

**VIRGINIA:**

At the regular meeting of the Board of Supervisors held at the Charles City County Government and School Board Administration Building thereof on Tuesday, **March 26, 2013** at 7:30 p.m. in the 237<sup>th</sup> year of the Commonwealth and in the 379<sup>th</sup> year of the County.

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

RE: ADOPTION OF AGENDA

Motion was made by Gilbert A. Smith to adopt the agenda with the addition of Item 8 i. *Appointment of Director of Public Works* and Item 8, j. *Notice of Emergency Procurement*. Motion passed unanimously.

RE: CONSENT AGENDA

Motion was made by Gilbert A. Smith that the following Consent Agenda be approved. Motion passed unanimously.

- a. Approval of the February 26, 2013 meeting minutes.
- b. Approval of payment to CH2MHill in the amount of \$16,414.53 for landfill professional services rendered January 19, 2013 through February 15, 2013.
- c. Approval of Victim/Witness Coordinator health insurance coverage cost
- d. Appropriations for the month of April, 2013.

<b>General Fund Agencies</b>	
Board of Supervisors	\$ 4,378
County Administrator	-
Legal Services	5,000
Non Departmental	-
Non Departmental-Telecom	-
Audit	-
Commissioner of Revenue	13,146
Treasurer	13,960
Management Services	21,367
Information Technology	-
Motor Pool	7,965
Central Gas	505
Memberships	(696)
Electoral Board	-
Registrar	11,438
Circuit Court	3,798
Combined GD/JD Court	-
County Magistrate	-
Clerk of Circuit Court	-
Sheriff Judicial	1,913
Asset Forfeiture - Sheriff	-
Courthouse Security Fund	6,675
Crater Criminal Justice T.C.	-
Commonwealth's Attorney	16,945
Asset Forfeiture - Comm Attorney	-
Sheriff Law Enforcement	50,095

RE: CONSENT AGENDA (Contd)

**\* Appropriations (contd)**

Sheriff Support	4,100
Fire Protection	-
Emergency Medical Response	-
E 911	-
Wireless E911	-
Correction & Detention	-
VJCCCA	-
Col Com Correction jb	-
9th District Court Services	-
Codes Enforcement	-
Animal Control	-
Medical Examiner	-
Emergency Services	-
Landfill Monitoring	25,685
General Properties	107,755
Health Department	-
MH/MR Services Board	10,905
Contributions	-
John Tyler Community College	-
Parks and Recreation	35,671
Lewis Park Boat Ramp	-
Library/Cultural	9,642
Center For Local History	-
Planning Commission	-
Planning Department	22,964
Com Development Cont	-
Environmental Mgt Cont	-
Cooperative Extension	-
General Fund Contingency	-
Cap Outlay-Repair/Renovation	61,000
Debt Service	84,000
<b>Total General Fund</b>	<b>\$ 518,211</b>
Public Utility Fund	33,842
<b>Total Board of Supervisors</b>	<b>\$ 552,053</b>
<b>School Operating Categorical</b>	
Instruction	450,000
Admin, Attendance & Health Serv.	75,000
Pupil Transportation	50,000
Operations & Maintenance	100,000
Instructional Technology	25,000
Self-Sustaining Fund	100,000
Textbook Fund	-
Food Service Fund	40,000
<b>School Fund Total</b>	<b>\$ 840,000</b>
<b>ALL FUNDS</b>	
<i>Board Of Supervisors</i>	552,053
<i>School Operating</i>	840,000
<i>Social Services</i>	-
<i>Special Welfare</i>	-
<i>Trans. To Commonwealth</i>	-
<b>GRAND TOTAL ALL FUNDS</b>	<b>\$ 1,392,053</b>

RE: VIRGINIA DEPARTMENT OF TRANSPORTATION

VDOT Residency Administrator Manager, Mike Cade gave the following monthly report:

**Maintenance Activities - Past 30 Days:**

- Pothole Repair: Route 5-John Tyler Memorial Highway, bridge at Herring Creek, Route 623 – Wilcox Neck Road; Route 614 – Sturgeon Point Road; Route 655 – Salem Run Road; Route 627 – Old Neck Road; Route 620 – Lewis Tyler Road; Route 604 – Warriner Road; Route 658 – Kimages Road; Route 618 – Adkins Road; Rt. 613 – Sandy Point Rd, Rt 632 – Tyler Mill Rd
- Ditch Cleaning: Route. 607 – Church Lane; Route 602 – Lott Cary Road; Route 641 – Little Elam Road; Route 632 – Tyler’s Mill Road; Route 106 – Roxbury Road; Route 5 – John Tyler Memorial Highway
- Litter Control: Route 653 – Mt. Pleasant Road; Route 609 – Barnett Road; Route 618 – Adkins Road; Route 602 – Lott Cary Road; Route 603 – Old Union Road; Route 155 – Courthouse Road; Route 641 – Little Elam Road; Route 615 – The Glebe Lane and Route 600 – Charles City Road
- Bike Trail: Brush trimming, Debris Removal
- Remove Leaves From Ditches: Rt 630–Samaria Ln, Rt 620 – Lewis Tyler Rd
- Drainage: Clean clogged drains as needed, problem areas county wide
- Snow Events: Work snow storms county wide, clean snow equipment
- Storm Debris Cleanup: Route 5 – John Tyler Memorial Highway; Route 609 – Barnett Road; Route 631 – Cool Hill Road
- Stone/Driveway: Route 155- Courthouse Road, Route 607 – Church Lane
- Shoulder Repair: Route 609 – Barnett Road, Route 614 – Sturgeon Point Rd
- Employee Training: MSDS Training and Emergency Action Plan Training

**Requests Last Month:**

- 8131 Church Lane – Need Stone in driveway – Resolved
- 5241 Wayside Road – Need Stone in driveway - Resolved
- Church Lane, Route 607 - Ditching - Resolved

**Maintenance Activities - Planned for Next 30 Days:**

Litter Control, Sign Maintenance, Beaver Control, Pot Hole Repair, Pipe Replacement

**Board’s Comments**

1. Mr. William Coada requested an update on the deer crossing warning sign for Lott Cary Road. *Conclusion: Mr. Cade and Mr. Coada to meet tomorrow and together confirm the location of concern. Sheriff Smith to research county records to determine the number of deer related collisions in the area of question for VDOT to determine if warning sign is warranted.*
2. Mr. Floyd H. Miles, Sr. requested VDOT force check on the lowering of the speed limit on The Glebe Lane from Rt. 5 to Ruthville Road.
3. Mr. Miles requested VDOT to investigate possible mean of correction for flooding that occurs on Old Elam Cemetery Road after heavy rains.
4. Mr. Miles advised the citizens affected that he will look into the protocol for getting Old Neck Road on the Secondary Road System.

RE: 2014-2019 SSYP PUBLIC HEARING SCHEDULED

Mr. Mike Cade presented the proposed Charles City Secondary Six Year Plan (SSYP 2014-2019). The Board unanimously agreed to schedule the 2014-2019 SSYP public hearing for April 23, 2013 at 7:45 PM, directing staff to advertise accordingly.

RE: VIRGINIA STORMWATER MANAGEMENT PROGRAM

Representatives from Joyce Engineering and Sands Anderson reported on the Virginia Stormwater Management Program (VSMP) requirements

RE: VIRGINIA STORMWATER MANAGEMENT PROGRAM (CONTD)

localities must adopt by June 2013. Localities are to approve the general permit coverage and must maintain the program once adopted. Aspects of the new requirements include having to have a certified administrator, inspector and reviewer or contract it out. Also policies and procedures have to be established.

Joyce Engineering and Sands Anderson are aiding the County in applying for a one year extension to meet these requirements and apply for the VSMP adoption. April 1, 2013 is the deadline for the extension to be filed.

RE: VOF - SPECIAL PROJECT AREA DESIGNATION

Ms. Jane Myers, Land Conservation Manager with the Capital Region Land Conservancy together with Philip Reed with Virginia Outdoors Foundation (VOF) explained to the Board of Supervisors the process and merit for areas in the county to be designated as VOF Special Project Areas. Ms. Myers expressed the Conservancy's intention to nominate specified areas in Charles City County for designation which comes with the potential to aid in preservation of those areas. She noted the designation is purely honorary and does not require the approval of the locality but they would like the County's involvement to make it a collaborative effort.

Director of Planning, Matt Rowe expressed his concern at the use of the word "preserve", noting he would need more information to weigh in on the County's involvement from a planning stand point.

Mr. Floyd H. Miles, Sr. encouraged Ms. Myers and Mr. Reed to meet with Mr. Rowe and provide him more information on the Special Project Area designation and include the County in the process of choosing the area(s) to be nominated for designation.

RE: JOINT PUBLIC HEARING – REZONING REQUEST

The Board of Supervisors and the Planning Commission held a joint public hearing to receive citizen comments on the following rezoning request:

County of Charles City, Virginia, requests to rezone Tax Map Parcel 7-12-B, which is comprised of 87.9 acres, from split-zoned A-1 Agricultural District and M-1 Light Industrial District to entirely M-1 Light Industrial District which would permit all uses found in Sections 11-2 and 11-3 of the Zoning Ordinance. The property is further identified as being located on State Route 106 (Roxbury Road) approximately 2,000 LF north and west of the intersection of State Route 659 (Chambers Road).

Chairman Edward Baber called the Planning Commission meeting to order.

Director of Planning, Matthew Rowe presented the staff report on the rezoning requested and concluded with the staff recommendation of approval; of application REZ-2-2013 to rezone parcel 7-12-B, comprised of 87.9 acres, from split-zoned A-1 Agricultural District and M-1 Light Industrial District to entirely M-1 Light Industrial District.

Chairman Baber opened the floor to any questions citizens may have regarding the rezoning request presented. The following questions were received:

1. A gentleman (name not provided) asked for verification of the parcel location and upon Mr. Rowe's verification noted he was not against the rezoning.

RE: JOINT PUBLIC HEARING – REZONING REQUEST

2. Mrs. Mary Taylor raised the issue that the property was adjacent to her own and she needs an easement to get to her property. She noted she was not against the rezoning. *Mr. Rowe advised her to contact his office to address her need.*
3. Mrs. Martha Harris asked if the property would still be the property of the county after rezoning. *Mr. Rowe answered in the affirmative.*

The Planning Commission voted 8:0, to recommend the Board of Supervisors approve the rezoning request as presented. The Commission's recommendation was forwarded to the Board of Supervisors for their action.

RE: REZONING APPROVED – FROM A-1/M-1 TO ENTIRELY M-1

Motion was made by William G. Coada to approve the rezoning application REZ-2-2013 rezoning parcel 7-12-B, comprised of 87.9 acres, from split-zoned A-1 (Agricultural District) and M-1 (Light Industrial District) to entirely M-1. The motion carried as follows:

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

RE: PROPOSED FY2014 BUDGET PRESENTATION

County Administrator, Zach Trogdon presented the proposed FY2014 County Budget to the Board of Supervisors.

The Board of Supervisors unanimously agreed to hold a public hearing on the proposed FY2014 budget to receive citizen comments on the same on April 17, 2013 at 7:00 p.m.

RE: APPOINTMENTS - CHARLES CITY HEALTH COUNCIL

Motion was made by William Coada to reappoint Sheena Mackenzie, to serve as the Central VA Health member representative and Michelle Whitehurst-Cook with VCU, to serve as the Academic Medical Center member representative on the Charles City Health Council, said terms to each expire March 31, 2015. Motion passed unanimously.

Motion was made by William Coada to appoint Leslie Stone, to serve as a Dept. of Health member representative on the Charles City Health Council, said term to expire 3/31/15. Motion passed unanimously.

RE: APPOINTMENT - CHARLES CITY –NEW KENT HERITAGE PUBLIC LIBRARY BOARD

Motion was made by William Coada to appoint Lisa Christian Brown, 5320 Barnetts Road, to serve as a District II member on the Charles City –New Kent Heritage Public Library Board, said term to expire March 31, 2017. Motion passed unanimously.

RE: 2014 STATE ENTERPRISE ZONE DESIGNATION PROGRAM

Motion was made by William Coada to approve and directed staff to apply for the 2014 State Enterprise Zone Designation program. Motion passed unanimously.

RE: MT. ZION/RUSTIC AREA WATER STORAGE TANK BID APPROVED

Motion was made by William Coado to approve the Mt. Zion/Rustic Area water storage tank bid of \$150,900. Motion passed unanimously.

RE: RESOLUTION APPROVING SUBMITTAL OF STATE REVOLVING LOAN FUND APPLICATION

Motion was made by Gilbert Smith to approve the Resolution Approving Submittal of State Revolving Loan Fund Application. The motion carried as follows:

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

RE: NEW DIRECTOR OF PUBLIC WORKS APPOINTED

Motion was made by Gilbert A. Smith to approve the appointment and hire of Donald Jennings as Director of Public Works. Motion passed unanimously.

RE: FY2014 BUDGET PUBLIC HEARING SCHEDULED

The Board unanimously agreed on the scheduling of the FY2014 Budget Public Hearing for April 17, 2013 at 7:00 PM, directing staff to advertise accordingly.

RE: NOTICE OF EMERGENCY PROCUREMENT E911 SYSTEM

Motion was made by William G. Coado to adopt the Notice of Emergency Procurement for E911 new Customer Premises Equipment (CPE) System. A copy of the Notice is on file in the Clerk's office. Motion passed unanimously.

RE: PUBLIC COMMENT PERIOD (NON-AGENDA ITEMS)

1. Owen Clark, Sr., 5621 Country Woods Drive – Mr. Clark expressed his concern about guns being used near homes. He requested the Board add an ordinance to prohibit shooting guns near homes similar to the ordinances of surrounding counties.
2. E. Preston Adkins, 8041 Lott Cary Road - Mr. Adkins reported that last month the Charles City High School girls basketball team became the Tri-Cities District Champions for the first time in the school's history. He also praised the 70 Charles City Elementary School children chosen to have their art work published in a national art program book celebrating art programs in schools.
3. John F. Miniclier, Jr., 11620 Eagles Nest Road – Mr. Miniclier commented on the gymnasium upgrades as being fantastic and boasted that in the last three months the Charles City EMS forces had answered every call without need of support from neighboring counties. He also made comment that in 2005 a 224 page study was done on the Kimages wastewater plant. He suggested the Board get in touch with whoever installed the plant to review the repair/replacement plans as he believes they can find significant savings.
4. Charles City Sheriff, Javier Smith stated the auditor's statement that asset forfeiture funds were mismanaged in his department was false.  
*Chairman Miles directed staff to review the audit issue with the Sheriff.*

RE: BOARD DIRECTIVES/COMMENTS

1. **Directed** staff to investigate the issues raised by resident, Owen Clark, Sr., (*Re: guns being fired near homes in his neighborhood*) and research related ordinances currently held by other localities.
2. **Directed** staff to meet with School Board representative to discuss the proposed FY2014 School budget and make certain all parties understand the bottom line.
3. **Encouraged** Jane Myers (w/ CRLC) and Philip Reed (w/ VOF) to meet with the Director of Planning, Matthew Rowe, so he may be given more information on the program and he may provide them information on areas in the county that would most benefit the county by being designated as Special Project Areas.

RE: CLOSED SESSION

Motion was made by William G. Coado to go into closed session to discuss personnel matters under Section 2.2-3711(A)(1); the sale of county real estate under Section 2.2-3711(A)(3); prospective business under Section 2.2-3711(A)(5); investment of public funds under Section 2.2-3711(A)(6); and legal matters under Section 2.2-3711(A)(7) of the 1950 Code of Virginia, as amended. Motion passed unanimously.

Motion was made by William G. Coado to return to regular session. Motion passed unanimously.

Motion was made by Gilbert A. Smith 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 closed session. Motion passed unanimously.

RE: CONSENT ORDER AUTHORIZED

Motion was made by William G. Coado to authorize the County Administrator to execute a Consent Order agreeing to a civil charge of \$85,000 in settlement of violations cited in the Order. Charles City County will pay \$45,000 of the civil charge in quarterly payments of \$11,250 with payments being due on or before July 1, 2013; November 1, 2013; March 1, 2014; and July 1, 2014. Charles City County shall satisfy \$40,000 of the civil charge by satisfactorily completing the Supplemental Environmental Project described in Appendix B of the Order. Motion passed unanimously.

There being no further business before the Board, it hereby recessed to meet again on Wednesday, **April 17, 2013** at 7:00 p.m. for the Board of Supervisors to hold a public hearing to receive public comment on the proposed Charles City County FY2014 budget.