

**Virginia:**

At the regular monthly meeting of the Board of Supervisors held at the Charles City County Government Administration Building thereof on **Tuesday, August 27, 2019, 7:30 p.m.** in the 244<sup>th</sup> year of the Commonwealth and 385<sup>th</sup> year of the County.

PRESENT: Floyd H, Miles, Sr., Chairman  
Gilbert A. Smith  
William G. Coad

Meeting called to order by Chairman, Floyd Miles, Sr.

RE: ADOPTION OF AGENDA

Motion was made by Gilbert Smith to approve the adoption of the Agenda as presented. Motion passed unanimously.

RE: CONSENT AGENDA

Motion made by Bill Coad to approve the Consent Agenda as presented by staff. Motion passed unanimously.

- a. Approval of Minutes
  - August 27, 2019 - Regular Meeting Minutes
- b. CH2M Hill Invoice for Services through August 16, 2019
- c. Appropriations for October 2019

Charles City County September Appropriations		<i>Amended FY20 Budget</i>	<i>September Request</i>	<i>County Administrator Recommends</i>
<i>General Fund Agencies</i>				
<b>11010</b>	Board of Supervisors	\$ 63,863	\$ 5,321	\$ 5,321
<b>12100</b>	County Administrator	200,522	17,301	17,301
<b>12210</b>	Legal Services	127,000	27,000	27,000
<b>12220</b>	Non Departmental	59,754	5,000	5,000
<b>12221</b>	Non Departmental-Telecom	175,900	26,500	26,500
<b>12240</b>	Audit	38,800	-	-
<b>12310</b>	Commissioner of Revenue	253,717	20,203	20,203
<b>12410</b>	Treasurer	189,275	14,589	14,589
<b>12420</b>	Finance	160,436	14,992	14,992
<b>12422</b>	Human Resources	145,439	12,188	12,188
<b>12425</b>	Information Technology	407,456	66,900	66,900
<b>12520</b>	Motor Pool	67,732	20,145	20,145
<b>12530</b>	Central Gas	14,626	3,409	3,409
<b>12600</b>	Memberships	2,452	-	-

13100	Electoral Board	34,538	11,100	11,100
13200	Registrar	118,473	10,401	10,401
21100	Circuit Court	32,135	4,488	4,488
21200	Combined GD/JD Court	12,050	-	-
21300	County Magistrate	600	-	-
21600	Clerk of Circuit Court	232,471	22,800	22,800
21700	Sheriff Judicial	142,728	13,610	13,610
21800	Courthouse Security Fund	73,057	1,252	1,252
21930	Crater Criminal Justice T.C.	10,932	-	-
22100	Commonwealth's Attorney	251,250	19,579	19,579
31200	Sheriff Law Enforcement	682,362	86,461	86,461
31900	Sheriff Support	267,150	6,810	6,810
32350	E 911	44,850	6,000	6,000
32400	Wireless E911	30,000	3,800	3,800
33150	Correction & Detention	293,653	-	-
33300	VJCCCA	9,400	-	-
33310	Col Com Correction jb	12,287	-	-
33320	9th District Court Services	21,370	-	-
34400	Codes Enforcement	158,080	11,800	11,800
35100	Animal Control	131,021	15,240	15,240
35300	Medical Examiner	50	-	-
42400	Landfill Monitoring	300,990	69,000	69,000
43200	General Properties	974,760	142,500	142,500
51100	Health Department	117,126	-	-
52200	MH/MR Services Board	123,340	-	-
53600	Contributions	80,500	-	-
68010	John Tyler Community College	1,229	-	-
71100	Parks and Recreation	438,973	37,228	37,228
71200	Lewis Park Boat Ramp	17,224	-	-
73200	Library/Cultural	126,825	-	-
73210	Center for Local History	31,536	-	-
81200	Planning Department	265,786	3,984	3,984
81600	Com Development Cont	37,236	-	-
82650	Environmental Mgt Cont	18,800	-	-
83300	Cooperative Extension	36,620	-	-
91400	General Fund Contingency	171,994	-	-
95000	Debt Service	448,171	273,000	273,000
	<b>Total General Fund</b>	<b>\$ 7,656,539</b>	<b>\$ 972,601</b>	<b>\$ 972,601</b>
<b>Fund</b>				
131	Fire/EMS Fund	1,234,600	167,673	167,673
<b>Fund</b>				
311	Capital Improvement Plan	342,578	-	-
<b>Fund</b>				
511	Public Utility Fund	608,862	95,088	95,088
	<b>Total Board of Supervisors</b>	<b>\$ 9,842,579</b>	<b>\$ 1,235,362</b>	<b>\$ 1,235,362</b>

***FY20- School Operating Categorical Appropriations***

61101	Instruction	5,626,052	487,019	487,019
62119	Admin, Attendance & Health Serv.	962,103	80,175	80,175
63109	Pupil Transportation	934,980	93,498	93,498
64209	Operations & Maintenance	1,109,153	110,915	110,915
67000	Transfer to Food Service	28,115	2,343	2,343
68109	Instructional Technology	489,906	74,847	74,847
213	Self-Sustaining Fund	513,836	51,384	51,384
214	Textbook Fund	60,615	-	-
215	Food Service Fund	397,736	52,084	52,084
216	Capital Fund	790,856	-	-
<i>School Fund Total</i>		<b>\$ 10,913,352</b>	<b>\$ 952,265</b>	<b>\$ 952,265</b>

***ALL FUNDS***

BOARD OF SUPERVISORS	9,842,579	1,235,362	1,235,362
SCHOOL OPERATING	10,913,352	952,265	952,265
SOCIAL SERVICES	1,232,408	102,701	102,701
SPECIAL WELFARE	6,872	-	-
<b>GRAND TOTAL ALL FUNDS</b>	<b>\$ 21,995,211</b>	<b>\$ 2,290,328</b>	<b>\$ 2,290,328</b>

**RE: PRESENTATIONS**

*VDOT MONTHLY REPORT*



**ASHLAND RESIDENCY  
MARSHALL WINN  
RESIDENCY ADMINISTRATOR  
VDOT Call Center – (800) 367-ROAD**

**CHARLES CITY COUNTY  
July 2019**

MAINTENANCE:

JEFF ALLGOOD

**POTHoles**

- Rte 602 Lott Cary Rd
- Rte 5 John Tyler Memorial Hwy
- Rte 607 Wayside Rd
- Rte 632 Sturgeon Point Rd
- Rte 632 Tyler Mills Rd
- Rte 614 Sturgeon Point Rd

**BEAVER DAM CLEAN / REMOVE**

- Rte 612 Ruthville Rd
- Rte 623 Wilcox Neck Rd

#### TREES REMOVE / LIMB / CHIP

- Rte 155 Courthouse Rd – remove large limb from roadway
- Rte 609 Barnetts Rd – site problem
- Rte 623 Wilcox Neck Rd – remove tree and debris from roadway
- Rte 5 John Tyler Memorial Hwy – limb hanging over roadway
- Rte 625 West Run Rd – large tree blocking roadway

#### DRAINAGE / DITCHING

- Rte 623 Wilcox Neck Rd – replaced pipes and asphalt road over repair

#### MOW TRACTOR / ZERO TURN

- Rte 106 Roxbury Rd
- Rte 685 Chamber Rd
- Rte 609 Barnetts Rd
- Rte 602 Lott Cary Rd
- Rte 625 West Run Rd
- Rte 607 Wayside Rd
- Rte 650 Cattail Rd
- Rte 658 Kimages Rd
- Rte 639 The New Rd
- Rte 642 Stagg Run Rd
- Rte 604 Warriner Rd
- Rte 607 Church Ln
- Rte 620 Lewis Tyler Ln
- Rte 617 Monguy Rd
- Rte 635 Holly Tree Ln
- Rte 648 New Quarter Rd
- Rte 641 Little Elam Rd
- Rte 618 Adkins Rd
- Rte 630 Samaria Ln
- Rte 631 Cool Hill Rd
- Rte 629 Alpine Rd
- Rte 654 Deerfield Rd
- Rte 659 Old Ferry Rd
- Rte 633 Herring Creek Rd
- Rte 640 Herring Creek Rd
- Rte 618 Wilcox Wharf Rd

#### TRASH PICKUP

- Rte 155 Courthouse Rd
- Rte 619 Weyanoke Rd
- Rte 638 Mapisco Rd
- Rte 604 Warriner Rd
- Rte 618 Adkins Rd
- Rte 607 Church Ln
- Rte 620 Lewis Tyler Ln
- Rte 614 Sturgeon Point Rd
- Rte 615 The Glebe Ln

## DEBRIS REMOVAL FROM ROADWAY

- Rte 604 Warriner Rd
- Rte 661 The Loop Rd
- Rte 607 Church Ln
- Rte 615 The Glebe Ln

## BIKE TRAIL

- Cut grass
- Blow Trail
- Remove tree from trail
- Clean out drainage

## MISCELLANEOUS

- Portable Message Board training
- Inmate training and recertification
- Detour setup for Rte 5 road closure
- Detour setup for Rte 623 road closure
- Haul debris to Landfill
- Traffic control for Core Drilling

## WORK REQUESTS

- 95 Received
- 54 Completed

## CALLOUTS (5)

- Rte 5 Tyler Memorial Hwy – remove deer from roadway
- Rte 618 Adkins Rd – remove tree from roadway
- Shut down roads due to flooding; rte 609, rte 618, rte 610, rte 612, rte 623, rte 620, and rte 602
- Remove trees and mud from roadway due to flooding; rte 609, rte 618, rte 612, rte 603, rte 607, rte 620, and rte 631
- Rte 614 Sturgeon Point Rd – high water

## *NEXT MONTH'S AGENDA*

- Ditching with Gradall
- Pothole patching
- Countywide litter pickup
- Bike Trail cleanup
- Beaver Dam removal
- Mow primary and secondary routes

Marshall Winn reviewed the monthly report.

Bill Coada thanked VDOT for the work done on Barnetts Road. Michelle Johnson thanked them for placing the Library signs on Route 5, and Floyd Miles thanked them for coming out to meet with him on areas he had some concerns.

Cathy Harris, Charles City, Va., stated there is a pothole on Sturgeon Point Road that takes up half the road, she asked that VDOT look at it.

Yvonne Smith-Jones, 15500 John Tyler Memorial Highway, Charles City, VA., thanked VDOT for cutting the grass going east of Route 5 before you get to Sturgeon Point Road.

David Adam, 5001 Sturgeon Point Road, Providence Forge, VA., asked what is being done on the bridge on Route 155, right at the line of New Kent? Marshall Winn stated the bridge would be closed beginning October 15<sup>th</sup> for three months. Mr. Adam asked if they could close half the bridge and keep one lane open. Marshall Winn stated no, due to the material of the bridge they cannot close one lane at a time; the new bridge will be concrete.

Lisa Englehart, 4100 Perk Lane, Charles City, VA., stated she has issues with dump trucks and tractor-trailers on Charles City Road to Old Union Road. She stated he has 24 photos she has taken over the last nine months. She is concerned about the condition of the road, and the speed is reckless. She would like to see a study done; she would like to see them banned off Old Union Road. The trucks have to go into the other lane to go around a curve.

David Wheeler, Chesapeake, VA., stated he has been traveling down Old Union Road for the last 25 years daily; tar and gravel is the only thing that has been done to the road. He thinks it is an important issue for the residents that use that road daily. Put down some traffic counters to see what kind of speed and how many vehicles travel that road daily. Anything you can do to initiate that process would be appreciated.

Alton Washington, 4800 Old Union Road, Charles City, VA., stated some mornings he would sit out outside and count the vehicles. The road is not 13 feet wide; when two trucks come through one has to stop to let the other one go through; if the trucks are not going to be restricted the road need to be widened.

*Agency Spotlight: Bay Transit (Ken Pollock)*

Ken Pollick, with Bay Transit, stated they operate in ten counties of Middle Peninsula and Northern Neck Virginia, and Charles City and New Kent. Their service area is over 3,000 square miles, larger than the state of Delaware. Last year they provided 140,000 rides, over 1,500,000 miles. The services they provide is not a fixed route service. They offer Demand Response Service. Once you call for a ride Bay Transit put your destination into a software that will let them know what time to pick you up. You will receive a call back in 24 to 48 hours in advance to schedule a ride. Operating hours are 6:00 a.m. to 6:00 p.m.; the fare is \$2.00 a ride. Discount ticket books, ten tickets, are offered for \$12.00. Bay Transit began operating in 2006. They have three buses that run between Charles City and New Kent County. So far this year 4,938 rides, 6,000 rides are projected by the end of September. Bay Transit take people to work, dialysis, doctor appointments, physical therapy, barbershop, etc. People use Bay Transit because they need to. Once they get comfortable, they use Bay Transit for recreational trips. Individuals maintain independence.

Bill Coada thanked Ken Pollick for what they are doing; the County is getting a bang for their buck.

Gilbert Smith asked if Bay Transit has expanded their route to Walmart on Laburnum Avenue. Ken Pollick stated yes, they go to White Oak Mall, they connect to GRTC bus stops; and pick them up in the afternoon to get them home.

Michelle Johnson thanked Mr. Pollick for what he is doing in Charles City County and for spending our money wisely.

Introduction of new employees

Michelle Johnson introduced Kimberly Barrow, Director of Parks & Recreation. She stated Kimberly Barrow holds a master's degree in business administration from Central Michigan University and a bachelor's degree in Sports Management from James Madison University. Her early experiences and love for recreation came from her participation in basketball, softball, track & field and the National Youth Sports Program. She has actively worked in the field of Parks & Recreation for over 15 years in the cities of Harrisonburg, Colonial Heights, Richmond, and Chesapeake. She is a certified Parks & Recreational Professional by the National Recreation of Parks Society. Kimberly Barrow stated she is happy to be here, she is an advocate for Parks & Recreation, and she anticipates great things.

Michelle Johnson introduced Dr. Rhonda Russell, Assistant County Administrator and Director of Community Development. She stated Rhonda Russell is a life-long resident of the Commonwealth of Virginia and currently serves as the Assistant Director of Planning, Comprehensive Planning with the City of Newport News, Virginia. She previously served as the Director of Planning & Community Development with Surry County for fourteen years. Ms. Russell has extensive public service experience in local government and grantsmanship, as well as instructional experience as both a full-time professor and Adjunct Faculty Member at Hampton University, Stratford University, and the University of Phoenix. Ms. Russell has studied at Virginia Tech (Urban Planning), Blacksburg, Virginia, Old Dominion University (Public Administration), Norfolk, Virginia, and Nova Southeastern University (Organizational Leadership/Human Services), Fort Lauderdale, Florida, where she earned a doctoral degree in Organizational Leadership/Human Services Administration. She is passionately committed to serving underserved populations and volunteers countless hours in service to others. She was appointed by the Honorable Terry McAuliffe, Virginia Governor, to the Virginia Birth-Related Neurological Injury Compensation Board.

RE: PUBLIC COMMENT PERIOD

No public comments made.

RE: PUBLIC HEARING(S)

The Planning Commission and Board of Supervisors held a joint public hearing to on the following applications:

1. Combined Water Protection (CWPO) and the Septic System Ordinance (SSCO).

2. REZ#02-2019, McCardle – Zoning Map Amendment
3. REZ#03-2019, BHBH, LLC - Zoning Map Amendment
4. SUP#02-2019, Sturgeon Point Pitt, LLC

Michelle Johnson read the legal notice on all applications.

*Combined Water Protection (CWPO) and the Septic System Ordinance (SSCO)*

Michelle Johnson, the County Administrator, emphasized that the County is under provision from the Department of Environmental Quality to make changes to our current Combined Water Protection and the Septic System ordinances with the help of Henry R. (Speaker) Pollard, V, Attorney, Williams Mullen.

Speaker Pollard presented a PowerPoint presentation highlighting the reason for the current changes to the Combined Water Protection and Septic System ordinances. He stated state law set standards to protect water quality. Due to the Department of Environmental Quality's (DEQ) periodic reviews Charles City County has several deficiencies in their current County Ordinance which require the County to make changes. The County is required to take corrective action, or the Department of Environmental Quality could give civil action to achieve compliance. The compliance was completed in 2018 and DEQ has been working with the County throughout the process to have the Ordinance adopted. Speaker Pollard highlighted the conceptual and substantive revisions and proposed changes.

Bill Coad stated because the mapping is outdated going forth we will continue to have issues. He stated he lives on an RMA property which was costly to do a delineation. Any citizen that is not in an RMA and for the County to consider putting the whole county in an RMA would have to find out the pain of being in an RMA. Speaker Pollard reemphasized if you have regulated wetlands on your property then you already have an RPA on your property. He stated this would not be an RMA regulation. Mr. Coad asked Speaker Pollard the cost to correct the mapping issue. Speaker Pollard stated one option would be to consult with Plan RVA in which the mapping was done back in the 1990s but they do not do fieldwork. He stated someone would have to do field evaluation, sample testing, and mapping. Speaker Pollard also stated \$250,000 is an estimate of how much it would cost to do a full-scale mapping project.

Ed Baber asked the public for any questions about the proposal.

Questions:

- Would this also fix the tax maps in the County?
- The RMA are going to be Countywide. Are all the County properties going to be RMA?
- Are these changes or provisions available to the public?
- What does RMA and RPA mean?
- The County has 60 days to correct this Ordinance what does that mean?
- If working in your home garden be exempt?
- If a beaver dam happens to be on my property. Would I be disturbing RMA if I correct the problem?
- Is the County required to do RMA & RPA?



- Can you change the Ordinance to not have Countywide RMA?

Ed Baber asked staff to give a recommendation. Rhonda Russell stated staff recommends to do the cost for mapping or adopt a Countywide RMA.

*Public Hearing opened by Ed Baber.*

- Bruce Howard, 19101 Sandy Point Road, Charles City, VA., stated I don't know how long staff had to review this, I do agree with a lot of the comments made. It seems like this is mandated but not mandatory. I am concern with everything dealing with Stormwater and only two things that dealt with the Septic Systems. The ordinance states that you must pump out your septic tank every five years. That is already a regulation. We need to look at how this is going to impact properties, to now say that you are RMA.
- Wayne Orrell, 11200 Watermelon Field Road, Charles City, VA., stated if we designate the County as an RMA versus what it is currently everyone falls under those rules whether they are technically defined RMA. If someone is doing something that requires a permit process, they will be already deemed an RMA. A new mapping system would be preferred; do it right the first time.
- O.P. Harwood, Maidens Road, Goochland VA., stated he thinks this is a great way to take away citizens' rights and he is also concerned about forestry.
- David Adams, 5001 Sturgeon Point Road, Providence Forge, VA., stated he doesn't think Charles City should give up any more property rights to the State. A lot of these regulations have been formulated, and the citizens have not had a lot of say. Do not put the burden on people who are not in the RMA. Let the State work with us a little bit instead of us bowing down to them.
- Brenda Clark, 1900 Charles City Road, Charles City, VA., stated she is curious about what other counties in Virginia have gone county-wide RMA, and what the impact on their citizens? How many Counties have reversed their decision?

*Public Hearing closed by Ed Baber.*

Speaker Pollard stated out of 84 localities 60 have passed the county-wide RMA. Two localities have proposed or are considering reversing their decision.

The Planning Commission made a recommendation to the Board, with a motion of 6 to 1, to not approve the county-wide ordinance.

Floyd Miles stated he does not know enough to make a decision. He would like to see what the cost would be to re-do the maps. He doesn't want to get a permit to till his garden.

Bill Coada stated he agrees with Mr. Bailey, to not give the State more control than what they already have. He agrees with delaying a decision. He asked Michelle Johnson, County Administrator, where would the money come from to redo the mapping? Michelle stated we would have to re-evaluate the fund balance. Mr. Coada asked Michelle to report back next month on her findings.

Motion made by Gilbert Smith to delay the decision of the Combine Water Protection and Septic System Ordinance until the September board meeting. Motion carried unanimously.

Floyd Miles stated due to time constraint he would like to present the resolution for Mr. Donald Earl Hayes to Mrs. Barbara Hayes. The Board thanked Mrs. Hayes for all the hard work her husband, Donald Hayes, gave to the County and presented her with the following resolution:

### **RECOGNITION OF THE LATE DONALD EARL HAYES**

**WHEREAS**, Mr. Donald Earl Hayes was a life-long resident of Charles City County, who gave fully of his time, services, and energy to County endeavors, and

**WHEREAS**, Mr. Hayes served as the Chief Officer of Elections, for District 3, in Charles City County for ten years, greeting voters at several local and national elections in Charles City County; and

**WHEREAS**, Mr. Hayes, served on the Charles City Library Campaign Committee, soliciting funding and support from local businesses, neighbors, and friends to develop a Library for Charles City County; and

**WHEREAS**, Mr. Hayes, volunteered to lead the renovation of the Charles City County Historic Courthouse, where he recruited other volunteers and contractors to renovate the Courthouse to be a multi-purpose building for the community to enjoy; and

**WHEREAS**, Mr. Hayes expressed his concerns for community decisions by consulting with the Board of Supervisors individually on various topics throughout the years; and

**WHEREAS**, Mr. Hayes was an active member of Memorial United Methodist Church, serving his church community as well as Charles City County community at-large in times of need, and

**WHEREAS**, Mr. Hayes departed this life on Saturday, June 29, 2019, and will be profoundly missed by his family, friends, neighbors, and the community;

**NOW, THEREFORE, BE IT RESOLVED** that the Charles City County Board of Supervisors and on behalf of the citizens of this County, extends its sincere condolences to the family of the late Mr. Donald E. Hayes; and

**BE IT FURTHER RESOLVED** that the Board of Supervisors of Charles City County hereby adopts this resolution in appreciation and recognition of the many contributions Mr. Hayes made to the Charles City County Community.

RE: PUBLIC HEARING(S) (continued)

REZ-02-2019 Zoning Map amendment to change the zoning district from Agricultural (A-1) to Limited Residential Agricultural (A-20); (T.M.#49-3).

Ed Baber stated the applicant is requesting a zoning map amendment to change the zoning district from Agricultural (A-1) to Limited Residential (A-20). The subject property is located at 11101 Roxbury Road, Charles City, Va.

Rhonda Russell stated the proposed rezoning would allow all uses in Section 14-2 of the Zoning Ordinance and would increase the minimum lot size from 1 acre to 20 acres. The parcel is 213.52 acres in size and is located on the west side of Roxbury Road with the main driveway located approximately half a mile south of the intersection with John Tyler Memorial Highway (Rt. 5). The southern end of the property also fronts on the private road known as Westbury Farm Road. The property was previously mined and has been reclaimed for agricultural use. The applicants currently reside on the property.

Ed Baber asked the public for any questions about the application.

Questions:

- Is this to rezone for family members purposes or to sell to the general public?
- Where is the property? Ed Baber answered 11101 Roxbury Road, \
- Will the rezoning be allowing the participants to have 20 parcels? A20 will allow the application to have 20-acre lot size.
- Do you have to do an environmental study to rezone?
- What is the purpose of rezoning, if you are not going to build homes?

*Public Hearing opened by Ed Baber.*

Charles Carter, 501 Shirley Plantation Road, Charles City, Va., stated he's here presenting the neighboring families. We are opposed to REZ-02-2019, specifically the A-20 portion, but not the other usage, being requested. He has not seen the sign on the road for public hearings, nor did he receive a notice in the mail. Rezoning to A-20, ten houses, does not fit into the neighborhood. There are a lot of family farms and business surrounding this property. Near the bridge, houses are on one-acre lots. It's their view that A-20 doesn't seem to fit in with family farms and family businesses. A-20 avoids infrastructure. Not sure how you can enjoy family farms business with A-20, ten houses on 20 acres. Looking at the Comprehensive Land Use Plan, the subject property is all green, existing land use is all agricultural and forestry. On Map 19, future land use, it is the same

thing. Not sure how A-20 fits into the Comprehensive Plan. The Department of Health prohibits in-ground septic system draining system going into fields; it becomes a health issue. Rumors conservation easement being looked at, are we here for A-20 or to increase tax credits for landowners, make up your mind.

Rachel Carter-Long, life long citizen of Charles City County, did not hear an answer to Mrs. Wheeler's question. Why is the property being rezoned? It has creeks, farms, people use the land to hunt, spiritual purposes, and archeological.

*Public Hearing closed.*

The Planning Commission made a recommendation to the Board to deny REZ-02-2019; with a motion of 6 to 1.

Motion was made by Bill Coada to deny REZ-02-2019, per the recommendation made by the Planning Commission.

Bill Coada stated he has been adamant about the 106 industrial corridor; he hopes this is a wake-up call to the County.

Motion carried unanimously.

REZ-03-2019 – BHBH, LLC Rezoning. The applicant is requesting a zoning map amendment to change the zoning district from Planned Development-Industrial Park (PD-IP) to Heavy Industrial (M-2).

Ed Baber asked the public for any questions about the application.

Questions:

- What is the difference between the two types of Zoning? Rhonda Russell read the definitions of PD-IP and M-2.
- Are set-backs 50 feet? Ed Baber stated yes, the building is 100 feet.
- Is that the 85-acre farm field?
- If they build that area, they will access the property from CC Road and Charles City Road?

*Public Hearing Opened by Ed Baber.*

Brenda Clarke, 1900 CC Road, Charles City, VA., stated she lives right next door to this property. We have 35 acres; it has always been rural. Some of their concerns are several streams go through the area where the gravel pit is proposed to be. What type of care will be given to the land, will land erosion be put in place? With traffic going in and out, some people in the neighborhood work at night, they will be sleeping during the day when trucks will be going back and forth. What will it do to the land value?

Betsy Pierotti, 2020 CC Road, Charles City, VA., stated she did not realize 16 years ago she moved into the industrial corridor. She requested the commission defer any recommendation until additional information be provided to the public, particularly the homeowners on CC Road that is being impacted. Has the National Environmental

Protection Act been completed? If so, where are the findings; if not, why? Why is a noise study exempt from the land use designation? The applicant has not provided additional information on access to the site. Comprehensive traffic study you can calculate how many new trips will be added because of the project. Request a comprehensive traffic study count.

David Adams, 5001 Sturgeon Point Road, Providence Forge, Va., stated he thinks Bruce will do a good job. He will follow the rules and do what he supposed to do.

James Pauley & Danielle Lively, 2050 CC Road, Charles City, Va., stated this construction will be in our back yard. He doesn't want the traffic nor noise. They moved from Mechanicsville because of peace and relaxation. Now it can turn into a huge industrial thing. The noise, will it contaminate the water? Both of the roads, CC Road and Charles City Road has a sharp turn on it.

Greg Kilpatrick, 2140 CC Road, Charles City, Va., asked the Planning Committee to consider asking the applicant to bump up the buffer; 50 feet is not adequate. Deny the request as submitted. If it is rezoned someone else buys the property they can come in and do what they want.

*Public Hearing closed.*

The Planning Commission made a recommendation to the Board to approve REZ-03-2019; with a motion of 4 to 3.

Motion was made by Gilbert Smith to approve REZ-03-2019, per the recommendation made by the Planning Commission. Motion carried unanimously.

SUP-02-2019 – Amendment to an existing Special Use Permit to reduce the buffer from 500 feet to 150 feet from the previous conditions in Item #6 (T.M. #17-42); address 5441 Sturgeon Point Road.

Ed Baber and staff reviewed conditions.

Ed Baber asked the public for any questions about the application.

Questions:

- Are you saying the buffer for the property line will be 25 feet?

*Public Hearing opened by Ed Baber.*

David Adams, 5001 Sturgeon Point Road, Providence Forge, Va. asked what is the address of the permit? 4401 Sturgeon Point Road, He stated he is not opposed to this operation. Do a better job of facilitation control.

O.P. Harwood, 2636 Maidens Road, Goochland, Va., stated he owns the land on two sides of this property. A 25-foot buffer is way too small, need to bump it up to 50 or 75 feet. He is also worried about sediment problems.

*Public Hearing closed.*

The Planning Commission made a recommendation to the Board to approve SUP-02-2019; with a motion of 4 to 3.

Motion was made by Bill Coada to approve SUP-02-2019, per the recommendation made by the Planning Commission. Motion carried unanimously.

Motion was made by Bill Coada that Planning Commission and Board of Supervisors have separate public hearings going forward. Motion carried unanimously.

RE: COUNTY ADMINISTRATOR'S REPORT

Michelle Johnson, the County Administrator, stated staff is seeking approval for carryover of grant funding received from three sources, PSAP NG-911 GIS Project Grant, 2019 DMV Selective Enforcement Grant, and donations received to the Center for Local History. The total amount to be carried over is \$90,988; these funds will be carried over into the fiscal year of 2020.

Motion was made by Bill Coada to approve the request as presented by staff. Motion carried unanimously.

Michelle Johnson presented the Board with a progress report of each Capital Improvement Project in the FY2020 County budget. The Board requested this report in the July 2019 Board meeting.

Michelle Johnson stated staff presented a request for proposal for the Kimages/Wayside treatment plant at the March meeting. Staff was directed to discover the capacity of the drain-field before the Board of Supervisors would approve the project. She presented a soil study to the Board that was provided by Bowman Consultants for the Board review.

Michelle Johnson stated there was confusion on whether to adjourn or recess at the bicycle town hall meeting. She presented the Robert Rules of Order to the Board for their review.

Bill Coada asked the County Attorney Randy Boyd if it was correct that if there is unfinished business at the end of the meeting, the Board will recess? Randy Boyd stated that if you need to a meeting in between a regular board meeting, you will recess; if you do not meet until next month at your regular Board meeting, you adjourn.

Michelle Johnson presented a presentation listing the concerns the County citizens shared on bike races at the Bicycle Town Hall Meeting. The presentation listed how the County is going to partnership with event coordinators to ensure all cyclist is following the rules of the road and being courteous when they are in the County. The presentation she presented will be on the County webpage.

Bill Coada asked if the County can require the coordinators to mail information to cyclists on etiquette.

Floyd Miles asked the Sheriff Department to step up reinforcement.

Michelle Johnson gave a brief update on Broadband. She stated the tower had been ordered, and the site plan is complete. Construction will start in September, with testing to begin in late September or early October.

Michelle Johnson stated issues with the Dominion electric transmission line had surfaced again. In previous iterations of this issue, Charles City County was very helpful and was actively engaged and worked alongside many other interested parties who share our concern about the potential of siting the Chickahominy Route as the alternate. In 2013, the County passed a resolution opposing the Chickahominy route and supporting the construction of the route over the James River, known as the Surry-Skiffes Route. She requested the Board to approve a Resolution showing support of the continuing operation of the James River Crossing.

## **RESOLUTION**

**WHEREAS**, Dominion Energy received on November 26, 2013 from the Virginia State Corporation Commission (SCC) a ruling that the Surry-Skiffes Creek transmission line, commonly known as the “James River Crossing,” is critical to providing reliable electric service, in which case Charles City County participated due to the potential negative impacts of the routes for such transmission line has serious consequences for Charles City County and its residents;

**WHEREAS**, Dominion Energy, as required, then also had identified an alternate Route referred to as the “Chickahominy Route” that was determined by the Commission to be a viable alternative if the James River Crossing transmission line were not approved;

**WHEREAS**, the Commission added that the proposed James River Crossing “is the least cost viable alternative for addressing the identified NERC reliability violations presented in this case...” and that the Chickahominy Route “has a higher cost and will have greater impact on scenic assets, historic districts and the environment”;

**WHEREAS**, in July 2017, the U. S. Army Corps of Engineers issued a permit for the construction of the James River Crossing, and since that time, Dominion Energy has completed the construction and energization of that line;

**WHEREAS**, as a condition to granting the permit, the Corps required Dominion Energy to provide mitigation money totaling \$90 million that were deposited for The Conservation Fund, the Chickahominy Indian Tribe, the Pamunkey Indian Tribe, the Virginia Environmental Endowment, the Virginia Land Conservation Foundation, the Virginia Department of Game and Inland Fisheries, and the Virginia Department of Conservation and Recreation, all of which prerequisites have been completed;

**WHEREAS**, the Corps conducted a thorough review of all alternatives routes and considered the impacts of each before permitting the James River Crossing, meeting its mission of responsible environmental stewardship;

**WHEREAS**, in March 2019, federal courts ruled that the Corps improperly issued its permit to Dominion Energy, stating that the Corps failed to prepare an Environmental Impact Statement as required by federal law, and revoking the permit for the James River Crossing;

**WHEREAS**, the court ordered the Corps to prepare the Environmental Impact Statement, and the Corps now is receiving public comment into the process of scoping and developing the significant issues to be included in the Environmental Impact Statement;

**WHEREAS**, a comparison of the James River Crossing and the Chickahominy Route is revealing, as the James River Crossing is shorter (7.95 miles v. 37.89 miles), crosses fewer private property parcels (7 parcels v. 300 parcels), has fewer residents within 500 feet impacted (160 residents v. 1,129 residents), impacts fewer existing subdivisions (1 subdivision v. 28 subdivisions), crosses less conservation lands (0 conservation areas v. 9 conservation areas), impacts less wetlands (2.64 acres v. 145.61 acres), impacts fewer forested wetlands (0.62 acres v. 106.91 acres), and requires clearing of less forest land (20.09 acres v. 420.45 acres), thus supporting the conclusion that the James River Crossing is preferred;

**WHEREAS**, the Chickahominy Route passes through the heart of the sacred tribal lands of the Chickahominy community, negatively impacting the Tribe and the view shed from its Tribal Center and Powwow grounds;

**AND, WHEREAS**, it remains in the best interest of Charles City County and its residents, properties, wetlands, historic and cultural assets that Charles City County continue its advocacy of the James River Crossing;

**NOW, THEREFORE, BE IT RESOLVED** that Charles City County urge the U. S. Army Corps of Engineers to consider all of the above impacts in its development of the Environmental Impact Statement, and again approve the permit for Dominion Energy to continue its operation of the James River Crossing, and that Charles City County also communicate to Unites States Senators Mark Warner and Tim Kaine, and United States Representatives Bobby Scott and Donald McEachin, Virginia Senator Jennifer McClellan and Virginia House of Delegates Member Lamont Bagby, to support the James River Crossing continuing its operation.

Bill Coada asked if this is in support of the current process in Williamsburg, Virginia. Michelle Johnson stated, yes.

Motion was made by Floyd Miles to approve the request as presented by staff. Motion carried as follows:

Floyd H. Miles, Sr.	Aye
William G. Coada	Aye
Gilbert A. Smith	Aye

Michelle Johnson presented the following upcoming events: Summer Concert, Friday, September 6<sup>th</sup>, 6:30 p.m.; Senior Picnic, September 12<sup>th</sup>, 10:00 a.m.; Strut



N'Stroll, September 16<sup>th</sup>, 9:00 a.m.; Senior movie day, September 17<sup>th</sup>, 2:00 p.m.; Charles City New Kent Triad Meeting, September 18<sup>th</sup>, 2:00 p.m., at Charles City Social Center; Black Sox Baseball Game, September 15<sup>th</sup>, 4:00 p.m., at Harrison Park; Katz Band immediately after the game at 5:30 p.m.; Active Aging Week Activities, September 22<sup>nd</sup>, Charles City Social Center; Senior Health Expo, September 27<sup>th</sup>, Charles City Social Center.

RE: PUBLIC COMMENT PERIOD

Wanda Roberts, 2000 Morris Creek Lane, asked when will the next follow-up meeting on bicycles be scheduled? Michelle Johnson stated after she has had a conversation with all the entities, hopefully in October.

O.P. Harwood, Goochland, VA., stated last week he was on the County website trying to find the County tax rate, he could not find it. Please make it easier to find on the website.

RE: BOARD DIRECTIVES AND COMMENTS

Bill Coada stated Dominion requested the County a letter to the editor thanking them for the tour of the Greenville Power Plant and the benefits the plants coming to Charles City County will have.

Gilbert Smith stated he has heard all the comments made tonight on Old Union Road. He asked staff to prepare a resolution to start the process for VDOT to work on Old Union Road; as far as improving the road.

Floyd Miles stated tonight had been the longest meeting he has been in within the last eight years.

RE: EXECUTIVE SESSION:

Motion was made by Bill Coada to enter into Executive Session for Prospect of Business 2.203711 (A)(5), respectively of the 1950 Code of Virginia. Motion passed unanimously.

Motion was made by Gilbert Smith to return to Open Session. Motion passed unanimously. Motion was made by Gilbert Smith to certify the Board of Supervisors only discussed public business matters exempted from statutory open meeting requirements identified in the motion to convene to Executive Session. Motion passed unanimously.

There being no further business, the Board **recessed until Tuesday, September 27, 2019, 6:00 p.m.**