to the property. Approval of this special exception would be in accord with Ordinance Amendment 2021-03 that the Board just approved. There are conditions that would have to be met for final approval, such as the screening. Staff, the Planning Commission, and the Board of Supervisors have had discussions regarding locations of uses that focus on storage only, such as self-storage buildings, storage buildings, and special exception uses, such as the leasing of storage units. The project site is not located on a major travel corridor. Staff recommends approval of special exception 2021-06, subject to special exception criteria 8-4 in the Zoning Ordinance. The Board can assess the appropriateness of the setbacks and screening.

Chairman Kimbrough opened the public hearing public comment period at 7:33 p.m.

No public hearing public comments were made.

Chairman Kimbrough closed the public hearing public comment period at 7:33 p.m.

Chairman Kimbrough said that Fishing Bay Road is a main access to the Fishing Bay Yacht Club, and it brings many people from out of town, so that corridor needs to look nice so any project would need proper screening. Chairman Kimbrough said he was a little confused about what was being proposed because there was no conceptual plan to look at to show things, like the lighting that is planned, or the screening.

Mr. Kretz said the Board could table the special exception request until more information was available, but the site plan process would cover things such as lighting and screening. The project would go through the site plan process with the Planning Commission, and the Board could always specify a certain type or height of screening and place conditions on the approval.

There was much discussion by the Board regarding screening, lighting, and other items, as well as discussion on whether it should be tabled. Supervisor Koontz said that an email to him from an adjoining property owner asked that the Board consider requiring a privacy fence on the sides and rear of the facility, and if a privacy fence is not required, they asked the Board to consider a minimum five-to-six-foot evergreen requirement, staggered to allow growth between the chain link fence and property lines to obscure the facility. Mr. Walker reminded the Board that they could make the type and amount of screening a condition of the special exception approval. Mr. Kretz added that the Board has the ability to add any conditions that the Board sees fit for the special exception requirements.

The applicant's representative, Mike Jackson, assured the Board that the applicant would meet whatever requirements that the Board placed on the special exception approval.

He reminded the Board that there would also be a 50-foot setback, so several rows of vegetation could be planted to achieve full screening. He said there were also existing 40-foot trees that could serve as a buffer on one side of the property.

Mr. Jackson said that the applicant planned to plant Green Giants, from the oak family, which are very hardy. They grow approximately four feet a year and can achieve 30 feet in height.

Mr. Walker recommended that the Board approve the special exception request with conditions put on it. The Board can request that a landscaping plan be presented during the site plan process. He reminded the Board that site plans can be elevated to their level for review, and if the landscaping plan is not adequate, it does not have to be approved.

A motion to approve special exception 2021-06 was made by Supervisor Koontz, seconded by Supervisor Harris, and carried by the following roll call: Supervisor Williams – Aye; Supervisor Jessie – Aye; Supervisor Koontz – Aye; Supervisor Harris – Aye; and Chairman Kimbrough – Aye.

*Ordinance Amendment 2021-02:*

Mr. Kretz reviewed Ordinance Amendment 2021-02, initiated by the Planning Commission, for the purpose of amending Article 18, Nonconformities, Section 18-5 and 18-6, removing special exception requirements defined with the Zoning Ordinance. The purpose of the amendment is to revise the sections pursuant to state code. The language was cleaned up and taken from state code to clarify some things within the Zoning Ordinance as a direction for staff when they are assessing nonconformities and structures. This amendment has two basic components, one of which is the ability to replace a structure in the event of a casualty loss. A casualty loss is an act of God, such as fires, hurricanes, tornadoes, and floods; the act of arson is excluded. Staff would be allowed to immediately allow people replacement in the same footprint without the Board having to take action. The second component covers the replacement of a manufactured home. Currently, there are special exception requirements for replacement of manufactured homes in districts that do not allow them, such as Village Community or Residential. This amendment would remove those requirements. State code enables a homeowner of a manufactured home to replace it with either a single or a double manufactured home if it is not in a manufactured home park. If it is in a nonconforming manufactured home park, a single manufactured home must be replaced with a single manufactured home and a double must be replaced by a double.

Chairman Kimbrough opened the public hearing public comment period at 8:07 p.m.

No public hearing public comments were made.

Chairman Kimbrough closed the public hearing public comment period at 8:07 p.m.

A motion to approve Ordinance Amendment 2021-02 was made by Supervisor Jessie, seconded by Supervisor Williams, and carried by the following roll call: Supervisor Jessie – Aye; Supervisor Koontz – Aye; Supervisor Harris – Aye; Supervisor Williams – Aye; and Chairman Kimbrough – Aye.

*Revised Floodplain Ordinance Adoption:*

Mr. Kretz said that the Floodplain Ordinance has been revised to add a few definitions. If the Board approves it, it will go back to FEMA for review and would become effective May 17, 2022. Base flood elevation is a catch term synonymous with the 100-year floodplain and base flood is what is referred to when elevations are given for flooding. He reviewed some amendments and definitions that will be amended on the new effective date. The maps were revised as well. FEMA conducted public hearings on the maps, and the comment period has passed, with only one comment received. Mr. Walker pointed out that the language changes to the ordinance are required by FEMA; therefore, the amendments and definitions must be adopted in order to maintain flood insurance. Mr. Kretz said it is very important to keep the Floodplain Ordinance up to date to assure that citizens can access flood insurance.

Chairman Kimbrough opened the public hearing public comment period at 8:16 p.m.

No public hearing public comments were made.

Chairman Kimbrough closed the public hearing public comment period at 8:16 p.m.

A motion to adopt the revised version of the Floodplain Ordinance was made by Supervisor Jessie, seconded by Supervisor Harris, and carried by the following roll call: Supervisor Koontz – Aye; Supervisor Harris – Aye; Supervisor Williams – Aye; Supervisor Jessie – Aye; and Chairman Kimbrough – Aye.

**PUBLIC COMMENTS**

Chairman Kimbrough opened the public comment period at 8:17 p.m.

No speakers made any public comment.

Chairman Kimbrough closed the public comment period at 8:18 p.m.

**ADJOURN**

A motion to adjourn until the work session meeting on Friday, February 4, 2022, at 9:30 a.m., was made by Supervisor Jessie, seconded by Supervisor Harris, and carried by the following roll call: Supervisor Harris – Aye; Supervisor Williams – Aye; Supervisor Jessie – Aye; Supervisor Koontz – Aye; and Chairman Kimbrough – Aye.