

RE: RECESSED MEETING, WEDNESDAY, DECEMBER 5, 2012, 6:00 P.M.

The meeting was called to order by the Chairman.

PRESENT: Gilbert A. Smith, Chairman
Floyd H. Miles, Sr., Vice Chair
William G. Coad

RE: ADOPTION OF AGENDA

Motion was made by William G. Coad to adopt the agenda as presented. The motion carried as follows:

William G. Coad	Aye
Floyd H. Miles, Sr.	Aye
Gilbert A. Smith	Aye

RE: AMENDMENT OF CIRCUIT COURT CLERK'S FY2013 BUDGET

Motion was made by Floyd H. Miles, Sr. to approve the amendment of the Circuit Court Clerk's FY2013 Budget in the amount of \$16,842 for secure remote access provided by the Virginia Compensation Board. The motion carried as follows:

Floyd H. Miles, Sr.	Aye
William G. Coad	Aye
Gilbert A. Smith	Aye

RE: AMENDMENT OF WASTE MANAGEMENT AGREEMENT

Motion was made by William G. Coad to approve the amendment of the Waste Management Agreement dated March 3, 2011 allowing for extension of the agreement to March 31, 2013. The motion carried as follows:

William G. Coad	Aye
Floyd H. Miles, Sr.	Aye
Gilbert A. Smith	Aye

RE: ADMINISTRATIVE VARIANCE POLICY

Director of Planning, Matthew Rowe, reviewed with the Board the following Administrative Variance Policy, to be effective January 1, 2013.

Administrative Variance Policy

The administrative variances that will be considered and granted by the Zoning Administrator (aka Planning Director) may only be issued in the following circumstances, assuming all other provisions of the Zoning Ordinance and Subdivision Ordinance (primarily Section 28-1) are met:

1. For additions onto existing non-conforming primary structures where the variance/waiver requested is less than five (5) linear feet and does not encroach within five (5) linear feet of a property line and/or identified right-of-way.
2. For County-owned and/or initiated projects that enhance and support the public's health, safety and welfare.
3. For ramps and landings associated with access to the structure for those individuals that are identified as being disabled (as defined in the American's with Disabilities Act).

RE: ADMINISTRATIVE VARIANCE POLICY (CONTD)

Administrative variances shall not be considered by the Zoning Administrator for the following:

1. Any structural alteration to an accessory structure;
2. For any properties which have already been subject to a previously approved variance request (by either the Zoning Administrator or Board of Zoning Appeals);
3. A self-created/inflicted hardship, which is in violation of the Zoning Ordinance since no permits were issued (a situation of “forgiveness”);
4. A modification, addition, placement of a structure that is conforming which makes it non-conforming through the granting of the requested variance;
5. And, a variance request(s) for an addition onto an existing non-conforming primary structure where the variance/waiver requested is five (5) linear feet or more and which encroaches within five (5) linear feet of a property line and/or identified right-of-way.

RE: PLANNING DEPARTMENT PLANNED FOCUS

Planning Director, Matt Rowe, presented new and old ideas to the Board that deal specifically with planning and economic development issues, and requested guidance from the Board on which items should take priority. The items of consideration presented are as follows:

1. Zoning Permits/Business Permits
2. Creation of a Business Taskforce
3. Economic/Business Survey
4. Review of the Subdivision Ordinance
5. Review of the Public Hearing Process – RE: Planning Items/Issues
6. Creation of a Development Review Committee
7. Planning Commission’s Priority Items
8. Pursuit of Broadband Funds
9. Other Directives from the Board of Supervisors

The Board designated the following items as priorities and directed staff to move forward with these items and report back as progress is made.

1. Economic/Business Survey
2. Review of the Public Hearing Process RE: Planning Items/Issues
3. Creation of a Development Review Committee (DRC)
4. Develop and Address the Planning Commission’s Priority Items
5. Pursuit of Broadband Funds

RE: BOAT RAMP STATUS REPORT - USAGE FEES ESTABLISHED

Environmental Planner, John Bragg, updated the Board on the Lawrence Lewis, Jr. Park boat ramp construction, advising that equipment work continues and the project is on schedule.

He reported that the Chesapeake Conservancy understood the Board’s desire to make the boat ramp usage exclusive to country residents but, due to their funding partnership being made with the intent that any member of the general public could use it to access and enjoy the James River and the Captain James Smith Chesapeake National Historic Trail, cannot support limiting the use of the new boat ramp to Charles City County residents.

The Board discussed the position that County residents should be able to use the ramp free of charge, while non-residents should have a fee. Mr. Bragg advised that the grant from the Department of Conservation and Recreation requires that any fees charged cannot exceed those at comparable local facilities.

The Board unanimously agreed that Charles City residents will not be charged and non-residents will be charged \$10 for use of the Lawrence Lewis, Jr. Park boat ramp.

RE: WATER/WASTEWATER FACILITIES UPDATE

Utilities Consultant, Robert Finch, updated the Board on the condition of each county water and wastewater facility. He noted that the progress made has improved the functioning of the plants significantly but there is still a long way to go to get all the plants at optimum capacity. He advised that the Roxbury pond has a potential leak and to reline it would cost approximately \$58,000.

RE: WATERWORKS BUSINESS OPERATING PLAN

County Administrator, Zach Trogdon, advised the Board that the Virginia Department of Health is requiring that the County develop a Waterworks Business Operating Plan by April 30, 2013 for the County water systems. Mr. Trogdon advised he is getting more information for the Board on what specific outcomes can be expected from the project.

RE: WATER/WASTEWATER MISC. CONTRACT ADD'L FUNDING APPROVED

Motion was made by William G. Coado to increase the amount of the approved miscellaneous contract with Bowman Consulting by an additional \$7,500, as requested. The motion carried as follows:

William G. Coado	Aye
Floyd H. Miles, Sr.	Aye
Gilbert A. Smith	Aye

RE: WATER/WASTEWATER FACILITIES REPAIR FUNDING

Motion was made by William G. Coado to reallocate funds from Capital Outlay in the amount of \$57,000 originally designated for renovation of the historic courthouse, carryover in the amount of \$30,000 originally designated for the administration building replacement windows; and the \$20,000 savings experienced from the Ruthville Complex roofing repair to the Water/Wastewater facility upgrades and maintenance. The motion carried as follows:

William G. Coado	Aye
Floyd H. Miles, Sr.	Aye
Gilbert A. Smith	Aye

RE: FIREARM DISCHARGES

County Administrator, Zach Trogdon, advised the Board that his office had received calls from residents concerned about the discharge of firearms in proximity to their homes. He stated that the Code of Virginia (§15.2-1209) does allow a county to prohibit outdoor shooting of firearms or arrows in certain areas. Mr. Trogdon requested the Board to advise staff as to how and if they would like staff to move forward on this issue.

The Board chose to take no action as the state Code (§15.2-1210) provides that "...within one-half mile of a subdivision or other area of such county, in the opinion of the governing body, is so heavily populated as to make such hunting dangerous to the inhabitant thereof."

RE: ADDITIONAL HOLIDAY CLOSURE

Motion was made by Floyd H. Miles, Sr. to approve the closure of county offices on December 26, 2012 to reflect the closure of state offices.

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RE: ADDITIONAL HOLIDAY CLOSURE (CONTD)

The motion carried as follows:

Floyd H. Miles, Sr.	Aye
William G. Coad	Aye
Gilbert A. Smith	Aye

RE: BOARD DIRECTIVES/COMMENTS

1. **Directed** staff to bring to the Board's December meeting the proposed Business Permit Application and the process for instituting it in the county.
2. **Directed** staff to include EMS FY2013 Budget carryover funds in their planning of the FY2014 Budget.
3. **Directed** staff to schedule a meeting with Mr. Coad, the County Administrator and specified Public Works Department staff as soon as possible.

There being no further business before the Board it hereby recessed to meet again on Thursday, **December 20, 2012** at 7:30 p.m. for the Board of Supervisors' regular meeting.

Gilbert A. Smith, Chairman