

VIRGINIA:

At the regular meeting of the Board of Supervisors held at the Charles City High School Auditorium thereof on Tuesday, February 26, 2008 at 7:30 p.m. in the 232<sup>nd</sup> year of the Commonwealth and in the 374<sup>th</sup> year of the County.

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

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 Sherri M. Bowman that the following consent agenda be approved as presented:

- a. Approval of the minutes of the January 22, 2008 regular meeting, January 24, 2008 and February 11, 2008 recessed meetings.
- b. Approval of payment to CH2MHill in the amount of \$10,855.79 for landfill professional services for the period of December 22, 2007 through January 18, 2008.
- c. Refund of Personal Property and Real Estate Taxes
  - 1) Kenneth & Patricia Brown: Traded vehicle 12/20/04. Refund-2005, \$148.10
  - 2) William Charity: Paid personal property taxes to Henrico. Refund-2007, \$184.80
  - 3) Virginia Natural Gas: Revised public service valuation. Refund-2007, \$214.46

The motion was carried as follows:

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

RE: THE HONORABLE DONALD MCEACHIN, SENATE OF VIRGINIA –  
LEGISLATIVE UPDATE

Senator McEachin informed the Board and citizens that the Senate is two-thirds of the way thru the budget session. He said there is an increase in the senate budget for public education for Charles City County. There was \$4.9 million last year, increased to \$5.7 million this year, including a 2.5% salary increase for teachers in December. There is overall \$50 million for general school construction in the literary fund. In the preschool initiative level of funding, there was an increase from \$5,700.00 to \$6000.00, with an increase in the number of slots. Concerning the veterans' benefits, there is a \$250,000.00 increase in funding to enhance the ability to provide services to veterans with post traumatic stress disorders.

Senator McEachin expressed disappointment that no funding was provided for the Charles City County library, however, he urged the county to continue with the regional concept under the Heritage Library umbrella. There is no new funding for the sheriff's department.

RE: THE HONORABLE JOSEPH MORRISSEY, VIRGINIA HOUSE OF DELEGATES - LEGISLATIVE UPDATE

Delegate Joseph Morrissey, representative of the 74<sup>th</sup> District of the House of Delegates informed the Board and citizens that the House had approved abolishing the Abusive Driver Fees and that debate is still being held concerning the Payday Lending Bill and that there may be some reform as a result of this. Delegate Morrissey stated that he introduced legislation that would allow Native Americans to apply for and receive instate tuition; however, this legislation did not get out of the House Committee. He will reintroduce the bill next session. Delegate Morrissey commented on the need for road and bridge repairs in the state, the redistricting issue and closing of the gun show loopholes, all of which failed to pass this year.

RE: DEPARTMENT OF TRANSPORTATION (VDOT)

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

This Month

Pavement Repair to Secondary Roads  
Ditch Cleaning on Routes 623, 613, and 611  
Drain Pipe Cleaning on Routes 623, 611, 614, 615, 155, 658, 609, 618, and 629  
Bladed Dirt Roads  
Litter Control on Secondary & Primary Roads  
Dead Tree Removal on Route 5  
Broke Beaver Dams - Routes 5, 614, 658, and 623

March Work Plans

Install Driveway Culverts on Routes 603, 615, 630, 602, and 639  
Shoulder Repairs on Route 5  
Pavement Repairs to Secondary Roads  
Litter Control on Primary and Secondary Roads  
Sign Maintenance on Primary and Secondary Roads  
Dead Tree Removal on Route 155  
Trap Beavers on Routes 614 and 106  
Drain Pipe Cleaning on Secondary Roads

There were no complaints last month.

Mr. Cotman asked that VDOT take a comprehensive look at what might be a dangerous situation with road flooding on Route 614.

DEPARTMENT OF TRANSPORTATION (VDOT)(CONTD.)

A citizen asked if VDOT would give consideration to an alternate route through Lyons Den to the Vegetative Waste Recycling Facility on Route 638 (Mapsico Road). He stated that large truck traffic on Weyanoke Road is resulting in broken pavement and debris on the roadway causing concerns in that neighborhood. He further stated that maybe "No Thru Trucks" signs could be posted on the road.

Mr. Robinson's response was that VDOT would have to analyze the situation and that they would have to hold a public hearing prior to installing any signs on the highway.

Mrs. Elnora Robinson asked that VDOT take a look at a large tree leaning toward road at Mt Zion Church entrance. She also asked that they complete the cleaning of ditches on Route 623.

RE: DR. ALTON WASHINGTON – LIBRARY UPDATE

Dr. Washington informed the Board of Supervisors that Heritage Library in Providence Forge was closed due to unsafe conditions.

Temporary library facility in New Kent will be housed in the Caldwell Building behind Dairy Queen on Courthouse Road. Computers will be available. Shuttle service will be available upon request.

Charles City's temporary facility will be either in the Multipurpose Room in the Courthouse Building, or in the Old Courthouse Building. It must be determined which location will be most accommodating to the citizens. Charles City expects to have a permanent facility within the next two to three years. Starting date for temporary facility will be April 1, 2008. Hours of operation will be Mondays 10 a.m. – 4:00 p.m., Thursdays 1:00 p.m. – 8, and Saturdays 10:00 a.m. – 2:00 p.m.

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 request from Charles H. Schreiber for a special use permit to operate a vegetative waste recycling facility that uses a grinder or other similar mechanical equipment to include the sale of firewood. The recycling facility will be located on 10 acres of a 372 acre parcel (T.M. #17-1). Site is located at 4701 Courthouse Road.

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

There were no comments or questions.

There were no speakers at the Public Hearing. The Planning Commission voted 8-0 to forward to the Board of Supervisors for action.

Motion was made by Timothy W. Cotman, Sr., to approve request from Charles H. Schreiber for a special use permit to operate a vegetative waste recycling facility that uses a grinder or other similar mechanical equipment to include the sale of firewood. The recycling facility will be located on 10 acres of a 372 acre parcel (T.M. #17-1). Site is located at 4701 Courthouse Road.

The motion was carried as follows:

JOINT PUBLIC HEARING WITH PLANNING COMMISSION (CONTD.)

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

RE: PUBLIC HEARING

The Board of Supervisors held a public hearing to receive citizen comments concerning the amendment of the current ordinance that allows the use of rifles from tree stands to hunt deer.

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

Staff presentation was made by Mr. William Britton concerning hunting with rifles.

Mr. Minerick with the Virginia Game and Inland Fisheries provided some statistics on hunting with rifles.

Mr. Timothy W. Cotman, Sr., asked if there were any national statistics available. Mr. Minerick stated that he did not have them available at that time but could supply information to him later.

The following individuals spoke at the public hearing:

1. John Reed - Supports hunting with high powered rifles. He believes it is safe and everyone should have the right to hunt with a rifle.
2. Almeda Tyler – Opposes the continuance of hunting with high powered rifles. She stated that the percentage of fatalities with rifles is lower because there are not as many rifles being used.
3. C. D. Harwood, Jr. - Supports rifle hunting, thinks it is safe.
4. Craig Hofmeyer - Supports hunting deer with rifles, cited James City County's denser population and there have been no problems there, also said citizens have invested a lot of money in high powered rifles since the ordinance passed and should be allowed to continue to use their rifles for hunting.
5. Kevin Slattum - Opposes the use of high powered rifles for hunting deer. He stated that sheriffs' vests are not adequate to stop a rifle bullet and is therefore dangerous. The distance a bullet travels may be up to 5 miles. No one intends to hurt anyone but accidents happen.
6. Vince Brackett - Supports rifle hunting from tree stand. He presented a petition with 57 signatures in support of rifle hunting.
7. Charles Tench - Supports deer hunting with rifles. He mentioned the huge expense of investing in equipment. He also stated that tree stands higher than a 10 foot elevation would be dangerous for older people.
8. Elnora Robinson – Opposes high powered rifle hunting, even in a tree stand. She stated that if a hunter is on the ground and sees a deer, he is not going to get back into the tree stand to shoot it.
9. Chris Clark (14400 John Tyler Memorial Highway) - Supports deer hunting with rifles, said he has been hunting since he was 9 years old does not see any danger.
10. Michael Smith (7140 Ruthville Road) – Supports rifle hunting, stated that no one has been hurt so far.

#### PUBLIC HEARING (CONTD.)

11. John Templin – Supports deer hunting with rifles. He said that the most popular deer hunting rifle in America is the 30/30.
12. David Adams – Supports the issue. He stated that he wants to enjoy what he likes to do and that we should all be working together. He does not think it is a safety issue and hopes something can be worked out.
13. Charles Schreiber – Supports deer hunting with rifles. He asked that the Board of Supervisors consider a compromise. He had a petition with 327 signatures of people that agree with the rifle law.

14. Lloyd Adkins – Opposes deer hunting with rifles. He stated that he hunts with a club and the clubs hunt too close together to use rifles. He also stated that there are several clubs that hunt close to the school.
15. Linwood Highlander – Supports rifle hunting. He does not think anyone that enjoys hunting will do anything that is not safe. He is willing to keep his rifle unloaded until he is in the tree stand. He hopes something can be worked out.
16. Arthur Duke – Supports the rifle law as it stands.
17. Ed Phaup, Jr. – Supports deer hunting with rifles. He stated that people have been hunting with rifles for years with no incidents.
18. Emmett Crocker – Supports the rifle law as it stands. He believes rifles are no more dangerous than shotguns. He hunts with a club and they do not use rifles when they have an organized hunt. He believes the clubs can control who hunts with rifles.
19. Donald Hayes – Supports the issue. He is not afraid of high powered rifles, he is afraid of the Board of Supervisors voting on something that is not fact.

Motion was made by Timothy W. Cotman, Sr., to institute a binding referendum at the next election to vote on hunting with rifles

B. Randolph Boyd, County Attorney, stated that you cannot have a referendum without statutory authorization. A judge must enter an order to the Board of Elections directing it to be done.

Motion was withdrawn by Timothy W. Cotman, Sr.

Gilbert A. Smith made the following recommendations: Amend the ordinance to say that rifles must be unloaded until hunter gets in tree stand; or keep as is for another one or two years, then revisit the issue.

Timothy W. Cotman, Sr., stated that this continues to be a volatile issue. He had hoped that it could be put to a vote to the citizens of the county. He still opposes hunting with rifles.

Motion was made by Gilbert A. Smith to advertise for public hearing to amend current ordinance - Chapter 16, Section 16-1 of the County Code.

The motion was carried as follows:

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

Motion was made by Timothy W. Cotman, Sr., to advertise for a public hearing to make it unlawful to hunt deer with a rifle other than a muzzleloading rifle during deer hunting season.

The motion was carried as follows:

PUBLIC HEARING (CONTD.)

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

RE: COMMUNITY DEVELOPMENT BLOCK GRANT PROPOSAL  
(RESOLUTION 2008-03)

BE IT RESOLVED, that pursuant to two public hearings, Charles City County wishes to apply for no more than \$1,500,000.00 of Virginia Community Development Block Grant fund for Comprehensive Community Development of the Gilfield/Little Elam Area;

WHEREAS, \$260,000.00 of Indoor Plumbing and Rehabilitation Funds; will also be expended on this project, it is projected that 21 houses belonging to low and moderate income families will be improved as a result from the implementation of this project and that 74 low and moderate income persons will benefit from this project.

BE IT FURTHER RESOLVED, that the County Administrator is hereby authorized to sign and submit appropriate documents for the submittal of this Virginia Community Development Block Grant proposal.

Motion was made by Timothy W. Cotman, Sr., to approve resolution as presented.

The motion was carried as follows:

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

RE: PUBLIC COMMENT PERIOD

1. Ed Phaup, Jr. - Asked why the county website is not up to date. He also directed a comment to Mr. Cotman that Mr. Cotman is an embarrassment to the county to not be more informed on subjects being discussed tonight.

Mr. Miniclier responded that the website is up and is currently being updated.

2. Judy Ledbetter stated that she objects to the proposal by the judge that the old courthouse be used as the county library. She thinks the Multipurpose Room is excellent for use as a temporary library.

There being no further business before the Board it hereby recesses to meet again on Wednesday, March 5, 2008 at 6:00 p.m.

RE: RECESSED MEETING, WEDNESDAY, MARCH 5, 2008, 6:00 P.M.

The meeting was called to order by the Chairman.

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

RE: VERIZON DSL HIGH SPEED ACCESS

Mr. John Miniclier, the County Administrator gave the Board of Supervisors an update on the DSL Service that is currently available in the county. Mr. Miniclier also informed the Board that a survey will be included in the next Quarterly Newsletter to check the citizens' interest in DSL service.

RE: 2008-2009 BUDGET REQUEST – SCHOOL SYSTEM

Dr. Janet Crawley, Superintendent, with school board members in attendance, presented the FY2008-2009 School budget requests.

RE: CHARLES CITY COUNTY ANNUAL FINANCIAL REPORT

Ms. Ann Walls with Robinson, Farmer, Cox Associates presented the Charles City County Annual Financial Report to the Board of Supervisors. She also stated that they received excellent support from the county staff during the audit.

RE: VDOT SIX YEAR PLAN

Mr. Torrence Robinson presented the VDOT Six Year Plan to the Board of Supervisors.

Mr. Gilbert A. Smith responded that the Board will review the plan and comment at the next regular meeting.

RE: BOAT RAMP

Mr. John F. Miniclier informed the Board of the Supervisors that the Boat Ramp permit has been approved by the Corps of Engineers. Permit will be executed and returned to the Corps of Engineers on March 6, 2008.

Staff will start working with outside agencies for possible funding to move forward with the project.

RE: LIBRARY

Mr. John F. Miniclier gave an update on the library. He stated that the old courthouse building does not meet the requirements for use as a library. The Multipurpose Room at the courthouse will be used and should be ready by mid-April. Charles City should be in another facility by 2010 or 2011.

RE: CHARLES CITY VOLUNTEER FIRE & EMERGENCY MEDICAL SERVICES DEPARTMENT AUDIT

Mr. John F. Miniclier presented the VF&EMSD Audit to the Board of Supervisors.

Mr. Miniclier recommended that since all internal controls and requirements have been met that the county return to the quarterly allocations as in the past, starting with the next quarter.

Mr. Gilbert A. Smith directed staff to write a letter to Fire Chief Archer Jones regarding this recommendation.

CHARLES CITY VOLUNTEER FIRE & EMERGENCY MEDICAL SERVICES DEPARTMENT AUDIT (CONTD.)

Mr. Timothy W. Cotman stated that it will be better to start the quarterly allocation at the beginning of the new fiscal year.

Motion was made by Mr. Timothy W. Cotman, Sr., to accept staff recommendation to provide Fire Department & EMS with their funds as done previously starting at the beginning of the next fiscal year. The motion was carried as follows:

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

RE: HUNTING ORDINANCE

Mr. John F. Miniclier updated the Board of Supervisors regarding the rifle hunting ordinance. He stated that:

- At this time, there is no legislative provision for a referendum on the rifle ordinance.
- James City, in response to citizen complaints in 1994, appointed a commission headed by law enforcement to include concerned citizens, hunters, and representative from Department of Game and Inland Fisheries. This commission came up with the recommendation to use a ten foot elevated stand.

Mr. Timothy W. Cotman, Sr. stated that he has no problem with a public hearing to discuss other options, but verbiage must be correct.

Mr. John F. Miniclier recommended that the public hearing be scheduled for April, so the Board will have time to come up with the correct verbiage since the Board can only take action on what actually appears in the legal notice.

Motion was made by Mr. Timothy W. Cotman, Sr., to move the public hearing on the proposition of hunting deer with rifles from the March regular meeting to the April regular meeting. The Board will discuss this at the March regular meeting to determine the correct verbiage for the advertisement. The motion was carried as follows:

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

RE: 2008 INDOOR PLUMBING/REHABILITATION LOAN CONTRACTS RESOLUTION (RESOLUTION 2008-04)

Motion was made by Timothy W. Cotman, Sr. that the Board of Supervisors approves the 2008 Plumbing/Rehabilitation Loan Contracts Resolution as presented. The motion was carried as follows:

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

WHEREAS, the Commonwealth of Virginia has been authorized to distribute and administer Indoor Plumbing/Rehabilitation Loan Program (IPR) funds pursuant to the Home Investment Partnership Program and the Virginia Housing Partnership Act, and

2008 INDOOR PLUMBING/REHABILITATION LOAN CONTRACTS RESOLUTION (RESOLUTION 2008-04) (CONTD.)

WHEREAS, the Department of Housing and Community Development has been authorized by the Governor of the Commonwealth of Virginia to distribute and administer IPR funds in the form of INDOOR PLUMBING/REHABILITATION LOAN CONTRACTS according to the DHCD Indoor Plumbing Rehabilitation Program Design, and

WHEREAS, as the SUBRECIPIENT has qualified for IPR funding on the basis of DHCD's Indoor Plumbing Rehabilitation Program Design.

BE IT FURTHER RESOLVED, that the County Administrator is hereby authorized to sign and submit appropriate documents for the submittal of this request for INDOOR PLUMBING/REHABILITATION funds.

There being no further business before the Board it hereby adjourns to meet again on Tuesday, March 25, 2008 at 7:30 p.m.

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Gilbert A. Smith, Chairman