

VIRGINIA:

At the regular meeting of the Board of Supervisors held at the Charles City Government and School Board Administration Building thereof on Tuesday, **November 24, 2009** at 7:30 p.m. in the 234th year of the Commonwealth and in the 375th year of the County.

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

RE: ADOPTION OF AGENDA

Motion was made by Timothy W. Cotman, Sr., to adopt the agenda as presented upon the correction of a misspelled name. The motion was carried as follows:

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

RE: CONSENT AGENDA

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

- a. Approval of the minutes of the October 27, 2009 regular meeting.
- b. Approval of payment to CH2MHill in the amount of \$30,342.24 for landfill professional services for the period of September 19, 2009 through October 16, 2009.

The motion was carried as follows:

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

RE: DEPARTMENT OF TRANSPORTATION

Mr. Torrence Robinson, VDOT Residency Administrator, advised the Board of Supervisors that this meeting would be his last with the Board as he was taking a new position in Richmond. Mr. Robinson proceeded to give the following monthly report:

This Month (November, 2009)

Litter Control Primary, Secondary

Pothole Repair, Rt. 600, 603, 617

Pothole Repair Secondary, Rt., 613, 614, 623, 612, 632, 658

Sign Maintenance

Grass Mowing Secondary

Bladed All Dirt Roads

Broke Beaver Dam, Rt. 614, 155, 5, 106, 616, 623

Debris Removal on Bike Trail

Sweep Bike Trail

Cleaned and Repaired Ditches, Rt. 603

Cleaned Up Accident Debris (Ty Trucking), Rt. 603 – Old Union Road

Dean Animal Clean Up, RT. 617 – Monguy Road

RE: DEPARTMENT OF TRANSPORTATION (CONT'D)

Next Month (December, 2009)

Litter Control
Sign Maintenance
Blade and Add Stone Dirt Roads
Pavement Repair Secondary
Break Beaver Dams
Shoulder Maintenance
Grass Mowing Secondary

Last Month (October, 2009)

Grass primary (Primary Complete)
Litter Control Primary, Secondary
Pavement Repairs on Routes 631 and 623
Sign Maintenance
Grass Mowing, Secondary
Bladed All Dirt Roads
Dead Tree Removal on Routes 613 and 618

Response to Comments/Requests from October

Mr. Robinson responded to citizen comments and requests from last month's meeting.

- Citizen inquired as to the timeframe of the next phase of the Capital Bike Trail from the Courthouse to the river. ~ *The next phase of the Capital Trail is the Sherwood Forest Phase, a 13 mile stretch from the Charles City Courthouse to the western bank of the Chickahominy River. This phase has been surveyed and is under design.*
- Citizen brought up the situation of needing center lines applied in the area from Sturgeon Point Road to Wilcox Neck Road on The Glebe Lane. ~ *This is being reviewed.*
- Citizen brought to our attention that the stop sign at the intersection of Route 155 and Sturgeon Point Road was partially blocked by some tree limbs. ~ *The sign has been relocated by the sign crew to a more visible location.*

Board Comments/Requests

Mr. Gilbert A. Smith brought attention to a dead tree hanging over the road on the north side of Rt. 625 which is dropping limbs daily. He requested VDOT check on whose right-of-way this tree is located and act on it accordingly.

Mr. Robinson said that VDOT will look into this issue.

Ms. Sherri M. Bowman requested an update on the maintenance of the Capital Bike Trail and the completion of the Charles City portions.

Mr. Robinson responded that maintenance on the Capital Bike Trails, the Courthouse Phase, is currently being done by VDOT.

In regards to the completion of the Sherwood Forest Phase; right-of-ways are still being purchased and he anticipates that at VDOT's December 14, 2009 meeting it will be determined whether the path will be on the north or south side of Rt. 5 in the vicinity of Parrish Hill Baptist Church.

APPOINTMENTS - RECREATION ADVISORY COMMISSION

Motion was made by Gilbert A. Smith that Vernon Heath, 5220 J. Norman Drive, Charles City, VA 23030, be reappointed to serve as a District I member on the Recreation Advisory Commission, said term to expire January 23, 2014.

The motion was carried as follows:

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

Motion was made by Gilbert A. Smith that Joseph L. Charity, Jr., 5150 John Tyler Memorial Highway, Charles City, VA 23030, be reappointed to serve as a District I member on the Recreation Advisory Commission, said term to expire January 23, 2014.

The motion was carried as follows:

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

Motion was made by Timothy W. Cotman, Sr. that Lee Ann Stanford, 12900 The Glebe Lane, Charles City, VA 23030, be reappointed to serve as a District III member on the Recreation Advisory Commission, said term to expire January 23, 2014. The motion was carried as follows:

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

APPOINTMENTS – ROAD VIEWER COMMITTEE

Motion was made by Gilbert A. Smith that Byron Cox, 10501 Shady Lane, Charles City, VA 23030, be reappointed to serve as a District I member on the Road Viewer Committee, said term to expire December 31, 2010. The motion was carried as follows:

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

Motion was made by Sherri M. Bowman that S. Garland Christian, 8730 Samaria Lane, Providence Forge, VA 23140, be reappointed to serve as a District II member on the Road Viewer Committee, said term to expire December 31, 2010. The motion was carried as follows:

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

RE: THE CHICKAHOMINY WATER TRAIL PARTNERSHIP - MEMORANDUM OF UNDERSTANDING between Charles City County, James City County, New Kent County, the Chickahominy Tribe, the James River Association, the Richmond Regional Planning District Commission, the Virginia Department of Conservation and Recreation and the Friends of the John Smith Chesapeake Trail;

RE: THE CHICKAHOMINY WATER TRAIL PARTNERSHIP - MEMORANDUM OF UNDERSTANDING (CONTD)

WHEREAS, the Chickahominy River is outstanding in its natural beauty, historical importance, cultural value, economic potential, recreational offerings, and ecological significance;

WHEREAS, the Chickahominy Water Trail, as an extension of the Captain John Smith Chesapeake National Historic Water Trail, offers the opportunity to promote the Chickahominy River with improved access, better interpretation, and increased publicity;

WHEREAS, Charles City County, James City County, New Kent County, the Chickahominy Tribe, the James River Association, the Richmond Regional Planning District Commission, the Virginia Department of Conservation and Recreation, and the Friends of the John Smith Chesapeake Trail are committed to increasing informed recreation on the Chickahominy River while preserving its aforementioned qualities;

NOW, THEREFORE, these organizations are designated as Chickahominy Water Trail Partners, participating in and benefitting from the mutual commitments identified below:

Each Chickahominy Water Trail Partner commits to promoting, developing, and sustaining the Chickahominy Water Trail by adhering to the following commitments and principles:

1. Promoting the Chickahominy Water Trail in related print and web-based material.
2. Appointing one primary representative to serve on an informal Chickahominy Water Trail Partnership Committee.
3. Increasing the public awareness of the natural history and ecology of the Chickahominy River, the local American Indian cultures, and the history of Captain John Smith by relating future trail resources to these themes.
4. Using the Captain John Smith Chesapeake National Historic Trail logo on related brochures, maps, guides, exhibits, or web sites.
5. Promoting and interpreting conservation and stewardship of the Chickahominy River and the Chesapeake Bay watershed's natural resources.
6. Encouraging low-impact and considerate use of the Chickahominy River and cultural and historic sites.
7. Identifying and working to develop opportunities for involving volunteers in on-going restoration, conservation and education activities in order to build broader involvement in watershed conservation overall.

RE: THE CHICKAHOMINY WATER TRAIL PARTNERSHIP -
MEMORANDUM OF UNDERSTANDING (CONTD)

Charles City County, James City County, and New Kent County agree to aid in the development and promotion of the Chickahominy Water Trail by adhering to the following commitments:

1. Working to increase public access to the Chickahominy River and key historic and cultural sites.
2. Managing related sites in ways that improve watershed health through practices such as low-impact development and conservation landscaping such as rain gardens and riparian buffers.
3. Promoting awareness of safe and low-impact recreational use of the Chickahominy Water Trail.
4. Developing and sustaining one annual Chickahominy Water Trail promotional event.
5. Developing and sustaining on-going recreation and interpretation programs on the Chickahominy Water Trail.

The **Chickahominy Tribe** agrees to aid in the development and promotion of the Chickahominy Water Trail by adhering to the following commitments:

1. Maintaining the exhibit supplied by the James River Association and the area around the exhibit.
2. Promoting the Chickahominy Water Trail at the annual Pow Wow.
3. Participating in Chickahominy Water Trail- related events.

The **Virginia Department of Conservation and Recreation** agrees to aid in the development and promotion of the Chickahominy Water Trail by adhering to the following commitments:

1. Assisting in the design of the Chickahominy Water Trail's exhibits and maps.
2. Assisting in adding the Chickahominy Water Trail to the other Trails on the VA Tourism/DCR website.
3. Providing technical assistance to other trail partners whenever resources and time allow.

The **Richmond Regional Planning District Commission** agrees to aid in the development and promotion of the Chickahominy Water Trail by adhering to the following commitments:

The **Friends of the John Smith Chesapeake Trail** agrees to aid in the development and promotion of the Chickahominy Water Trail by adhering to the following commitments:

The **James River Association** agrees to aid in the development and promotion of the Chickahominy Water Trail by adhering to the following commitments:

RE: THE CHICKAHOMINY WATER TRAIL PARTNERSHIP -
MEMORANDUM OF UNDERSTANDING (CONTD)

1. Creating and having produced exhibits for four locations on the Lower Chickahominy that educate the public about the interpretive themes of the Water Trail.
2. Creating a map for the Chickahominy Water Trail, printing this map, and supplying it to each site.
3. Consulting with the Department of Conservation and Recreation and the Virginia Tourism Corporation to include the Chickahominy Water Trail on the *Captain John Smith's Adventures* website (www.virginia.org/johnsmithtrail).
4. Submitting application for the nomination of the Chickahominy Water Trail as an official water trail of the Chesapeake Bay Gateways Network and an extension of the Captain John Smith Chesapeake National Historic Trail.
5. Including the Chickahominy Water trail in the web-based map currently being developed by our organization.

Charles City County, James City County, New Kent County, the Chickahominy Tribe, the James River Association, the Richmond Regional Planning District Commission, the Virginia Department of Conservation and Recreation, and the Friends of the John Smith Chesapeake Trail make this Memorandum of Understanding effective upon the date of the last signature on the Memorandum.

Motion was made by Timothy W. Cotman, Sr. for the Board to approve the Memorandum of Understanding as presented. The motion was carried as follows:

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

RE: CONCURRENT RESOLUTION FOR NAME CHANGE OF HENRICO AREA
MENTAL HEALTH & RETARDATION SERVICES BOARD (RESOLUTION
-2009-07)

WHEREAS, on June 11, 1969, the Board of County Supervisors of Henrico County, Virginia established the Henrico County Community Mental Health and Mental Retardation Services Board, pursuant to Chapter 10 of Title 37.1 of the Code of Virginia, 1950, as amended; and

WHEREAS, on June 27, 1973, the Boards of Supervisors of Henrico, New Kent and Charles City Counties (the "three Boards") established a Community Mental Health and Mental Retardation Services Board to serve the needs of the three counties, pursuant to Chapter 10 of Title 37.1 of the Code of Virginia, 1950, as amended; and

WHEREAS, on May 26, 1982, the three Boards, by resolution, changed the name of the Services Board to the Henrico Area Mental Health & Retardation Services Board; and

WHEREAS, the Henrico Area Mental Health & Retardation Services Board recommends to the three Boards that the name of the Services

RE: CONCURRENT RESOLUTION FOR NAME CHANGE OF HENRICO AREA MENTAL HEALTH & RETARDATION SERVICES BOARD (RESOLUTION -2009-07) (CONTD)

Board be changed to Henrico Area Mental Health & Developmental Services Board.

NOW, THEREFORE, BE IT RESOLVED by the three Boards, in separate meetings, that effective March 1, 2010, *Henrico Area Mental Health & Developmental Services Board* be established as the name of the citizens' board which was established pursuant to Chapter 10 of Title 37.1 of the Code of Virginia and continued pursuant to Chapter 5 of Title 37.2 of the Code of Virginia.

Motion was made by Gilbert A. Smith for the Board to approve the resolution as stated above. The motion was carried as follows:

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

RE: JOINT EXERCISE OF POWERS AGREEMENT FOR THE COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD

The County Attorney, B. Randolph Boyd, provided the Board of Supervisor's a copy of the revised *Joint Exercise of Powers Agreement for the Colonial Community Criminal Justice Board* for the Board's review and approval. He explained the revisions were minor and do not alter the Agreement's overall function or affect how we currently operate.

Motion was made by Gilbert A. Smith for the Board to approve the Agreement as revised. The motion was carried as follows:

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

RE: STATE BUDGET CUTS

The County Administrator provided the Board of Supervisors with an update on the most recent budget cuts both instituted and proposed by the Governor's office on September 9, 2009. Certain proposed budget cuts must be approved through legislation and are not possible to name at this time.

The budget cuts for Charles City County are as follows:

<u>Department</u>	<u>Total FY2010 Budget</u>	<u>Estimated Total State Reduction</u>	<u>Description</u>
Clerk	\$213,102	(\$9,553)	5% across Board cut
Comm Atty	\$186,354	(\$2,923)	5% across Board cut
Sheriff	\$874,839	(\$27,298)	4.7% cut
Comm of Rev	\$169,946	(\$2,128)	5% across Board cut
Treasurer	\$166,463	(\$4,067)	5% across Board cut
Registrar	\$47,435	(\$3,200)	10% cut cal
Electoral Board	\$18,688	(\$456)	10% cut in salary & travel (mileage)
CSA	\$878,043	<u>(\$???)</u> (\$49,625)	Slow program growth

RE: STATE BUDGET CUTS (CONTD)

Mr. Miniclier shared that he had spoken with different localities and there are varied solutions to these budget cuts. Some localities are making up a 100% of the cuts others are not making up any of the cuts.

The County Administrator stated he is committed to everyone getting full paychecks and recommended that the County cover fifty (50%) percent of these cuts. He proposed to facilitate this by cutting thirty (30%) percent of other offices' travel budget, and taking twenty-five (25%) percent from Contingency.

Gilbert A. Smith stated he believes the State will have more cuts in the near future as the Governor continues to work toward balancing the state budget. He expressed his discomfort with making a decision on this issue without further review. Timothy W. Cotman, Sr. concurred.

Mr. Miniclier acknowledged that further review would be possible as the offices need to be prudent in this decision. He suggested the matter be tabled until the Board of Supervisors' Work Session scheduled for December 2, 2009.

Motion was made by Gilbert A. Smith for the Board to table this matter until the December 2, 2009 Work Session. The motion was carried as follows:

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

RE: AMENDMENT TO SCHOOL SYSTEM'S FY2010 BUDGET

By letter to the County Administrator, Dr. Janet Crawley of the School Board requested the Board of Supervisor's approval for an amendment of the School System's FY2010 budget for grant carryover funds in the amount of \$5,250.00. Dr. Crawley is also requesting appropriation of funds in the amount of \$5,250.00.

Motion was made by Sherri M. Bowman for the Board to approve the request as stated above. The motion was carried as follows:

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

RE: HOLIDAY OFFICE CLOSINGS

The County Administrator informed the Board that the State municipal offices are closed December 24, December 25, 2009 and January 1, 2010. The County Administrator requested the County adhere to the same closing schedule as the State.

The County Administrator suggested to the Board they make available per employee a flex day that may be taken in whole or part, with the particulars to be as follows: All offices to be staffed and open to serve the public except for the above holiday schedule. Each supervisor will be responsible for making certain each office has coverage.

Motion was made by Sherri M. Bowman for the Board to approve the holiday closings of the County offices to reflect the State offices' holiday closings and to make available a flex day per employee as clarified above. The motion was carried as follows:

RE: HOLIDAY OFFICE CLOSINGS (CONTD)

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

RE: COMMEMORATING THE LIFE AND SERVICE OF CHARLES HILL CARTER, JR. TO CHARLES CITY COUNTY (RESOLUTION 2009-06)

WHEREAS, Charles Hill Carter, Jr. served on the Charles City Board of Supervisors from 1950 to 1991, becoming at that time the longest serving Board of Supervisors member in the Commonwealth of Virginia; and,

WHEREAS, Mr. Carter provided leadership and direction for the future of Charles City County to the Board of Supervisors and the citizens of Charles City in an exemplary fashion. He represented the Board of Supervisors with distinction as Chairman, and on local and regional committees, including the Planning Commission, Richmond Regional Planning Commission, Solid Water Resources Task Force, Landfill Advisory Commission, Center for Local History Advisory Commission, and, James River Port Study Task Force; and,

WHEREAS, Mr. Carter demonstrated leadership in supporting a grant application that facilitated construction of The Neighborhood Facility, the very first administration building constructed in Charles City County; and,

WHEREAS, Mr. Carter's vision of economic development for the county was instrumental in the construction of The Roxbury Industrial complex; and,

WHEREAS, Mr. Carter worked with his fellow Board members when the County was faced with the closing of a failing landfill and developed the regional landfill concept which led to closure of the old landfill at no cost to the county and provided an income flow which ultimately aided in the construction of the new school complex; and,

WHEREAS, Mr. Carter felt that all aspects of Charles City County were important and was a founding member of The Center for Local History Advisory Commission; and,

WHEREAS, Mr. Carter was committed to all citizens of the county and his commitment was never more evident than his support of and vote for requiring any display of public recognition proposed for county property ensured all citizens party to the issue would be represented, and thereby setting a standard for the County; and,

WHEREAS, Charles Hill Carter, Jr. departed this life on Friday, November 20, 2009, and will be deeply missed by his family, his neighbors and the Charles City Community;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Charles City hereby adopts this resolution in appreciation and recognition of the many contributions made by Charles Hill Carter, Jr. aimed at improving the quality of life of the residents of Charles City County.

Motion was made by Gilbert A. Smith, to approve the Resolution as presented. The motion was carried as follows:

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

RE: EXTENSION OF 2009 REAL ESTATE REASSESSMENT

The County Administrator requested the Board of Supervisors' approve an extension to January 31, 2009, so that time will be available to address citizen concerns by the Real Estate Assessors Board. He reported that there had been a delay due to software problems. Mr. Miniclier deferred to the Commonwealth Attorney, Randall Boyd, as to the legalities involved with an extension.

Mr. Boyd explained Judge Hoover would be required to approve an extension of the assessment but stated that he feels the Judge would approve a 30 day extension as it is understandably difficult to do all the necessary work during the holidays.

Motion was made by Timothy W. Cotman, Sr., for the Board to approve an extension of the 2009 Real Estate Assessment contingent upon Judge Hoover's response to Mr. Boyd's request on behalf of the Board. The motion was carried as follows:

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

RE: MONETARY COMPENSATION OF EQUALIZATION BOARD

As explained by the County Administrator, there is no requirement that the Equalization Board be compensated for their work in regards to the Real Estate Assessment but it has been the Board of Supervisors' policy to compensate them in past years for their time. Mr. Miniclier recommended the Board follow the policy that was used at the last Real Estate Assessment and reimburse the Equalization Board for their work at the rate of \$75.00 per half day of services rendered, the same rate used for the 2004 Real Estate Assessment. He explained increasing the rate would not be prudent in the current economy.

Motion was made by Timothy W. Cotman, Sr., for the Board to approve the rate of pay as stated above. The motion was carried as follows:

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

RE: PUBLIC COMMENT PERIOD (NON-AGENDA ITEMS)

Elnora Robinson felt her comment at the September Board of Supervisor's meeting was taken out of context and she wished to address the Board of Supervisors once more about her concerns that Planning Commission Board member, William Bailey, does not have the best interest of Charles City in mind. She believes more development of Charles City similar to that being done in New Kent County should be pursued. Mrs. Robinson asked the Board to replace Mr. Bailey with a county resident inclined to promote development in Charles City that will improve the County's economy. She stated we need someone like C. Hill Carter, Jr. to raise Charles City's economy.

Mrs. Robinson asked the Board to consider getting spikes for the Sheriff's Department to use to minimize the cost of squad car repairs or replacements caused by vehicle accidents brought on by police pursuits of fleeing suspects.

Mrs. Robinson appealed to the Board to have a joint work session with the School Board. She feels the School Board and Board of Supervisors can work together to the County's betterment.

RE: BOARD OF SUPERVISOR COMMENTS

Ms. Sherri M. Bowman explained that the comments made by Mrs. Robinson and others citizens at the September 22, 2009 and her concerns were noted and of record.

Ms. Bowman also assured Mrs. Robinson that her suggestion of a joint work session with the School Board would be taken into consideration.

Meeting adjourned.