

VIRGINIA:

At a special meeting of the Board of Supervisors held at the Charles City Government and School Board Administration Building thereof on Tuesday, October 28, 2008 at 7:00 p.m. in the 233rd year of the Commonwealth and in the 374th year of the County.

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

RE: CLOSED SESSION

Motion was made by Timothy W. Cotman, Sr. that the Board of Supervisors go into closed session to discuss investment of public funds under section 2.2-3711(A)(5) of the 1950 Code of Virginia as amended. The motion was carried as follows:

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

Motion was made by Timothy W. Cotman, Sr. to return to regular session. The motion was carried as follows:

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

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

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

Meeting adjourned.

Gilbert A. Smith, Chairman

VIRGINIA:

At the regular meeting of the Board of Supervisors held at the Charles City Government and School Board Administration Building thereof on Tuesday, October 28, 2008 at 7:30 p.m. in the 233rd year of the Commonwealth and in the 374th year of the County.

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

RE: ADOPTION OF AGENDA

Motion was made by Timothy W. Cotman, Sr., that the agenda be adopted with the following change:

Item #7 – Add “Memorandum of Understanding for Fundraising and Ownership of new Library Facility in Charles City County”.

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 September 23, 2008 regular meeting
- b. Approval of payment to CH2MHill in the amount of \$36,635.95 for professional services for the period August 16, 2008 through September 19, 2008.

The motion was carried as follows:

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

RE: DEPARTMENT OF TRANSPORTATION (VDOT)

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

Maintenance Activities

Grass Mowing - Primary & Secondary
Site Distance Improvement - Secondary (Slope Mower)
Dead Tree Removal – Routes 5, 155 & 602
Ditch Cleaning - Routes 649 & 618
Pipe Cleaning – Routes 618 & 649
Metal Grate Repair- Barretts Ferry Bridge
Bladed All Dirt Roads
Working on Snow Equipment
Installed Driveway Culvert – Routes 602, 623 & 615
Dead Animal Removal – Primary & Secondary Roads
Pavement Overlay – Route 602

DEPARTMENT OF TRANSPORTATION (VDOT) (CONTD.)

Next Month Planned Activities

Litter Control – Primary & Secondary Roads
Ditch Cleaning – Routes 618 & 639
Pipe Cleaning - Routes 618 & 639
Blade/Stone Dirt Roads
Pavement Repair – Secondary Roads
Grass Mowing – Secondary Roads
Site Distance Improvement (Slope Mower)
Dead Animal Removal
Sign Maintenance

Last Month Issues

Ms. Sherri M. Bowman- Indicated that a sign on route 618 needed repair – Site checked and all VDOT signs on Routes 5 & 607, 618 & 629 are in place.
Mr. Gilbert A. Smith – Alerted VDOT to dead trees on Route 5 – VDOT is continuing to monitor and cut dead trees as they are identified.
Mr. William Lewis (Citizen) - Dead Tree Route 602 has been removed
Herring Creek Bridge is sinking.....bridge report being reviewed by structure and bridge will be under investigation
Truck Traffic Route – Near landfill still under investigation
Dead tree at Rivers Edge will be rescheduled
Dead Oak near Mrs. Ghee's has been removed

Comments

Mr. Timothy W. Cotman, Sr. – What type of treatment was put down on Sandy Point Road? The day after the rain stopped, looks like the treatment was washed away.
Mr. Gilbert A. Smith – At the intersection of Church Lane & Barnetts Road the treatment looks like a dirt road.
Mr. Tak Kwok – Asked how does this type of treatment benefit VDOT?
Mr. Roy Campbell – Dangerous to drive on that type of surface for motorcycle riders, excess treatment needs to be removed from intersections.
Mr. William Lewis – This type of treatment is not only dangerous to motorcycles, also dangerous for vehicles that have anti-lock breaks, when excess treatment is piled up at the intersection of the highway.

RE: JOINT PUBLIC HEARING WITH THE PLANNING COMMISSION

The Board of Supervisors and the Planning Commission held a joint public hearing to receive citizen comments on a proposed amendment to the Floodplain Ordinance that adopts new FEMA Flood Insurance Rate Maps, changes definitions and standards and requires the bottom floor of any new structure to be at least one (1) foot above the one hundred year flood elevation.

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

Mr. George McCabe – Stated he has never seen a map or any information that it covers and would like to see any changes.

The Planning Commission voted 7:0 to recommend that the Board of Supervisors approve the proposed amendment to the Floodplain Ordinance as presented during public hearing.

RE: AMENDMENT TO FLOODPLAIN ORDINANCE

Motion was made by Timothy W. Cotman, Sr. that the Board of Supervisors approve the amendment to the Floodplain Ordinance that adopts new FEMA Flood Insurance Rate Maps, changes definitions and standards and requires the bottom floor of any new structure to be at least one (1) foot above the one hundred year flood elevation as recommended by the Planning Commission. The motion was carried as follows:

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

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 proposed amendments to the Zoning Ordinance to include a new definition of Industrial Sales & Service and to allow Industrial Sales & Service in Zoning District M-1, M-2, and PD-IP.

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

There were no speakers at the public hearing.

The Planning Commission voted 7:0 to recommend that the Board of Supervisors approve the proposed amendments to the Zoning Ordinance to include a new definition of Industrial Sales & Service and to allow Industrial Sales & Service in Zoning District M-1, M-2, and PD-IP.

RE: PROPOSED AMENDMENTS TO THE ZONING ORDINANCE

Motion was made by Sherri M. Bowman that the Board of Supervisors approve the proposed amendments to the Zoning Ordinance to include a new definition of Industrial Sales & Service and to allow Industrial Sales & Service in Zoning District M-1, M-2, and PD-IP as recommended by the Planning Commission. The motion was carried as follows:

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

RE: EASEMENT OF PROPERTY OWNED BY DOMINION VIRGINIA POWER

Mr. John F. Minielier, Jr., County Administrator presented information to the Board from the County Attorney concerning a proposed agreement between Dominion Virginia Power and the County which will grant the County an easement on property owned by Dominion Virginia Power.

This easement is necessary in order for the County to install, monitor and maintain two (2) environmental monitoring wells located near the southern boundary lines of the property and Dominion Virginia Power is willing to allow the Wells to be installed on the property.

Motion was made by Timothy W. Cotman, Sr. that the Board of Supervisors approves the proposed agreement between Dominion Virginia Power and the County which will grant the County an easement on property owned by Dominion Virginia Power. The motion was carried as follows:

EASEMENT OF PROPERTY OWNED BY DOMINION VIRGINIA POWER
(CONTD.)

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

The Board further agreed that the Chairman of the Board of Supervisors be authorized to sign the agreement on behalf of Charles City County.

RE: AWARD OF GRANT – VIRGINIA WIRELESS E-911 SERVICES BOARD

Mr. John F. Miniclier, Jr., County Administrator informed the Board of Supervisors that Charles City County has been awarded a grant from the Virginia Wireless E-911 Services Board, total amount of grant is \$23,500.00. The award requires a 20% match of local funds, based on a total project cost of \$23,500.00, this amount is \$4,700.00. The Sheriff has funds available in his budget to take care of the 20% match.

Motion was made by Sherri M. Bowman that the Board of Supervisors accept the grant from the Virginia Wireless E-911 Services Board, in the amount of \$23,500.00 which requires a 20% match of local funds in the amount of \$4,700.00. The motion was carried as follows:

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

RE: SMART SAFE & SOBER GRANT (DEPARTMENT OF MOTOR VEHICLES)

Mr. John F. Miniclier, Jr., County Administrator informed the Board that Charles City County has been awarded a grant from DMV in the amount of \$17,700.00. The award requires a 20% match of local funds (soft match), based on a total project cost of \$21,240.00, this amount is \$3,540.00. Funds to cover the soft match are included in the Sheriff's Department FY08-09 budget in the fuel & vehicle maintenance line item.

Motion was made by Sherri M. Bowman that the Board of Supervisors accept the grant from DMV in the amount of \$17,700.0 which requires a 20% match of local funds (soft match), in the amount is \$3,540.00. The motion was carried as follows:

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

RE: CONDITIONAL USE PERMIT – BIG DOG KENNEL

Mr. John T. Bragg, updated the Board of Supervisors on the temporary conditional use permit which was issued to Big Dog Kennel on December 27, 2005. Mr. John Bragg informed the Board that staff has discussed Big Dog Kennel observation with the County Attorney and believe the Board of Supervisors has two options:

1. Zoning Ordinance Section 26-4 states that the Board may revoke this permit if the landowner, his agent or lessee, allows the violation of its terms. Such revocation shall not occur however until: 1. The owner of the property is given 14-day notice of a hearing on this matter before the Board of Supervisors; and, 2. A hearing is held, and a majority of the Board of Supervisors vote for revocation. The Board, at its discretion

CONDITIONAL USE PERMIT – BIG DOG KENNEL (CONTD.)

may choose to allow the landowner additional time to correct any violations.

2. Permit Condition “d“- This permit will renew itself annually on the issuance date, provided there have been no violations of permit conditions or zoning ordinance. Should there be violations; renewal would require a joint public hearing, recommendation of the Planning Commission and approval by the Board of Supervisors. The permit was issued in December of 2005.

Staff believes that the existing site conditions and the owner’s failure to meet several of the requirements of the permit justify that the Board refer the matter to the Planning Commission to hold a joint public hearing to receive citizen comments on a renewal in early 2009.

Motion was made by Timothy W. Cotman, Sr. that the Board of Supervisors hold a joint public hearing with the Planning Commission on January 27, 2009 to receive citizen comments on renewal of the temporary conditional use permit for Big Dog Kennel. The motion was carried as follows:

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

RE: NAME CHANGE FOR DEVELOPMENT DEPARTMENT

Mr. John F. Miniclier, Jr., County Administrator presented the following information to the Board of Supervisors concerning changing the name of the Development Department to the Planning Department:

1. In 1998 when the Department of Environment was consolidated with the Department of Planning the two Departments were renamed as the Department of Development and was given the mission of legislative liaison and economic development.
2. In the last several years the demand on that Department from citizens/developers concerning subdivisions and zoning has increased tremendously. In an effort to serve the citizens without increasing staff, the focus of the department should be returned back to planning and zoning.
3. Mr. William R. Britton retired in September and has been hired part-time by the Economic Development Authority to focus on Economic Development and the County will use the expertise of the Crater Planning District and the Richmond Regional Planning District for legislative liaison.
4. Staff is requesting that the Board of Supervisors change the name of the Department of Development to the Department of Planning.

Motion was made by Sherri M. Bowman that the Board of Supervisors change the name of the Department of Development to the Department of Planning. The motion was carried as follows:

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

RE: DECEMBER 2008 BOARD OF SUPERVISORS' MEETING

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

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

WHEREAS, the need to change the date of the regular meeting of the Board of Supervisors has been acknowledged due to the ensuing holidays; and,

WHEREAS, the adjusted time for the December meeting shall be December 15, 2008, 7:30 p.m., immediately following the Board of Supervisors 4th Quarterly Work Session which will be held at 6:00 p.m.;

NOW, THEREFORE, BE IT RESOLVED, that the County Administrator is hereby authorized to give public notice of this change on the courthouse door and in one newspaper of general circulation.

RE: IDENTITY THEFT POLICY/PROGRAM

Mr. John F. Miniclier, Jr., County Administrator presented information to the Board of Supervisors from the Director of Finance concerning a mandatory Identity Theft Prevention Program. Mr. Miniclier also presented a copy of a proposed program for the Board's consideration.

The Board of Supervisors unanimously agreed that staff be authorized to implement the Identity Theft Prevention Program as presented.

RE: EMPLOYEE'S CONTRIBUTION TO VRS UNDER § 414(H) OF THE INTERNAL REVENUE CODE (RESOLUTION 2008-13)

Motion was made by Sherri M. Bowman, the motion was carried as follows:

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

WHEREAS, the County of Charles City, Virginia desires to provide its employees with tax deferral pursuant to § 414(h) of the Internal Revenue Code with respect to their member contributions to the Virginia Retirement System, the State Police Officers Retirement System and the Judicial Retirement System (collectively referred to as VRS) by picking up member contributions to VRS; and

WHEREAS, VRS keeps track of such picked up member contributions, and is prepared to treat such contributions as employee contributions for all purposes of VRS;

NOW, THEREFORE, IT IS HEREBY RESOLVED that effective the first pay day on or after November 15, 2008, the County of Charles City, Virginia shall pick up member contributions of its employees to VRS, and such contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States; and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by the County of Charles City, Virginia in lieu of member contributions; and it is further

EMPLOYEE'S CONTRIBUTION TO VRS UNDER § 414(H) OF THE
INTERNAL REVENUE CODE (RESOLUTION 2008-13) (CONTD.)

RESOLVED that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and it is further

RESOLVED that member contributions made by the County of Charles City, Virginia under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; and it is further

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by the County of Charles City, Virginia directly instead of having them paid to VRS; and it is further

RESOLVED that notwithstanding any contractual or other provisions, the contributions of each member of VRS who is an employee of the County of Charles City, Virginia shall be picked up either through a reduction in the current salary of such employee or as an offset against future salary increases of such employee or as a combination of both at the option of the employer by the County of Charles City, Virginia on behalf of such employee pursuant to the foregoing resolutions.

Adopted in Charles City County, Virginia this 28th day of October, 2008.

RE: REQUEST TO TRANSFER FUNDS – CLERK OF THE CIRCUIT COURT

Mr. John F. Miniclier, Jr., County Administrator informed the Board of Supervisors that he had received a request from the Clerk of the Circuit Court to transfer \$3,936.00 from the Circuit Court budget to the Clerk of the Circuit Court budget to cover the cost for a Plat Cabinet that was purchased for the Circuit Court Deed Room. The transfer will come from the criminal jurors' expenditure line in the Circuit Court budget to the Machinery/Equipment line in the Clerk of the Circuit Court budget.

Motion was made by Sherri M. Bowman that the Clerk of the Circuit Court be authorized the transfer \$3,936.00 00 from the Circuit Court budget to the Clerk of the Circuit Court budget to cover the cost for a Plat Cabinet that was purchased for the Circuit Court Deed Room. The motion was carried as follows:

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

RE: REQUEST TO AMEND FY2008-2009 BUDGET – CLERK OF THE CIRCUIT COURT

Mr. John F. Miniclier, Jr., County Administrator informed the Board of Supervisors that he had received a request from the Clerk of the Circuit Court for an amendment to the FY2008-2009 budget. The Compensation Board has approved \$59,837 out of the State Technology Trust Fund (TTF) at their September 2008 meeting. This funding is separate from/in addition to the regular Compensation Board funding/reimbursement for approved salaries and benefits and are reimbursed by the State.

The Clerk of the Circuit Court is requesting that the Board of Supervisors amend the FY2009 budget. The County has already budgeted \$18,000 of the \$59,837 for her part time salaries (which are allowable reimbursable expenses out of

REQUEST TO AMEND FY2008-2009 BUDGET – CLERK OF THE CIRCUIT COURT (CONTD.)

the TTF budget) in the Clerk's FY2009 budget. Therefore, the Clerk's budget should be amended by only \$41,837. Since the expenses utilized out of this funding are reimbursed by the State, staff recommends that the Board of Supervisors amend the Clerk of the Circuit Court's FY2008-2009 budget by \$41,837.

Motion was made by Gilbert A. Smith that the Board of Supervisors amend the Clerk of the Circuit Court's budget in the amount of \$41,837 as requested. The motion was carried as follows:

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

RE: NON-DISCRIMINATION POLICY

Mr. John F. Miniclier, Jr., County Administrator presented to the Board of Supervisors a Non-Discrimination Policy for their consideration. Mr. Miniclier informed the Board that the policy is a requirement of the Department of Housing & Community Development in reference to grant received by the County from DHCD.

Motion was made by Timothy W. Cotman, Sr. that the Board of Supervisors approve the Non-Discrimination Policy as presented by staff. The motion was carried as follows:

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

RE: REPLACEMENT VEHICLE FOR SHERIFF'S DEPARTMENT

Mr. John F. Miniclier, Jr., County Administrator informed the Board of Supervisors that in September a Deputy was involved in an accident on the Benjamin Harrison Bridge when another car ran the one lane red traffic control light. The vehicle was totaled and the insurance company reimbursed the County \$11,468.31.

The Sheriff investigated several possibilities for replacement of the vehicle; from buying a used vehicle, to marking the investigator's vehicle and buying one for the investigator to replacing with a new leased vehicle.

Staff is recommending that the Board of Supervisors authorize the County Administrator to go forward with lease purchase of replacement vehicle for Sheriff's Department.

Motion was made by Timothy W. Cotman, Sr. that the County Administrator be authorized to go from a two year lease to a three year lease. The \$11,468.31 would be used as the first payment; two remaining payments will be \$5,950.50 per year. The motion was carried as follows:

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

The Board further agreed that funds will be expended from the Sheriff's Department current budget to mark and outfit the new vehicle.

RE: JOINT MEETING WITH SCHOOL BOARD

Mr. John F. Miniclier, Jr., County Administrator informed the Board of Supervisors that he had received a letter from the Superintendent of Schools requesting a joint meeting of the two boards to begin discussion of the FY2010 budgeting process.

The Board of Supervisors directed the County Administrator to contact the Superintendent to suggest that a preliminary meeting between a board member from each board and appropriate staff that would allow discussion and set the framework for a future joint meeting.

RE: MEMORANDUM OF UNDERSTANDING AND OWNERSHIP OF NEW LIBRARY FACILITY IN CHARLES CITY COUNTY

Mr. John F. Miniclier, Jr., County Administrator presented to the Board of Supervisors a proposed memorandum of understanding and ownership of new library facility in Charles City County.

Mr. Miniclier informed the Board that the proposed memorandum of understanding establishes fund raising and ownership of the new facility that will be built near the new Courthouse in Charles City County that will house the Charles City County Center for Local History and the Charles City County Branch of the Heritage Library. The proposed memorandum also states that the Board of Supervisors will appoint members to an ad hoc committee that will determine location and design of the new facility and also that the Board of Supervisors may appoint additional member to the Heritage Library Foundation.

Motion was made Timothy W. Cotman, Sr. that the Board of Supervisors authorize the Chairman of the Board to execute the memorandum of understanding before the next regular Board Meeting pending written confirmation from the County Administrator and County Attorney that the documents met the needs of the County. The motion was carried as follows:

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

RE: BOARD COMMENTS

1. Ms. Sherri M. Bowman – Informed the public that a change rally will be held at the Social Center on Sunday, November 2, 2008.
2. Mr. Timothy W. Cotman, Sr. – Informed the Board that Richmond Regional Planning District Commission has a legislative priorities document that he will forward the Board a copy for their review.

RE: CITIZEN COMMENTS

1. Mr. Tak Kwok – Website is not up to date; will there be any future discussion about the EMS & Fire Service; Would like to request the following:
 - (a) Planning Commission have additional agendas available for the public during their meetings;
 - (b) Have side entrance of Government Building doors unlocked when Planning Commission meetings are held vs. citizens having to enter building by way of back door;
 - (c) Need for high speed internet throughout the County due to the fact that some software will not work with dial up.
2. Mr. Emmett Crocker – Wanted to know the status of proposed boat ramp at Lawrence Lewis, Jr. Park.
3. Mr. William Lewis – (a) Thanked Ms. Sherri M. Bowman for information

CITIZEN COMMENTS (CONTD.)

provided concerning request at the last meeting for donations received from Charles City for Providence Forge Volunteer Rescue Squad, would like to specifically know dollar amount donated to the Providence Forge Volunteer Rescue Squad by Charles City residents; (b) When an individual leaves the employment of Charles City County in the event the employee is using their personal computer the passwords they are provided during employment should be changed by the county immediately after the departure of the employee.

4. Mr. Lloyd Carter – Suggested that the County do a background check on any business that is looking into the possibility of locating in Charles City County.

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

Gilbert A. Smith, Chairman