

**VIRGINIA:**

At the regular meeting of the Board of Supervisors held at the Charles City Government and School Board Administration Building thereof on Tuesday, **August 24, 2010** at 7:30 p.m. in the 235<sup>th</sup> year of the Commonwealth and in the 376<sup>th</sup> year of the County.

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

RE: ADOPTION OF AGENDA

Motion was made by Sherri M. Bowman to adopt the agenda with the addition of Item 7 k. Charles City Coalition Grant Award.

The motion carried as follows:

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

RE: CONSENT AGENDA

Motion was made by Gilbert A. Smith that the following consent agenda be approved:

- a. Approval of the minutes of the July 27, 2010 regular meeting.
- b. Appropriations for the month of August, 2010

The motion carried as follows:

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

RE: DEPARTMENT OF TRANSPORTATION

Virginia Department of Transportation representative, Scott Gagnon, P.E., Transportation Land Use Developer, gave the following monthly report:

**Maintenance Activities for the Previous 30 Days:**

- Pavement patching of numerous potholes on both Primary and Secondary roads
- Sign maintenance throughout the entire county has been completed
- Litter removal on both the Primary and Secondary systems
- Grading of non-hard surface roads
- Grass Mowing of Secondary roads
- Monitored the bike trail for litter and debris
- Day-lighted road signs for sight distance
- Broke up and dismantled several beaver dams

**Maintenance Activities Planned for the next 30 Days:**

- Litter pickup in troublesome areas
- Asphalt pothole repairs as needed
- Low shoulder repairs along the Primary system
- Continue to machine non-hard surface roads as weather permits

RE: DEPARTMENT OF TRANSPORTATION (CONTD)

*Status of Road Projects:*

- **UPC 8499** – Route 607 – Reconstruct Existing Roadway – From Route 5 to Route 106 – PE has been reopened to charges; Investigating open space easement on south side of Route 607.
- **UPC 85337** – Route 609 – Reconstruction – From Route 603 to Route 602 – PE has been opened to charges.
- **UPC 59167** – Route 618 – Widen & Improve Drainage – From Chickahominy Bridge to .5 mile south of bridge – Preliminary survey is underway.
- **UPC 59166** – Route 607 – Widen & Strengthen – From Route 639 to Route 642 – VDOT & County re-evaluating to re-open PE.

RE: BOARD COMMENTS

**Mr. Gilbert Smith** inquired that if the Rt. 607 Project were funded what could be expected. *Mr. Gagnon explained that the project would consist of the widening of Rt. 607 and some straightening of curves.*

**Ms. Sherri Bowman** pointed out that along Rt. 650 and Rt. 106 tree trimming needs to be done at truck level.

RE: PUBLIC COMMENTS

1. Vince Bracket, 7789 Kips Creek Drive – Mr. Bracket stated that stop lines need to be painted on roads at many places in the county, especially at the junction of Sturgeon Point Road and The Glebe Lane.
2. Roy Campbell, 10115 Barnetts Road – Mr. Campbell stated that on Rt. 609, about three-fourths of a mile from Rt 5 at Williams Bridge, trees are growing over the road and need to be trimmed.
3. Judith Ledbetter, 16530 The Glebe Lane – Mrs. Ledbetter wanted to know why the center lines on Rt 615 (Willcox Neck Road) have not been replaced.
4. Clyde Miles, 8500 Cool Hill Road – Mr. Miles explained that at the railroad crossing on Rt. 106, a driver has to come to almost a complete stop before crossing the tracks due to difference in elevation between the track crossing and the roadway. The Providence Forge crossing has the same problem.

The County Administrator, John F. Miniclier, Jr., interjected that a meeting was held between the CSX Railroad and VDOT and the issues regarding the railroad crossings are being worked on.

RE: PUBLIC HEARING – VIRGINIA CAPITAL TRAIL - PARRISH HILL PHASE

The County Administrator informed the Board that VDOT will hold a public hearing for the Courthouse East Phase of the Virginia Capital Trail on September 9, 2010 from 5:00 p.m. to 7:00 p.m. at the Charles City County Government & School Board Administration Building. This is the phase that will either go on the south side in front of the Parrish Baptist Church or on the north side across the road. The public hearing is to obtain citizen comment on the two proposed locations.

RE: JOINT PUBLIC HEARING WITH THE PLANNING COMMISSION –  
SPECIAL USE PERMIT – LUCK STONE MINING

The Planning Commission and Board of Supervisors held a joint public hearing to receive citizen comments on #SUP-2-2010, Bachelor Point, LLC. Applicant requests a special use permit to allow Luck Stone Corporation to mine, sand & gravel on 1209.46 acres. (T.M.#69-1, 2, 3, 4, 6, 8, 11, 17, 21, 25, 30, 31, 46, & part of #69-12).

Mr. John F. Miniclier, Jr., County Administrator, read advertisement for tonight's public hearing. Vice-Chairman William Bailey called the Planning Commission to order at 7:45 P.M. and reviewed the rules and procedure governing the public hearing.

Mr. John Bragg presented the staff report. Property is zoned A-1 (Agriculture) which allows mining with a Special Use Permit. The following must be considered in the applications evaluation: Public Services, Transportation, Public Safety, Sensitive Features, and Special Impacts on Neighboring Residential Areas.

Staff believes that this application for special use permit is in accordance with strategies set forth in the Comprehensive Land Use Plan, 2009. The applicant proposes, within the plan of operation dated August 18, 2010, certain conditions that insure the intent of the special use permit is met. These conditions are consistent with conditions on other mining sites approved by the County Board of Supervisors.

Mr. Ben Thompson of Luck Stone presented information on the proposed operation. Luck Stone has been in operation for 87 years, and their Headquarters are located in Goochland County. They have a total of 16 locations in Virginia. Approximately 85% of the product will be barged to the Hampton Roads area, and 15% of their product will be trucked from the site. Mr. Ben Thompson presented a map demonstration of the proposed area. They will be working with the Army Corps of Engineers and DEQ on wetlands issues to identify several historic and archeological sites as well as any wild life reserve areas. He went on to state a certain amount of soil will be left on site for reclamation.

Vice-Chairman Bailey opened the floor to any questions citizens may have regarding the applicants request presented tonight. There being no questions, the hearing was open to public comment.

1. Judith Ledbetter, 16530 The Glebe Lane – Mrs. Ledbetter addressed the hearing topic stating that in the past the Board of supervisors has approved this type of company coming into the county without much research into cultural and historical resources. She was pleased to hear that a Phase 1 Archaeological Study had been done along with other environmental studies. It appears that a fair amount of research has been done. Luck Stone has a reputation as a philanthropic company, so the Charles City Library Foundation will be asking them for support. She concluded saying she hopes the Planning Commission will take the permit request seriously.

There being no further public comment, the hearing was closed to public comment. Vice Chairman Bailey asked for questions, comments, and/or a motion from the Commission. Mrs. Jacqueline Wallace stated she wish to abstain her vote due to conflict of interest.

Mr. Emmett Crocker made a motion to recommend approval to the Board of Supervisors application #SUP-2-2010, Bachelor Point LLC with conditions. The motion was seconded by Mr. Alton Washington, and carried by a vote of 6:0:1. (Mrs. Wallace abstained from the vote.)

RE: JOINT PUBLIC HEARING WITH THE PLANNING COMMISSION – SPECIAL USE PERMIT – LUCK STONE MINING (CONTD)

#SUP-2-2010, Bachelor Point LLC Conditions

- 1) Combined Conditions and Operations Plan, dated August 18, 2010 and amended per Luck Stone letter dated August 18, 2010.
- 2) The permit to be issued for an initial ten-year period, effective upon approval by the Board of Supervisors with the right to renew for additional ten-year periods. The permit will self renew provided permittee has no irresolvable violations as determined by the County planning staff.
- 3) Abide by all Federal, State, Local laws and requirements. Where there is a conflict between these requirements, the more stringent will apply.
- 4) County of Charles City is to be provided copies of all Department of Mines Mineral and Energy reviews.

The Commission's recommendation was forwarded to the Board of Supervisors for their action.

RE: SPECIAL USE PERMIT – LUCK STONE MINING

The Planning Commission voted 6:0, with 1 abstention, to recommend that the Board of Supervisors approve the special use permit request made by Oldfields LLC (#SUP-2-2010) allowing Luck Stone Corporation to mine sand & gravel on 1209.46 acres consisting of 14 parcels of land.

Mr. Gilbert A. Smith stated that the Luck Stone presentation tonight was the most thorough presentation he had heard during his tenure on the Planning Commission. He stated further that Luck Stone contributed to the VCU Rice Center.

Mr. Timothy W. Cotman, Sr., pointed out that years ago Luck Stone was instrumental in developing mineral kits for the Earth Sciences classes at Charles City Schools.

Motion was made by Gilbert A. Smith to approve the special use permit request made by Oldfields LLC (#SUP-2-2010). The motion carried as follows:

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

RE: APPOINTMENT – COUNTY'S TAC REPRESENTATIVE

Motion was made by Sherri M. Bowman to appoint Allyson Finchum to replace Christina Greene-Bartscher as the county's TAC Representative for the RRPDC – Richmond Area Metropolitan Planning Organization - Technical Advisory Committee (MPO-TAC), said term to expire December 31, 2010. The motion carried as follows:

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

RE: APPOINTMENT – HENRICO AREA SERVICES BOARD

Motion was made by Sherri M. Bowman to appoint Sandra B. Johnson, 7141 S. Lott Cary Road, Charles City, to replace Susan Morris, and serve as a District II member on the Henrico Area Services Board, said term to expire December 31, 2011. The motion carried as follows:

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

RE: RESOLUTION OF DROUGHT DECLARATION REQUEST (Resolution 2010-10)

The motion made by Sherri M. Bowman to approve the following resolution of drought declaration, carried as follows:

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

WHEREAS, continuous and prolonged drought conditions in the County of Charles City have caused severe farming losses; and

WHEREAS, the County of Charles City has received substantially less precipitation than normal while experiencing extreme heat indices and temperatures; and

WHEREAS, hayfields and pastures have also been sorely affected and crops have been reduced dramatically: corn by 75%, soybean by 50%; and

WHEREAS, the total estimated economic losses to the farmers of Charles City County due to the severe conditions is \$3,440,196.

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of Charles City County hereby requests the Commonwealth of Virginia to declare Charles City County as a crop disaster area due to the substantial economic losses.

RE: BUILDING FEES FOR NON-PROFIT ORGANIZATIONS AND FEDERAL/STATE GRANT FUNDED PROJECTS

Building Official, Dallas Johnson, provided the Board of Supervisors proposed revisions to the County Ordinance regarding building fees for non-profit organizations and federal and state grant funded projects.

Motion was made by Gilbert A. Smith to approve the proposed revisions as presented for the purpose of moving forward with a public hearing on September 28, 2010 to receive the comments of citizens on this subject. The motion carried as follows:

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

RE: BYRNE JUSTICE ASSISTANCE GRANT

The Sheriff's Department has been awarded \$1,434 in grant funds by the Byrne Justice Assistance Grant. The Sheriff's department requested the Board of Supervisors accept these grant funds for the purchase of PBT, Second Chance Bullet Proof Vest, Tint Meter, and Road Flares. The request noted the required match and overage would be deducted from Sheriff's Office budget.

The motion made by Sherri M. Bowman to accept the Byrne Justice Assistance Grant for the purposes as presented, carried as follows:

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

RE: FY2011 CHARLES CITY COUNTY HIGHWAY SAFETY PROJECT II

The Virginia Department of Motor Vehicles approved Charles City County to receive the FY2011 Highway Safety Project II Grant in the amount of \$17,700 from the National Highway Traffic Safety Administration. The Highway Safety Project II grant funds (formerly the Smart, Safe & Sober Grant) provides training for the Sherriff's Department to ensure the County's continued commitment to highway safety.

The motion made by Sherri M. Bowman to accept the grant funds as presented, carried as follows:

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

RE: SHERIFF'S FY2011 BUDGET INCREASE

The Sheriff's Department requested the Board of Supervisors approve increasing the Department's FY2011 Budget Part-Time line items due to additional funds provided by the Compensation Board. The increase in funds was to partly offset the Compensation Board's cut of one full-time deputy position. Funds were increased as follows: judicial part-time \$942, law enforcement part-time \$8,481, judicial FICA \$72 and law enforcement FICA \$649.

The motion made by Sherri M. Bowman to accept these funds as presented, carried as follows:

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

RE: NATIONAL PREPAREDNESS MONTH

The County Administrator announced that the Virginia Department of Emergency Management has put out a Public Service Announcement stating that September is National Preparedness Month. Its hurricane and flood season in Virginia and Governor Bob McDonnell has stated that during the month of September all Virginians should take steps to prepare for emergencies at home, at work and in their communities.

RE: EMS TRANSPORT UPDATE

The County Administrator, John F. Miniclier, Jr., provided the Board of Supervisors an update on the services provided by Emergency Training Systems Inc. (ETS). The CCFV&EMSD has contracted with ETS to provide 2 qualified EMT's to supplement the volunteers. Most of the personnel that ETS provides are full time firefighters/EMS personnel in Henrico or the City of Richmond. ETS presently provides coverage 45 hours per week, 5 days for 9 hours at a cost of \$65 per hour for 2 EMT's. ETS recently began providing Advanced Life Support (ALS) services. The cost of an ALS transport is approximately \$200 more than a Basic Life Support (BLS) transport.

Mr. Miniclier announced that the EMS subscription program renewal notices will be going out soon as enrollment period is from October 1 to September 30<sup>th</sup> of each year. The subscription rate is \$50 per household and covers every person who resides in the household. The subscription does not mean that an ambulance will be available, but does mean that anyone covered will not receive a bill if transported by CCFV&EMSD or PFVRS.

RE: EMS TRANSPORT UPDATE (CONTD)

Ms. Bowman directed staff to make the subscription renewal form available on the county website.

RE: LANDFILL REVENUE SHORTFALL AND IMPACT ON FY2011 BUDGET

The County Administrator, John F. Miniclier, Jr., explained to the Board of Supervisors that he had recently received a letter from Greg Enterline of Waste Management that confirmed that expected tonnage for the year would not average the 2,000 minimum tons per day, but would be between 1,300 tpd and 1,500 tpd. If tonnage were at that amount, then the landfill revenue shortfall would be between \$800,000 and \$1.2 million in the FY2011 budget.

Due to the revenue shortfall, Mr. Miniclier recommended to the Board approving a temporary freeze of all nonessential expenditures and requiring all departments identify and report all essential expenditures. He said that at the Board of Supervisors September 8, 2010 work session, recommendations would be presented on how to meet the shortfall in FY2011 and how budget preparation for FY2012 could be impacted.

Motion was made by Gilbert A. Smith to temporarily freeze all nonessential expenditures and directed the county departments to identify and report all essential expenditures. The motion carried as follows:

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

RE: A/E REVIEW OF OLDER COUNTY WASTEWATER PLANTS

The County Administrator reviewed with the Board of Supervisors the responses by four A/E firms to an RFP requesting engineering review of four older county wastewater plants. Based on the age and condition the chosen firm will review the plants operation/maintenance, effluent quality, condition of the plants and life expectancy. All four firms were deemed responsive and qualified. The proposals ranged from \$45,000 to \$8,000. Mr. Miniclier recommended Northwest Cascade Inc. at \$8,000 be awarded the contract.

Mr. Smith questioned the hiring of the least expensive proposal.

Mr. Miniclier responded that sometimes the least expensive was not always the best, but based on the fact that Mr. Anish Jantrania would be doing the work and based on previous professional interactions with the County, he felt with a high level of certainty, that Mr. Jantrania would provide an excellent review and technical recommendations for all plants.

Motion was made by Gilbert A. Smith to award the contract as presented to Northwest Cascade. The motion carried as follows:

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

RE: FY2011 COMMUNITY SERVICES BOARD PERFORMANCE CONTRACT  
(Resolution 2010-11)

As required by the Virginia State Code, each Community Services Board must annually enter into a Performance Contract with the Virginia Department of Behavioral Health and Developmental Services. This contract spells out the expectations of the local Community Services Board and documents the state, federal, and local funds that are appropriated to the Community Services Board for operations.

The motion made by Gilbert A. Smith to approve the following FY2011 Community Services Board Performance Contract resolution, carried as follows:

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

WHEREAS, Virginia Code §37.2-508 was amended effective July 1, 1998 to require that a performance contract negotiated between the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services (the Department) and Henrico Area Mental Health & Developmental Services Board (HAMHDS) and approved by HAMHRS be submitted by HAMHRS for approval by formal vote of the governing body of each political subdivision that established HAMHRS; and,

WHEREAS, the County of Henrico, Charles City County and New Kent County, established HAMHRS in 1973; and,

WHEREAS, on May 3, 2010, the Department provided to HAMHDS a Letter of Notification setting out the amount of state and federal funding that would be available to HAMHDS during FY2011; and,

WHEREAS, HAMHDS and the Department have negotiated a FY 2011 Community Services Board Performance Contract; and,

WHEREAS, HAMHDS approved the FY 2011 Community Services Board Performance Contract on July 22, 2010, and recommended it to the Boards of Supervisors of Henrico, Charles City, and New Kent Counties; and,

WHEREAS, the HAMHDS recommended FY2011 Community Services Board Performance Contract is based on the requirements of §37.2-508 of the Virginia Code, on the budget adopted by the Henrico County Board of Supervisors on April 27, 2010, on the Letter of Notification to HAMHDS for FY2011, and on local contributions approved by the Charles City County Board of Supervisors, and the New Kent County Board of Supervisors.

NOW, THEREFORE BE IT RESOLVED, by the Board of Supervisors of Charles City County that the Board approves the FY2011 Community Services Board Performance Contract between the Virginia Department of Behavioral Health and Developmental Services, and Henrico Area Mental Health & Developmental Services Board.

RE: CHARLES CITY COALITION GRANT AWARD

The Charles City Coalition received a grant award from the Department of Alcoholic Beverage Control in the amount of \$5,000. The purpose of the grant is as follows:

1. To revitalize the Coalition.
2. To purchase Red Ribbon Week materials.
3. To purchase alcohol prevention curriculum for the Charles City county Public Schools.
4. Conduct parent education workshops regarding prevention of underage drinking.
5. Implement Project Sticker Shock project.

RE: CHARLES CITY COALITION GRANT AWARD (CONTD)

Motion made by Sherri M. Bowman to accept the Charles City Coalition Grant as presented, carried as follows:

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

RE: PUBLIC COMMNETS (NON-AGENDA ITEMS)

1. Mrs. Judith Ledbetter, 16530 The Glebe Lane – pointed out that the Board of supervisors did not appoint Allyson Finchum to replace Christina Greene-Bartscher on the Sesquicentennial Committee. Mrs. Ledbetter informed the Board there is no one on the committee representing Shirley Plantation or Berkeley Plantation. She suggested Julian Charity to represent Shirley Plantation.

Mr. Gilbert Smith assented to follow-up on representatives for Shirley and Berkeley Plantations.

The Board of Supervisors agreed by consensus to appoint Allyson Finchum to replace Christina Greene-Bartscher as the county's staff representative on the Sesquicentennial Committee.

1. Roy Campbell stated that once the Board approves the school's budget the Board can't tell them how to spend the money. Everything in the school budget is essential, he asserted. They will present their bills to the county and it is up to the county to pay them. He further stated that when the Board of Supervisors appropriates the money to the School Board that money can be spent in each category as the School Board sees fit.

2. Vince Bracket, 7789 Kips Creek Drive – Mr. Bracket asked about the status of the Reverse 911 system

Mr. Miniclier responded that there has been a glitch in the Reverse 911 system and that it should be implemented in about 15 days.

3. Elnora Robinson, 11705 John Tyler Memorial Highway – Mrs. Robinson stated that the landfill is dying and money is decreasing so we need someone to try to bring something into the county. She asked if Allyson Finchum, as our new Planning Director, will be doing whatever possible to bring more revenue into the county.

4. Barbara Winters, representing The Heritage Public Library – Mrs. Winters informed the board that library usage has increased.

She thanked Vince and Shirley Bracket for their tutoring services at the library and announced there is a big demand for tutoring in the county.

5. Barbara Crawley, 6520 Barnetts Road – Mrs. Crawley said she realizes funds are low and that the landfill was suppose to be good for twenty more years and sixteen of those years are gone. She urged the Board to get some industry and affordable housing into the county.

Mr. Miniclier stated that, according to current figures, the life of the landfill is another 48 years.

RE: EXECUTIVE SESSION

Motion was made by Gilbert A. Smith that the Board of Supervisors go into closed session to discuss the sale of county real estate under Section 2.2-3711(A)(3); and legal matters under Section 2.2-3711(A)(7); of the 1950 Code of Virginia as amended. The motion carried as follows:

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

Motion was made by Sherri M. Bowman to return to regular session. The motion carried as follows:

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

Motion was made by Gilbert A. Smith that the Board of Supervisors discussed only public business matters lawfully exempted from statutory open meeting requirements and public business identified in the motion to convene the executive session. The motion carried as follows:

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

RE: PUBLIC HEARING FOR SALE OF 2 - ONE ACRE PARCELS APPROVED

The Board of Supervisors authorized advertising the sale of two - one acre parcels owned by the County adjacent to 11303 Willcox Neck Road to Richmond Metropolitan Habitat for Humanity, Inc. The County previously sold the adjoining one acre parcel to Habitat for Humanity and agreed at that time that an additional two might be available.

The parcels are to be sold for \$10,000 each. A public hearing will be held on September 28, 2010 to receive citizen comments on the matter.

There being no further business before the Board, it hereby recessed to meet again on Wednesday, **September 8, 2010** at 6:00 p.m. for the Board of Supervisors' quarterly work session.