

Virginia:

At a scheduled organizational and budget meeting of the Board of Supervisors held at the Charles City County Government and School Board Administration Building thereof on Wednesday, **January 15, 2015** at 9:00 a.m. in the 239^h year of the Commonwealth and in the 381st year of the County:

PRESENT: William G. Coada, Chairman
Gilbert A. Smith
Floyd H. Miles, Sr.

RE: ANNUAL ORGANIZATIONAL MEETING

William G. Coada called the Annual Organizational Meeting into session. The County Administrator, Mr. Zach Trogdon assumed the Chair for election of officers of the Board of Supervisors for calendar year 2015. Motion was made by William Coada to appoint Gilbert Smith as Chairman of the Board of Supervisors for FY2015 and Floyd Miles, Sr. as Vice-Chairman of the Board of Supervisors. The motion carried unanimously. Mr. Gilbert Smith assumed the duties of the Chair and turned to the next item on the agenda.

RE: 2015 BOARD OF SUPERVISORS BYLAWS

Zach Trogdon presented Bylaws with a few changes from the previous year. Bill Coada motion to accept By-Laws as presented. Motion carried unanimously. A copy of the bylaws are available in the office of the Clerk.

RE: 2015 BOARD OF SUPERVISORS SCHEDULED WORK SESSION DATES

Floyd Miles motioned the scheduled Work Sessions be held the first Wednesday of the following months at 6:00 p.m., with June 3rd being a Town Hall Meeting:

March 4th; June 3rd, September 2nd and December 2nd.

Motion passed unanimously.

RE: 2015 BOARD OF SUPERVISORS/STAFF APPOINTMENTS

The Board of Supervisor individual appointments are as follows:

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| 1. | Capital Are Training Consortium (in conjunction with Capital Region Workforce Partnership) | Gilbert Smith Zach Trogdon – Alternate |
| 2. | Center for Local History Advisory Commission | Gilbert A. Smith |

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| 3. | Central Virginia Waste Mgmt. – Board of Directors Aka: Waste Management Board of Directors | Zach Trogdon (Board Rep.) Matt Rowe – Alternate |
| 4. | Charles City Health Council | Bill Coad |
| 5. | Charles City Volunteer Fire Department – Board of Directors | Gilbert Smith |
| 6. | Colonial Community Criminal Justice Board | Bill Coad |
| 7. | Crater Planning District Commission | Zach Trogdon Bill Coad (Alternate) |
| 8. | Emergency Planning Committee (SARA) | Floyd Miles |
| 9. | Housing Task Force | Bill Coad |
| 10. | Metropolitan Air Quality Control Board | Floyd Miles |
| 11. | Parks & Recreation Advisory Commission Aka: Recreation Advisory Board | Floyd Miles |
| 12. | Planning Commission | Gilbert Smith |
| 13. | Richmond Area Metropolitan Planning Organization (MPO of RRPDC) | Floyd Miles Zach Trogdon – Alternate |
| 14. | Richmond Regional Planning District Commission (RRPDC) | Floyd Miles Zach Trogdon – Alternate* |
| 15. | Richmond Regional Planning District Commission (TAC – Technical Committee) | Floyd Miles Zach Trogdon – Alternate |
| 16. | Social Services Board | Floyd Miles |

*Position may be filled by another elected BOS member

The Staff appointments are as follows:

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|----|---|---|
| 1. | Capital Area Workforce Investment Board (in conjunction with Capital Region Workforce Partnership) | Alfred Crump |
| 2. | Central Virginia Health Planning Agency | Michelle Johnson |
| 3. | Colonial Community Criminal Justice Board Of the Colonial Community Corrections | Robert Tyler (expire 5/2017) Byron Adkins (expire 9/2016) |
| 4. | Comprehensive Youth Services Act Policy Board Aks: Community Policy & Management Team | Regina Harris – Staff Rep Michelle Johnson – Staff Rep |
| 5. | Emergency Planning Committee (SARA Title III) | Michelle Johnson Sheriff Javier Smith Byron Adkins, Sr. |
| 6. | Housing Task Force | Rachel Greenhow |

| | | |
|------------|---|--|
| | | Michelle Johnson |
| 7. | James River Advisory Council (JRAC) | Denise Williams Alfred Crump - Alternate |
| 8. | Landfill Advisory Commission | Zach Trogdon Steven Miller |
| 9. | Middle Peninsula Juvenile Detention Commission | Michelle Johnson |
| 10. | Parks & Recreation Advisory Commission | Alfred Crump – Staff Rep |
| 11. | Riverside Regional Jail – Board of Directors | Zach Trogdon Michelle Johnson – Alternate |
| 12. | Senior Connections (Capital Area Agency on Aging) | Michelle Johnson |

Motion was made by William Coady to accept appointments with changes. The motion carried unanimously.

RE: FY2015-2016 BUDGET REQUESTS – CONSTITUTIONAL OFFICERS

The following Constitutional Officers were present to discuss their FY2015-2016 budget requests with the Board of Supervisors:

- Ms. Mindy Bradby----- Treasurer
- Sherriff Javier Smith ----- Sheriff’s Department
- Mr. Robert Tyler ----- Commonwealth’s Attorney
- Denise Smith.....Commissioner Of the Revenue

RE: FY2015-2016 BUDGET REQUESTS – DEPARTMENT/AGENCIES

The following department directors and agencies were present to discuss their FY2015-2016 budget requests with the Board of Supervisors:

- Building Official – Dallas Johnson
- Planning/Development – Matthew Rowe
- Information Technology – Wendy Payne
- Management Services – Michelle Johnson
- Recreation – Alfred Crump
- VPI Extension – John Allison
- Public Works – Steve Miller

- Agencies:
- Crater PDC
 - FeedMore
 - Cultural Alliance
 - Henrico Mental Health
 - Charles City Regional Health/CC Health Council
 - VJCCA
 - Bay Transit

Capital Regional Workforce
Senior Connection
Heritage Public Library
Central Va. Waste Management
Social Services
No Greater Love
Providence Forge Rescue Squad
Charles City Committee on Aging
Charles City Athletic Association
Quin Rivers

Motion was made by Floyd Miles to go into Executive Session to discuss legal matters pursuant to Section 2.2.3711 (A)(7) of the 1950 Code of Virginia.

Motion was made by Floyd Miles to return to open session and to certify the Board of Supervisors only discussed public business matters exempted from statutory open meeting requirements identified in the motion to convene to Executive Session. Motion passed unanimously.

Motion was made by Bill Coada to approve the Eleventh Addendum and Settlement Agreement between Waste Management and the County, to be effective January 15, 2015. Motion passed unanimously.

County Attorney, Randy Boyd, entered the following statement into the record:

In reviewing earlier minutes of the Board of Supervisors meetings that related to the County agreement with Waste Management, I realized that some of the comments I made at the July 27, 2010 meeting were inadvertently misleading and in error.

In that meeting I said that the 2,000 tons per day requirement has to be “economically reasonable [and] they would use their best efforts to meet the minimum.”

That statement is wrong, because the requirement of economic reasonableness relates to an earlier part of the landfill agreement.

The contract, as originally written, had a guarantee of 1,000 tons per day that was expressed as \$1,144,000 per year for 20 years. It then said that after 20 years, “to the extent it is economically feasible in Chambers reasonable opinion, Chambers will use its best efforts to accept enough waste to generate the minimum guarantee.”

The 5th Addendum to that Agreement, which was the provision at issue in our current dispute, stated that “In addition to the payments set forth above, Chambers covenants and warrants to County that it will cause waste to be disposed of in the Charles City landfill in an amount that averages 2,000 tons per day for so long as it has a waste stream available

to it that will reasonably allow for such a disposal rate. . .” and there followed qualifications about having enough waste for its other landfills and the type of waste. The important point here is that the language of being “economically feasible in Chambers reasonable opinion” was, in essence, replaced by the requirement that 2,000 tons per day would be deposited for so long as there was a waste stream adequate to support the other landfills – whether it was economically reasonable for waste to be put in the Charles City landfill was no longer a consideration. This requirement was “in addition to” the earlier provision.

There being no further business the Board recessed until **Tuesday, January 27, 2014, 6:30 p.m.**