

VIRGINIA:

At the regular meeting of the Board of Supervisors held at the Charles City Government and School Board Administration Building thereof on Tuesday, April 22, 2008 at 7:30 p.m. in the 232nd year of the Commonwealth and in the 374th year of the County.

PRESENT: Gilbert A. Smith, Chairman
Sherri M. Bowman
Timothy W. Cotman, Sr.

RE: ADOPTION OF AGENDA

Motion was made by Timothy W. Cotman, Sr., that the agenda be adopted as presented. The motion was carried as follows:

Timothy W. Cotman, Sr.	Aye
Gilbert A. Smith	Aye
Sherri M. Bowman	Aye

RE: CONSENT AGENDA

Motion was made by Timothy W. Cotman, Sr., that the following consent agenda be approved as presented:

CONSENT AGENDA (CONTD.)

- a. Approval of the minutes of the March 25, 2008 regular meeting, April 1, 2009 and April 14, 2008 recessed meetings.
- b. Approval of payment to CH2MHill in the amount of \$15,122.13 for landfill professional services for the period of February 16, 2008 through March 21, 2008.
- c. Appropriations for Month ending May 30, 2008

Board of Supervisors	11,587
County Administrator	32,339
Legal Services	8,007
Non-Departmental	15,000
Non-Departmental –Telecommunication	-0-
Audit	-0-
Commissioner of Revenue	1,428
IRS Grant	-0-
Treasurer	23,339
Management Services	13,550
Information Technology	-0-
Motor Pool	4,665
Central Gas	505
Memberships	-0-
Electoral Board Officials	-0-
Registrar	-0-
Circuit Court	2,484
Combined GD/JD Court	-0-
County Magistrate	-0-
Clerk of Circuit Court	18,175
Sheriff (Judicial)	23,444
Courthouse Security Fund	-0-
Crater Criminal Justice T. C.	-0-
Commonwealth's Attorney	8,858
Circuit Court Preservation	-0-

Sheriff (Law Enforcement)	106,257
Terrorism Grant	-0-
Bullet Proof Vest Grant	-0-
Smart, Safe, Sober Grant	-0-
Smart, Safe, Sober Grant II	-0-
I.D.A. Grant-Sheriff	-0-
Fire Protection	9,045
Emergency Medical Response	1,850
Correction & Detention	-0-
VJCCA	-0-
Colonial Community Correction Justice Board	-0-
9 th District Court Services (Probation)	-0-
Codes Enforcement	8,934
Animal Control	7,400
Medical Examiner	-0-
Emergency Services	3,600
Landfill Monitoring	15,050
General Properties	80,104
Health Department	16,689
MH/MR Services Board	-0-
Office on Youth	4,820
Contributions	-0-
John Tyler Community College	-0-

CONSENT AGENDA (CONTD.)

Recreation Operations	23,106
Library/Cultural	-0-
Center for Local History	-0-
2007 Planning Committee	-0-
Planning Commission	-0-
Department of Development	-0-
Community Development Contribution	-0-
Environmental Management Contribution	-0-
Litter Control	-0-
Cooperative Extension	1,000
General Fund Contingency	-0-
Revolving Accounts	-0-
Revenue Refunds	-0-
Insurance Recoveries	-0-
Reimbursable Accounts	-0-
Holding Accounts	-0-
Capital Outlay-Rep./Renov.	-0-
Capital Outlay-New Projects	-0-
Debt Service	-0-
	<hr/>
	441,236

Public Utilities Fund	19,012
Misc. Trust Fund (E911 Only)	<u>1,844</u>
	20,856

TOTAL BOARD OF SUPERVISORS 462,092

OPERATION OF SCHOOLS

Instruction	877,203
Administration, Attendance and Health Services	71,833
Pupil Transportation Services	68,333

Operation and Maintenance Services	187,670
School Food Services	46,000
Debt Service	<u>26,780</u>
	1,277,819

VPA FUND

Personnel & Admin. Operating Expenses	94,995
Benefit Programs	<u>42,711</u>
	137,706

COMPREHENSIVE SERVICES ACT

Mandated Residential Services	61,767
-------------------------------	--------

The motion was carried as follows:

Timothy W. Cotman, Sr.	Aye
Sherri M. Bowman	Aye
Gilbert A. Smith	Aye

RE: DEPARTMENT OF TRANSPORTATION (VDOT)

Mr. Torrence Robinson, VDOT Residency Administrator gave the following monthly report:

Planned Maintenance

- Dead Tree and Limb Removal – Routes 619, 614, 632, 621, 627 and 155
- Pavement Repair – Routes 638, 612 and 624 (Spray Patching)
- Traffic Control Barretts Ferry - Electrical Problems
- Ditch Cleaning - Routes 630, 623, 607, 620 and 602
- Pipe Cleaning - Routes 638, 631, 602, 614, 623 and 658
- Debris Removal - Primary and Secondary Roads
- Repaired Driveway Shoulder – Routes 5 and 614
- Installed Driveway Culvert - Route 5
- Broke Beaver Dam – Routes 614, 615 and 5

Next Month Plans

- Pavement Repair – Secondary Roads
- Clean Ditch – Route 602
- Slope Repair - Route 625
- Blade Dirt Roads
- Litter Control
- Sign Maintenance

Miscellaneous

Flashing Light request on 106 and 607 was denied per a traffic engineering investigation. Traffic Engineering's field investigation indicated adequate sight distance existed and two reported angle collisions during a three year time period.

Secondary Six year plan adoption by June 1, 2008

Construction Update:

Capital Bike Trail - Contractor is completing clearing and grubbing on contract; scheduled completion date is July 20, 2009.

Route 5 Overlay Project (From Route 618 to Route 619) – Contractor started milling April 16, 2008; work being performed by Lee High Paving – To be completed within the next 2 weeks.

RE: PUBLIC COMMENT PERIOD

Ms. Sharon Jones, President of the WCJJ Pistons Boys Basketball Team was present at the meeting to request a donation of \$350.00 from the Board of Supervisors for the WCJJ Pistons. Ms. Jones informed the Board of the following:

1. Team was founded in 2006
2. Parents have fundraisers throughout the year
3. Team participates in local and out-of-state tournaments
4. Need additional funding to cover participation in tournaments

RE: APPOINTMENTS – RECREATION ADVISORY COMMISSION

Motion was made by Sherri M. Bowman that the following individuals be reappointed to serve on the Recreation Advisory Commission:

Mr. Russell Wormley, 7431 South Lott Cary Road, Providence Forge, VA 23140 – Said term to expire on January 23, 2011.

Ms. Agnes Bradby, 8920 Little Elam Road, Charles City, VA 23030
Said term to expire on June 30, 2011.

The motion was carried as follows:

Sherri M. Bowman	Aye
Timothy W. Cotman, Sr.	Aye
Gilbert A. Smith	Aye

RE: BUILDING SAFETY WEEK PROCLAMATION

Motion was made by Timothy W. Cotman, Sr., the motion was carried as follows:

Timothy W Cotman, Sr.	Aye
Sherri M. Bowman	Aye
Gilbert A. Smith	Aye

Whereas, through our continuing efforts to address critical safety issues in the built environment that affect our citizens, regardless of age or occupation, both in everyday life and in times of natural disaster, we are confident that our structures are safe and sound; and,

Whereas, vigilant guardians—building safety and fire prevention officials, architects, engineers, builders and others in the construction industry—work year-round to ensure the safe construction of buildings; and,

Whereas, these dedicated members of the International Code Council develop and implement the highest-quality codes to protect Americans in the buildings where we live, learn, work and play; and,

Whereas, the International Codes, the most widely adopted building safety and fire prevention codes in the nation, are used by most U.S. cities, counties and states; these modern building safety codes also include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wild land fires and earthquakes; and,

Whereas, Building Safety Week, sponsored by the International Code Council, reminds the public about the critical role of our communities' largely unknown guardians of public safety—our local code officials— who help prevent countless fires and accidents; and,

Whereas, the theme, “Building Safety: Where You Live, Work and Play,” encourages all Americans to raise awareness of the importance of building safety; green and sustainable building; pool, spa and hot tub safety; and new technologies in the construction industry; it presents appropriate steps everyone can take to ensure that the places where we live, learn, work and play are safe, and that countless lives have been saved due to the implementation of safety codes by local and state agencies; and,

BUILDING SAFETY WEEK PROCLAMATION (CONTD.)

Whereas, this year, as we observe Building Safety Week, we ask everyone to consider projects to improve building safety at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments and federal agencies in protecting lives and property;

Now, Therefore, it is hereby proclaimed that May 5 through May 11, 2008, is Building Safety Week in Charles City County. Accordingly, our citizens are encouraged to join communities across America to participate in Building Safety Week activities.

Signed and sealed, this 22nd day of April, in the year Two Thousand and Eight.

RE: JOINT PUBLIC HEARING WITH PLANNING COMMISSION

The Board of Supervisors and the Planning Commission held a joint public hearing to receive citizen comments on a proposed amendment to the Zoning Ordinance §5-5, Setback Requirements.

The public was given an opportunity to make comments and ask questions.

There were no speakers at the public hearing.

The Planning Commission voted 6-0 to recommend that the Board of Supervisors approve the proposed amendment to the Zoning Ordinance §5-5, Setback Requirements.

RE: PROPOSED AMENDMENT TO ZONING ORDINANCE

Motion was made by Timothy W. Cotman, Sr. to accept the Planning Commission's recommendation to approve the proposed amendment to the Zoning Ordinance §5-5, Setback Requirements. The motion was carried as follows:

Timothy W. Cotman, Sr.	Aye
Sherri M. Bowman	Aye
Gilbert A. Smith	Aye

RE: PUBLIC HEARING – PROPOSED AMENDMENT TO SECTION 16-1 OF THE COUNTY CODE

The Board of Supervisors held a public hearing to receive citizen comments on a proposed amendment to Section 16-1 of the County Code that allows the use of rifles from tree stands to hunt deer. The Board will consider one of the following three options to amend Section 16-1 of the Charles City County Code:

1. Rifles will be allowed in the general deer season, provided they are used only from a height of 10', are unloaded until in the tree stand and are not used within 1000' of a residence, unless the owner gives written permission, or within 1000' of a county owned recreation area.
2. The same as #1, above, except the use of rifles will be limited to 4 weeks or less at the beginning or end of the general season.
3. Rifles will not be allowed to hunt deer.

The public was given an opportunity to make comments and ask questions.

PUBLIC HEARING – PROPOSED AMENDMENT TO SECTION 16-1 OF THE COUNTY CODE (CONTD.)

The following individuals spoke at the public hearing:

1. Mr. John Reed – If someone does not like you they can stop you from using your property, that is wrong. Spoke about limiting season for rifle, bow and black powder will be held longer than rifle hunting. Leave law as stands, do not change it. Mr. Cotman spoke of an incident concerning the use of a rifle, does he have proof (Police Report or Game & Inland Fisheries Report). Please do not take this away from the people.
2. Mr. Mike Douglas – Do not change laws, Henrico and James City Counties allow this. As a Realtor has a farm under contract for one-half million dollars, if the Board changes the ordinance the individual will not purchase property to build a home.
3. Mr. Dale Bradby – Born and raised in Charles City County. The gentleman that just spoke about selling property, if the law is changed he will not purchase property. 90% of individuals that are in favor of allowing rifles for hunting do not live in the County. Highly dense populated area, surrounded by people that live in the County, people do not know the lay of the land, hunting is supposed to be a sport.
4. Ms. Almeda Tyler – Do not want rifle hunting in the County, it is not designed for low land, it is designated for mountains. If hunter gets in tree stand and loads their gun by the time the gun is loaded the deer will be gone. Let us undo what you did and do it right. If people want to hunt with rifles go in the mountains, Henrico or James City.
5. Mr. Vince Brackett – Resident of Charles City County since 1996, hunted for over 58 years, taught his sons and now is teaching his grandsons to hunt, member of NRA, presented rifle ballistic data,

safest of all sports, hunting is a recreational sport, last five years (2001-2006) less than seven or eight hunting accidents, boating is far more dangerous than hunting, in agreement with option #1.

6. Ms. Elnora Robinson – Against using high powered rifles for hunting, do not need to wait until we have a fatality, people said they have spent money on high powered rifles; that is their choice. Ms. Robinson asked everyone that was against high powered rifles to stand.
7. Mr. William Lewis – We were here two years ago for the same thing, was against it, whole different time, we should be concentrating our efforts on the budget, hunt with rifles or hunt with shotguns you could have an accident, time to throw this to the side and get the County out of the financial mess we are currently in.
8. Mr. John Templin – Keep hearing about high powered rifles are a problem, high powered rifles are a myth, leave people misguided, hunting was an American tradition before Charles City was established.
9. Mr. John Robbins – With NRA, would urge the County to continue current law with no restrictions, the County needs to keep this law to prevent over population of deer, 150 people killed last year due to deer accidents, let hunters manage deer population.
10. Mr. Frank Saunders – Leave ordinance as is, except 1,000 foot buffer if someone does not like him, he will not be able to hunt in that area.
11. Mr. Charles Schreiber – Charles City has 38 people per square mile, does not make any sense why we are here supporting option #1, hopes he is not here next year bringing up this issue again.

PUBLIC HEARING – PROPOSED AMENDMENT TO SECTION 16-1 OF THE COUNTY CODE (CONTD.)

12. Mr. David Adams – Lived and hunted in Charles City all of his life Henrico and James City Counties allow rifle hunting without any problems, can support option #1.
13. Mr. Elwood Parker – In Charles City County no one should be allowed to hunt with a rifle, anyone can be shot watching television, why do we want to wait until someone is killed to change the law? also brought in a sample of what an average house is made of, if a rifle is shot through a house there is very little protection for an individual in the house.
14. Mr. John Hofmeyer – Lived in and hunted in Charles City County all of his life, asked everyone to stand that is in favor of keeping ordinance as is currently adopted. Option #3 what does this mean, very wrong why it is now that individual can only kill groundhogs certain times of the year. Rifles are very safe, all counties surrounding Charles City are using rifles, maybe someone needs to vote in new Supervisors the next election.
15. Captain Minerick – Question that was asked earlier about “except that larger caliber rifles may be used between March 1 and August 31 to hunt and kill groundhogs” comes from the Code of Virginia.

Board Members made the following comments:

1. Mr. Timothy W. Cotman, Sr. commented on a statement and/or question that was made by a speaker concerning any proof available concerning the use of a rifle, and that he feels satisfied that this did happen and the individuals do not want their name mentioned, not against hunting, if he was he would be kicked out of his family. Information that was made available to him accidents that happen with rifles will more likely cause a fatality.

New Kent, York, King & Queen, Dinwiddie and Chesterfield do not allow hunting with rifle.

2. Ms. Sherri M. Bowman – Has received a number of comments from citizens in her district concerning the use of a rifle for hunting.
3. Mr. Gilbert A. Smith – In favor of allowing rifles for hunting.

Motion was made by Timothy W. Cotman, Sr. that the Board amend section 16-1 of the County Code by adopting option #2 above as presented. The motion died due to the following vote:

Timothy W. Cotman, Sr.	Aye
Sherri M. Bowman	Nay
Gilbert A. Smith	Nay

Motion was made by Sherri M. Bowman that the Board amend section 16-1 of the County Code by adopting option #3, which reads as follows:

During the prescribed open seasons for the hunting of deer, rifles which are muzzleloading may be used to hunt and kill deer, provided that such use shall comply with all applicable state and local laws and regulations. The hunting of deer with any other rifle is expressly prohibited. Other than as set out above, the use of rifle of a caliber larger than .22 rimfire is prohibited, except that larger caliber rifles may be used between March 1 and August 31 to hunt and kill ground hogs.

PUBLIC HEARING – PROPOSED AMENDMENT TO SECTION 16-1 OF THE COUNTY CODE (CONTD.)

The motion was carried as follows:

Sherri M. Bowman	Aye
Timothy W. Cotman, Sr.	Aye
Gilbert A. Smith	Nay

RE: FY2008-2009 TAX RATES AND FEES

Motion was made by Timothy W. Cotman, Sr. that the following budget and tax levies for FY2008-2009 for the fiscal years commencing July 1, 2008 be approved:

TAX SCHEDULE

Tax Rates

Real Property Tax (per \$100 of assessed value)	\$0.82
Personal Property Tax (per \$100 of assessed value)	\$3.50
Tangible Personal Property (per \$100 of assessed value)	\$3.50
Machinery & Tools	\$2.50
Merchant's Capital	\$2.80
Mobile Home Tax (per \$100 of assessed value)	\$0.82
Common Carriers (per \$100 of assessed value)	\$2.50
E911 Tax	\$2.00
Electric Utility Tax	\$2.50
Gas Utility Tax	\$2.50
Additional Landfill Decal	\$3.00

Local Permits/Fees

Building Permit (Per \$1,000)	\$8.50
Minimum Building Permit Fee	\$50.00
Kennel License (Up to 20)	\$55.00
Animal Pick-up	\$20.00
Animal Boarding Fee (revision as of 7/1/07-per day dogs/cats)	\$10.00
Animal Boarding Fee (per day livestock)	\$20.00
Animal Boarding Fee (per day yard animals)	\$15.00
Dog License (Unsexed)	\$7.00
Dog License (Non-Neutered)	\$12.00
Euthanasia Fee (100 lbs or Less)	\$50.00
Euthanasia Fee (101 lbs or More)	\$100.00
Filming Location Fee Per Day (County Property - Low Impact)	\$500.00
Filming Location Fee Per Day (County Property - High Impact)	\$1,000.00
Standard Print Location Fee	\$150.00

Development and Land Use

Subdivision Application (minor) (per plat)	\$75.00
Subdivision Application (major)(per plat)	\$500.00
Subdivision Application (w/waiver) (per plat)	\$75.00
10 Acres or Less Advertisement Fee	\$800.00

FY2008-2009 TAX RATES AND FEES (CONTD.)

More than 10 Less than 50 Advertisement Fee	\$1,000.00
More than 50 Less than 100 Advertisement Fee	\$1,200.00
More than 100 Less than 400 Advertisement Fee	\$1,400.00
More than 400	\$2,000.00
Variance Application	\$25.00
Family Division	\$25.00
Boundary Line Adjustment	\$25.00

Utility Fees-Water and Wastewater

Based on Metered Usage

First 2000 gallons	\$10.00 min.
Next 3000 gallons	\$3.00 per 1000 gal.
Next 5000 gallons	\$2.50 per 1000 gal.
Over 10,000 gal.	\$2.25 per 1000 gal.

**The cost for water and wastewater are the same.

General Operating	\$6,863,954
Social Services	\$2,115,022
Utility System	\$357,886
Special Welfare	\$19,000
Trust Fund	\$91,500
Transfers to Commonwealth	\$5,000
Special Funds	\$4,760
*School System	
Local & Other Revenues	\$353,040
State Revenues	\$5,726,467

Federal Funds	\$811,008
General Fund Appropriation	\$6,100,000
Total School System	\$12,990,515
Total FY2008-2009 Budget	\$22,447,637

*Contingent upon providing categorical breakdown for approval at the May 27, 2008 meeting.

The motion was carried as follows:

Timothy W. Cotman, Sr.	Aye
Sherri M. Bowman	Aye
Gilbert A. Smith	Aye

RE: LIBRARY UPDATE

Mr. John F. Miniclier, Jr., County Administrator informed the Board that library staff with the assistance of county staff is in the process of getting the library ready for the grand opening on Saturday, May 10, 2008.

RE: VEHICLES FOR SHERIFF'S DEPARTMENT

Mr. John F. Miniclier, Jr., County Administrator informed the Board of the following concerning vehicles for the Sheriff's Department:

VEHICLES FOR SHERIFF'S DEPARTMENT (CONTD.)

1. \$48,988 is included in the FY2008 budget for replacement of 2 vehicles, no vehicles have been purchased to date. The sheriff requested an additional vehicle in the FY2009 budget.
2. The Sheriff Department's plan was to replace the two (2) 1998 high mileage vehicles in 2008 and then the 2001 vehicle with 151,532 miles in 2009.
3. The 2001 vehicle recently was totaled during a collision with a deer.
4. Working with the sheriff, a plan was formulated that included purchasing 1 vehicle and doing a lease-purchase agreement for 2 vehicles.

Mr. Miniclier requested that staff be authorized to purchase 1 vehicle at a cost of \$24,718.51 and lease purchase 2 vehicles at a cost of \$52,211.00. The payment for the lease purchase vehicles will be as follows:

1. Down payment of \$13,675.00
2. 2 payments of \$20,051.62; 1st payment July 25, 2008; 2nd payment July 25, 2009.
3. At the end of lease period County will purchase each vehicle for \$1.

All equipment that can be will be transferred from old vehicles. Cost to transfer, install and to mark all 3 vehicles is included in price.

Motion was made by Timothy W. Cotman, Sr. that staff be authorized to purchase 1 vehicle at a cost of \$24,718.51 and lease purchase 2 vehicles at a cost of \$52,211.00 as recommended by the County Administrator. The motion was carried as follows:

Timothy W. Cotman, Sr.	Aye
Sherri M. Bowman,	Aye
Gilbert A. Smith	Aye

RE: WCJJ PISTONS BOYS BASKETBALL TEAM

Motion was made by Sherri M. Bowman that the Board of Supervisors provide a donation of \$350.00 to the WCJJ Pistons Boys Basketball Team as requested, said funds to be taken from the Board of Supervisors discretionary line item. The motion was carried as follows:

Sherri M. Bowman	Aye
Timothy W. Cotman, Sr.	Aye
Gilbert A. Smith	Aye

RE: AFTER PROM DONATION

Ms. Elnora Robinson requested that the Board make a donation from the Board's discretionary fund to assist with the cost of the Charles City After Prom Party.

No action taken.

There being no further business before the Board it hereby adjourns to meet again on Tuesday, May 27, 2008 at 7:30 p.m.

Gilbert A. Smith, Chairman