

VIRGINIA:

At the regular meeting of the Board of Supervisors held at the Charles City Government and School Board Administration Building thereof on Tuesday, **July 27, 2010** at 7:30 p.m. in the 235th year of the Commonwealth and in the 376th 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 as presented.

The motion carried as follows:

Sherri M. Bowman	Aye
Gilbert A. Smith	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 June 9, 2010 recessed meeting and the minutes of the June 22, 2010 regular meeting.
- b. Approval of payment to CH2MHill in the amount of \$16,028.14 for landfill professional services for the period of May 22, 2010 through June 18, 2010.
- c. Appropriations for the month of July, 2010.

The motion carried as follows:

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

RE: APPOINTMENTS – PLANNING COMMISSION

Motion was made by Sherri M. Bowman to appoint Clyde Miles, 8500 Cool Hill Road, Providence Forge, VA 23040, to serve as a District II member on the Planning Commission, replacing Barry Charity, and said term to expire July 27, 2012. The motion carried as follows:

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

RE: PUBLIC HEARING – SALE OF REAL PROPERTY

The Board of Supervisors held a public hearing to hear the comments of citizens on the sale of 3.07 acres, known as Lot 8 located at Roxbury Industrial Center, Charles City County, Virginia to Reebals Crane & Rigging, LLC.

No one chose to speak on the matter and the public hearing was closed.

RE: SALE OF REAL PROPERTY – LOT 8, ROXBURY INDUSTRIAL CENTER

Motion was made by Gilbert A. Smith to approve the sale of the 3.07 acres, more specifically known as Lot #8, located in Roxbury Industrial Center, Charles City County, Virginia, for the amount of \$60,000, to Reebals Crane & Rigging, LLC. The motion carried as follows:

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

RE: VDOT – MONTHLY REPORT

Maintenance Activities for the Previous 30 Days:

- Litter removal was performed on the following primary and secondary roads:
Rt. 5 - John Tyler Memorial Hwy Rt. 653 - Mt. Pleasant Road
Rt. 106 - Roxbury Road Rt. 614 - Sturgeon Point Road
Rt. 155 - Courthouse Road Rt. 626 - Old Elam Cemetery Road
Rt. 618 - Adkins Road Rt. 600 - Charles City Road
Rt. 615 - The Glebe Lane
- VDOT forces cleaned debris from a large pipe structure on Rt. 600 - Charles City Road
- Tree trimming operations were performed on the following routes:
Rt. 659 - Old Ferry Road / Rt. 623 - Wilcox Neck road.
- The bike trail was monitored and debris removed from pavement.
- Dead animal removal will continue as needed.
- VDOT forces performed sign maintenance on primary and secondary routes throughout the county.
- Pavement repair was performed on the following routes:
Rt. 623 - Wilcox Neck Road
Rt. 632 - Tyler's Mill Road
Rt. 614 - Sturgeon Point Road.
- VDOT forces machined the following non-hard surface county roads:
Rt. 613 - Sandy Point Road Rt. 646 - Oakwood Road
Rt. 616 - Adams Bridge Road Rt. 648 - New Quarter Road
Rt. 623 - Wilcox Neck Road Rt. 651 - Legion Road
Rt. 626 - Old Elam Cemetery Rd Rt. 654 - Deer Field Road
- VDOT forces repaired hazardous low shoulder areas on the following primary and secondary routes:
Rt. 5 - John Tyler Memorial Hwy Rt. 603 - Old Union Road
Rt. 106 - Roxbury Road, Rt. 614 - Sturgeon Point Road
Rt. 155 - Courthouse Road Rt. 664 - Roxbury Industrial Ctr.
Rt. 650 - Cattail Road

Maintenance Activities for the Next 30 Days:

- Mowing operations are scheduled to begin in August/September time frame.
- Litter control and sign maintenance activities will continue to be performed.
- Grading non-hard surface roads will be performed as needed.
- Sight distance issues at intersections will be addressed as needed.
- Pavement repairs operations will continue on primary and secondary routes.
- The bike trail will be monitored for debris and the grass will be mowed.
- Clean up of primary and secondary routes of tree limbs and debris will continue.
- Tree trimming operations will continue on secondary routes.
- VDOT forces will continue patching areas on Rt. 607 - Wayside Road.

Recent Board Requests:

Mr. Gilbert A. Smith pointed out that various areas in the county needed stop bars repainted. *The stop bars at both Route 607 approaches to Route 106 have been repainted.*

RE: VDOT – MONTHLY REPORT (CONTD)

Mr. Smith further requested VDOT consider a flashing caution light at the intersection of Rt. 607 and others hazardous intersections in the county to warn drivers of the intersection and impending stop.

The VDOT Traffic Engineering Division has completed its evaluation of the Rt. 607 and 106 intersection and at this time does not recommend installing any additional warning devices as it is deemed not likely to have had any effect in eliminating the crashes. VDOT's conclusions were based on reviews of the available crash reports, intersection sight distance, and results from a daily approach and directional turning movement count.

Ms. Sherri Bowman noted that there was a substantial pothole in front of 7710 Lewis Tyler Lane. *VDOT forces have located and repaired the pothole.*

RE: UPDATE ON ENERGY SAVINGS PILOT PROJECT

County Administrator, John F. Miniclier, Jr., provided the Board of Supervisors an update on the Energy Savings Pilot Project facilitated by Dominion Virginia Power in the county beginning with Phase I in December, 2009, where nine (9) Gig2 units were installed. In April, 2010 Dominion decided to continue with funding an additional phase and we are currently in Phase II. They have installed approximately 35 units in individual homes and business breaker boxes. These homes and businesses use the Courthouse area as the base and are installed on Courthouse Road and The Glebe Lane, including the bank, the health clinic, the church, the restaurant, government buildings and residences.

Dominion changed out the electric meters from those that read the amount of kilowatt hours that have been used since the last time they were checked to a new meter that measures the actual energy used, on a real time basis. Dominion looks at the total line load at the time, and that is one of the reasons why they were all put in the same general area. They compare the temperature, the humidity and the power load being used in the house to determine the savings as each of us has different patterns of energy usage in our homes.

The test is ongoing, beginning in May and will continue through September. The preliminary data is encouraging, Mr. Miniclier said.

They have also installed 35 units in Chesterfield. Charles City and Chesterfield are the two counties in Phase II.

If Phase II is successful, then there will be a discussion between Dominion and the federal government on cost sharing of phase III. Phase III would be installing one of the devices in every home and business in the county, where the citizen or proprietor would want it, at no cost. Mr. Miniclier reiterated that Phase II is fully funded by Dominion.

He went on to explain that county staff will be meeting with Congressman Scott in the next two weeks and with Dominion to discuss how we go to Phase III. The total cost of Phase III of the project will be around \$3 million. The manufacturer of the device claims that previously installed units have shown energy savings that are anywhere from 10-25 percent. This test will truly show, in Dominion's perspective, if they can go forward to the Federal Communications Commission (FCC). Phase III, he explained, would really be to show the FCC this is something they want to take to all their customers. Part of it is Dominion feels there may be savings beyond the meter, back on their mainline, that they can only be shown by full testing.

Mr. Miniclier stated that after meeting with Congressman Scott, which will, investigate a private/public partnership with Dominion and the Federal Government on funding Phase III, staff will come back and report to the Board. Until the Phase II testing is complete, staff will not have any permanent recommendation.

Mr. Timothy W. Cotman, Sr., confirmed that the information, as stated, sounded encouraging, maybe even promising.

RE: NOISE ORDINANCE

The Board of Supervisors held a Public Hearing on June 22, 2010 regarding updating the Noise Ordinance that was last revised in 1996, and received comments and concerns of the public. Many residents voiced concerns and questions.

After careful consideration of the questions and concerns of residents Mr. Gilbert A. Smith inquired of the County Attorney, B. Randolph Boyd, if an individual that was of school age could hinder their getting an education if they had a felony on their record. Mr. Boyd responded that the charge would be a Class 3 misdemeanor with no jail time and would be less than having a traffic ticket, a Class 1 misdemeanor, on their record.

Mr. Smith further asked if a vehicle had a loud muffler but was able to pass the state inspection process, how would the county justify ticketing that noise. Mr. Boyd responded that an excessively loud muffler would not pass state inspection and it would be those vehicles that were a nuisance.

Ms. Sherri Bowman stated that from her research she had found that Chesapeake and Hanover were looking into adopting a civil penalty as opposed to a misdemeanor charge for violating their respective noise ordinances as that would show up on a background check but not a criminal background check. She had discovered that this was not something the locality could impose but must come before the General Assembly.

Mr. Boyd confirmed that only the General Assembly had that authority. He explained that what we effectively have is up to a \$500 fine for a first offense and it will show up on a background check as would any traffic offense.

Mr. Timothy Cotman interjected it should not be held against someone applying to a college unless an individual ignored the ordinance and was convicted in court several times. He further stated that he has never seen or heard anything that would lead one to the conclusion that a misdemeanor would keep one out of college.

Motion was made by Gilbert A. Smith to approve the Noise Ordinance as it was presented at the June 22, 2010 public hearing. The motion carried as follows:

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

RE: AMENDMENT AND APPROPRIATION OF FY2011 SCHOOL BUDGET

Mr. Gilbert A. Smith questioned the sources of the Title I and Title II funding. Dr. Janet C. Crawley, Superintendent of Schools, responded that they are state provided stimulus funds and most of the Title programs have a two year life cycle.

Mr. Smith inquired if the funds have to be used for something specific or may they be applied as needed to the school programs. Dr. Crawley explained the Title I funds are used for the elementary school Title I reading and that is the only use for which they are approved. They are dedicated funds determined by the grant's description of use.

Ms. Sherri M. Bowman asked Dr. Crawley if the 21st Century Community Grant is also a reading program. Dr. Crawley said that is the program that is operated after school and it is for literacy, leadership development, and cultural experiences and exposure. So we can look forward to having that program this coming school year.

Ms. Bowman asked the reason the funds were not used this past school year – the funds the Board was being asked to roll over from last year. Dr. Crawley explained the great majority of those funds were used – probably upwards of \$800,000 to 1 million in Title I funds were used.

With all this money dedicated to reading, Ms. Bowman inquired, have there been marked improvements in the reading performance of our students. Dr. Crawley allowed that we still need to make improvements.

Mr. Timothy W. Cotman, Sr. queried how long the Title programs have been operating in Charles City County. Probably for over 25-30 years, responded Dr. Crawley.

RE: AMENDMENT AND APPROPRIATION OF FY2011 SCHOOL BUDGET
(CONTD)

Motion was made by Gilbert A. Smith to approve the amendment of the FY2011 School Budget and appropriate the funds as requested as the funds are dedicated by grants. The motion carried as follows:

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

RE: VIRGINIA CIRCUIT COURT RECORDS PRESERVATION PROGRAM
GRANT

Motion was made by Gilbert A. Smith to accept and appropriate the grant funds awarded through The Virginia Circuit Court Records Preservation Program in the amount of \$4,649, to the Circuit Court Budget as requested, for the reformatting of Plat Book 5. The motion carried as follows:

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

RE: REVENUE UPDATE

County Administrator, John F. Miniclier, Jr., reviewed for the Board his report given at the June 22, 2010 Board meeting, summarizing that the landfill revenue has been down appreciably since last March. He advised the Board that the county just received a check for \$110,000, where the county has been getting checks for \$180,000 to \$200,000. So we are down about 40 percent, he confirmed.

The potential, if we continue at this level, is one of about an \$800,000 shortfall. Based on his professional experience, Mr. Miniclier explained, it would probably be closer to \$250,000.

He expounded that the county's contract with the landfill states the landfill will make every effort economically feasible to provide a minimum of 2000 tons per day. In the past several years, the landfill normally provides 1700-1800 tons per day during the April to September timeframe. At the end of the calendar year they really increase tonnage up to 2500-3000 to make the 2000 average, he explained. My concern, he said, is that they have been averaging 1300 tons or less since February, and could get into a position where they cannot make it up.

Mr. Miniclier advised that he, County Attorney, B. Randolph Boyd and a consultant are reviewing all of the landfill data from the last 18 months, which he had requested of Waste Management, to determine and ensure the intent of the contract is being kept. He reported that they will be discussing those results with Waste Management and bring back to the Board at their August meeting a prediction, based on the commitment of Waste Management, of where the county will stand.

The contract is based on the calendar year versus the fiscal year that the county budget is based. This means that they have until December 31, 2010 to average those 2000 tons, Mr. Miniclier clarified.

Mr. Boyd added that the first agreement with Waste Management provided for a minimum of \$1,144,000 per year. As the amount of waste increased well beyond the minimum it was realized that the County was budgeting more than the minimum and when Waste Management asked for the average maximum to be raised the minimum guarantee was increased. The 2000 tons per day minimum was agreed with the general understanding of two criteria 1) comparable waste that would be waste that could be deposited into Charles City Landfill (CCL) – as an example other landfills take waste by train – which CCL cannot; and 2) the other landfills have to have sufficient waste to meet their obligations. If those two conditions are met then they have an obligation to provide, on an annual basis, not quarterly or monthly but an annual

RE: REVENUE UPDATE (CONTD)

basis, 2000 tons per day, five days a week. With the preliminary numbers that we've seen, they should be able to do that, Mr. Boyd asserted. It's not a hard and fast guarantee of 2000 tons per day, Mr. Boyd said. It has to meet certain requirements. As long as it is economically reasonable, they would use their best efforts to meet the minimum. We think it is economically reasonable, he concluded.

Mr. Gilbert A. Smith directed once the information was gathered, that staff look into the host fee charged by Amelia.

Mr. Boyd responded that the host fee charged by Charles City County is one of, if not the, highest in the state.

Mr. Miniclier added that the Charles City Landfill was originally expected to last only twenty years, it has been twenty years and it is now predicted to last another forty years. It has worked out very well for the county, stated Mr. Boyd.

RE: LIMIT OF \$100 ON EXPENDITURES INSTATED

County Administrator, John F. Miniclier, Jr., brought to the attention of the Board of Supervisors the County Treasurer, Cecelia W. Bradby's report showing County expenditures in June 2010 were approximately \$240,000 more than in June 2009.

He explained that the loss of revenue from the landfill together with the higher than normal expenditures in June 2010 has led him to reinstate the limit of \$100 on expenditures without prior approval of the Assistant County Administrator. He has directed staff to review all budget/appropriations and to make payments on a monthly or quarterly basis whenever possible, and at this time expenditures should be minimized and only necessary items purchased.

As the situation with landfill revenues becomes clearer, he will call a meeting of all stakeholders to discuss the situation and discuss all possible actions.

Based on discussions with Waste Management, if in fact we see the landfill revenues significantly below what the FY 2011 budgeted amounts, we will bring recommendations on possible actions to the Board at the their August 24, 2010 meeting.

RE: BUILDING FEES – NON-PROFITS & GRANT PROJECTS

Building Official, Dallas Johnson, provided the Board of Supervisors a follow up to the Board's June 9, 2010 work session. The ordinance relating to building permit fees for different types of organizations in the county were reviewed and Mr. Johnson proposed the following changes and additions – explaining the wisdom behind each.

In regard to the County Code Ordinance, Section 8-28: *Fees; Refunds; Exempt Organizations*:

- b. If the building permit has been issued and no work has commenced, then all that has been paid for the permit over an amount equal to twice the minimum permit fee shall be refunded to the applicant.*

This paragraph has been added to better coordinate our language to our fees. Currently, Mr. Johnson explained, if the building permit has been applied for and the fee has been paid, but for some reason they decide not to do the project, the county refunds all but the minimum building permit fee and currently that is \$50. This additional language would allow for the county to retain twice the minimum permit fee if the permit has been routed through the county departments, they have done the required work and review, and then the project is not done. This is consistent, stated Mr. Johnson, with what was adopted the year before last.

RE: BUILDING FEES – NON-PROFITS & GRANT PROJECTS (CONTD)

- d. ~~Such permits for building shall expire at the end of 12 months if construction has not commenced.~~

This language has been stricken entirely because in the Uniform State Wide Building Code there is language dealing with permits expiring and is more in line with the state ordinances.

- e. ~~No church building, to be used as an actual house of worship, and no other nontaxable organization's building, to be used for such nontaxable purpose, shall require payment of a building permit fee; however, a building permit must be obtained. No church's building, whether the actual house of worship, an addition to or an accessory structure shall require payment of a building permit or certificate of occupancy fee; however, a building permit must be obtained.~~

To address the churches exclusively, this point has been revised entirely.

- f. *No not-for-profit or nontaxable organization's building, whether the main building, an addition to or an accessory structure, shall require payment of a building permit or certificate of occupancy fee; however a building permit must be obtained.*

This point was added to address non-profit organizations and set the language apart to make things clearer.

- g. *Any not for profit or nontaxable organization' project or any state or federally funded project when application for a building permit is made and meeting the pre-requisites for obtaining such permit shall have the initial \$10,000.00 of the job value exempt from the building permit fee.*

This point was added to address the ramp and deck projects of non-profit organizations and also some of the state and federal grant funded projects to provide a reasonable offset of their building permit fees based.

Ms. Sherri Bowman requested that Mr. Johnson explain in more detail what was meant by a non-profit building or office building referenced in point f.

Mr. Johnson explained the language in point f. would address the building like the Tribal Center for example. The current language clumped buildings like this with churches. The proposed language separates them out. They would still be required to obtain a building permit but would be exempt from the building permit fee.

Mr. Johnson went on to clarify that point g. would not deal with the organization's building on their property, but separates the non-taxable organization's activities from the building where they may meet or carry on their main function. The first \$10,000 on the permit fee would be exempt and take care of the smaller projects like ramps or decks. The permit fee for projects they may do that are over \$10,000 would be charged on the amount over the first \$10,000.

Mr. Miniplier expressed concern that the language regarding the non-profits may be "opening a whole can of worms" as it may be advisable to clarify the issues even further. He suggested that staff continue to work on this language and bring this matter back to the Board at their August 24 regular meeting.

The Board agreed to table this issue until their August 24 meeting.

RE: CAPTIAL REGION SUMMER YOUTH WORK EXPEREINCE PROGRAM

The County Administrator provided the Board an update on the Summer Youth Work Experience that is being facilitated for the county by the County Recreation

RE: CAPTIAL REGION SUMMER YOUTH WORK EXPEREINCE PROGRAM
(CONTD)

Department through the Capital Region Workforce Partnership. Mr. Miniclier informed the Board that each of the youths from the county that had applied and were eligible had been given employment through the program. The School System employed eight individual, the County ten, and one person was working for a local county business.

He reported that all employers have responded favorably to the work the program employees have been doing and have been impressed by their work ethic. The consensus is the program has been a big success and the County Administrator hopes to take part in the program again next year and in an even bigger capacity.

RE: PUBLIC HEARING DATE ESTABLISHED – SPECIAL USE PERMIT

The Board of Supervisors agreed by consensus to hold a joint public hearing with the Planning Commission to receive citizen comments on the Special Use Permit #2-2010 Application submitted by Luck Stone at 7:45 p.m. on Tuesday, August 24, 2010.

RE: BOARD OF SUPERVISORS' COMMENTS AND DIRECTIVES

Ms. Sherri M. Bowman announced and extended an invitation to everyone to attend a Launch Party and Survivors' Reception for the American Cancer Society on July 30, 2010 at the Charles City Social Center at the pool side. This event will be to kick off the organization of a Relay for Life event to be held in Charles City next year. This will also be a great way to celebrate and remember those with cancer.

Ms. Bowman brought attention to the county's DSL Survey that is currently on the website and announced that if anyone needed hardcopy to see the County Administrator or it may be requested via email.

Ms. Bowman announced that Congressman Scott will be at the home of Bonnie Whitaker on Saturday, July 31, 2010 2:00-3:00 p.m., for a meet and greet non-political gathering. Everyone is welcome.

Mr. Gilbert A. Smith directed the Building Official, during his regular routine, to look at the old dilapidated houses and buildings in the county that are falling down and report back to the Board and keep them apprised of those structures and their condition.

Ms. Bowman announced also that the school will be meeting on August 3, 2010 at 6:00 p.m. at the library to discuss the school bus routes.

RE: PUBLIC COMMENTS

1. Vince Brackett, 7789 Kips Creek Drive - Mr. Brackett stated that he noticed on a previous Board meeting agenda item, "Update on County and School System Staff Collaboration" was deferred to a later date. He inquired if there is an update on the collaboration efforts.

Mr. Brackett stated that last year was a tough budget year, and everything indicates the next two years will be as bad, if not worse. He encouraged both the Board of Supervisors and the School Board to move forward and seriously investigate four (4) areas to see if Charles City can obtain substantial savings by using the principle of "Economy of Scales". The areas he suggested the two boards focus on combining are as follows: 1) Employee health & life insurance; 2) Sharing IT, PW, and HVAC resources; 3) Transportation resources and reducing, where possible, the total number of vehicles being garaged and maintained; and 4) Financial Resources (i.e., Payroll, Accounts Payable, Accounts Receivable, etc.) to reduce the number of employees.

RE: PUBLIC COMMENTS (CONTD)

Given the current economic conditions and the limited resources available, concluded Mr. Brackett, now is the time for serious discussions between the County and School administrators, and the Board of Supervisors and the School Board to determine what is the best way to proceed and ultimately best for Charles City County. I hope and pray you do move forward, Mr. Brackett said.

2. Lloyd Carter, 3720 Wayside Road – Mr. Carter addressed the Board stating in June we saw our taxes increase one cent for Emergency Medical Services (EMS). He mentioned four other residents that he was aware of who had needed EMS over the past month and found no EMS available. Mr. Carter explained that he understands the county has a grant that requires us to have people drive the ambulances around to log miles on the ambulances so we can keep that grant. But some changes need to be made in the EMS service, he declared, asking; when are Charles City residents going to see change in the EMS?

RE: EXECUTIVE SESSION

Motion was made by Sherri M. Bowman that the Board of Supervisors go into closed session to discuss personnel matters under Section 2.2-3711(A)(1); 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 Sherri M. Bowman 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

There being no further business before the Board it hereby recessed to meet again on Tuesday, **August 24, 2010** at 7:30 p.m. for the Board of Supervisors' Regular Meeting.