

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 27, 2012** at 7:30 p.m. in the 236th year of the Commonwealth and in the 378th year of the County.

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

RE: ADOPTION OF AGENDA

Motion was made by William Coada to adopt the agenda with the addition of the following items under the County Administrator's Report:

g. Vehicle Repair Bid Proposal; *h.* Citizen Complaint Forms Review; *i.* Sale of County Property. The motion carried as follows:

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

RE: CONSENT AGENDA

Motion was made by Floyd H. Miles, Sr. that the following consent agenda be approved:

- a. Approval of the minutes of the February 7, 2012 and February 14, 2012 recessed meetings and the minutes of the February 28, 2012 regular meeting.
- b. Approval of payment to CH2MHill in the amount of \$13,680.07 for landfill professional services for the period of February 18, 2012 through March 16, 2012.
- c. Appropriations for the month of April, 2012.

General Fund Agencies	
Board of Supervisors	\$ 9,700
County Administrator	10,750
Legal Services	-
Non Departmental	10,000
Non Departmental-Telecom	14,125
Audit	-
Commissioner of Revenue	12,854
Treasurer	16,800
Management Services	20,917
Information Technology	10,000
Motor Pool	6,739
Central Gas	950
Memberships	-
Electoral Board	1,339
Registrar	4,231
Circuit Court	1,600
Combined GD/JD Court	-
County Magistrate	-
Clerk of Circuit Court	20,822
Sheriff Judicial	3,589
Asset Forfeiture - Sheriff	1,000

RE: CONSENT AGENDA (CONTD)

April Appropriations (contd)

Courthouse Security Fund	3,954
Crater Criminal Justice T.C.	2,724
Commonwealth's Attorney	16,377
Asset Forfeiture - Comm Attorney	-
Sheriff Law Enforcement	42,885
EDA Sheriff Support	-
Fire Protection	-
Emergency Medical Response	-
E 911	-
Wireless E911	-
Correction & Detention	-
VJCCA	4,148
Col Com Correction jb	-
9th District Court Services	-
Codes Enforcement	4,495
Animal Control	2,058
Medical Examiner	-
Emergency Services	-
Landfill Monitoring	36,465
General Properties	69,947
Health Department	-
MH/MR Services Board	27,665
Contributions	(1,337)
John Tyler Community College	-
Parks and Recreation	30,984
Library/Cultural	-
Center For Local History	-
Planning Commission	-
Planning Department	28,331
Com Development Cont	-
Environmental Mgt Cont	-
Cooperative Extension	5,640
General Fund Contingency	-
Revolving Accounts	-
Cap Outlay-Repair/Renovation	50,000
Debt Service	-
Total General Fund	\$ 469,752
Public Utility Fund	38,037
Total Board of Supervisors	\$ 507,789
School Operating Categorical	
Instruction	636,861
Admin, Attendance & Health Serv.	79,709
Pupil Transportation	79,219
Operations & Maintenance	111,063
School Food	48,642
Debt Service	-
Technology	49,876
School Fund Total	\$ 1,005,370

RE: CONSENT AGENDA

April Appropriations (contd)

ALL FUNDS	
BOARD OF SUPERVISORS	507,789
SCHOOL OPERATING	1,005,370
SOCIAL SERVICES	163,341
SPECIAL WELFARE	-
TRANS. TO COMMONWEALTH	-
SPECIAL FUNDS	20,000
GRAND TOTAL ALL FUNDS	\$ 1,696,500

The motion carried as follows:

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

RE: PUBLIC HEARING – AMEND COUNTY ORDINANCE §2-120

The Board of Supervisors held a public hearing to receive citizen comment on the proposed amendment Ordinance Chapter 2, Administration, Section 2-120 Appointment, Terms and Number of Members *Re: The parks and recreation advisory commission.*

The Board opened the floor to receive citizen comments on the issue and being no respondents to the offer the public hearing was closed.

RE: AMEND ORDINANCE CHAPTER 2, SECTION 2-120

Motion was made by Floyd H. Miles, Sr. to approve the amendment of *Ordinance Chapter 2, Administration, Section 2-120 Appointment, Terms and Number of Members* by its repeal and the following adopted in its place:

Section 2-120. Appointment, terms and number of members.

The County Parks And Recreation Advisory Commission shall consist of the number of members set forth in the Parks and Recreation Advisory Commission by-laws and shall be appointed by the Board of Supervisors for four-year terms. At least one member of the commission shall be a member of the Board of Supervisors.

The motion carried as follows:

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

RE: PUBLIC HEARING – NO PARKING ZONES

The Board of Supervisors held a public hearing to receive citizen comment on the proposed amendment of Ordinance Chapter 35, Motor Vehicles and Traffic by the addition of Section 35-6.1 Parking in Prohibited Zones; Pursuant to Va. Code §46.2-1213.

The Board opened the public hearing to receive citizen comments on the issue. The hearing was closed upon no respondents accepting the offer.

RE: NO PARKING ZONES ORDINANCE

Motion was made by William Coada to approve the amendment of *Ordinance Chapter 35, Motor Vehicles and Traffic* by the addition of *Section 35-6.1 Parking in Prohibited Zones* as follows:

Section 35-6.1 Parking in Prohibited Zones.

Pursuant to Va. Code § 46.2-1213, the Board of Supervisors may designate by resolution roads, travel lanes or other areas of County property on which motor vehicles, trailers, semitrailers or parts thereof may not be parked or left unattended. Any person violating this section may be punished as set out below in Section 35-8 and/or, the vehicle or trailer will be towed away at the expense of the owner thereof, all as set forth in Va. Code § 46.2-1213. All such removals shall be reported to the Sheriff's Office of Charles City County and to the owner of the towed vehicle as promptly as possible.

The motion carried as follows:

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

RE: DEPARTMENT OF TRANSPORTATION

Mike Cade, Residency Maintenance Manager, gave the following monthly report:

Maintenance Activities for the Previous 30 Days:

- Monitored the bike trail for debris and litter.
- Performed litter control on Secondary Routes 602, 609, 618, & 623.
- Continued to pick up storm debris on Secondary Rtes 611, 617, 618, & 685.
- Cleaned ditch on Route 650.
- Picked up debris/litter on Primary Routes 5, 106, 155, & 156.
- Made pavement repairs to Secondary Routes 604, 607, 613, 623, & 632.
- Broke beaver dams on Routes 5, 106, 614, & 623.
- Made sign repairs throughout the entire county as needed.

Maintenance Activities next 30 days:

- Litter control as needed throughout the county.
- Sign maintenance as needed.
- Monitor Bike Trail for debris.
- Clean/flush pipes on secondary system.
- Clean ditches on Route 658 (Kimages Road)
- Make pavement repairs to potholes as needed.

Construction Update

Route 5 Virginia Capital Trail (VCT) Sherwood Forest Phase

- Forecast Completion Date (FCD) – May 1, 2012
- Continuing to work on parking area. Waiting for granite curb to be delivered. Installation of brick pavers planned for week of 3/26/12.

Route 5 VCT Herring Creek Trail Head

- FCD – October 31, 2013
- Update: Roadway trail plans for Phases 1, 2 and 3 have been submitted and are under review. Clearing scheduled to begin in late April 2012.

PROJECT STATUS: Secondary Six-Year Plans (SSYP's) –

- SSYP workshop with the BOS was held March 7, 2012
- Joint SSYP public hearing will be held May 22, 2012

Recent Board Requests:

1. **Mr. William Coada** requested a brief update on the survey work being done on Rt. 618 (Adkins Road). *Mr. Cade responded that the preliminary engineering, which includes locating utilities and surveying the existing right-of-ways, is underway. He agreed to have information compiled to provide the Board at their next meeting.*

RE: PROPOSED FY2012 BUDGET PRESENTATION

Finance Director Michelle Johnson, presented the proposed FY2013 County Budget to the Board of Supervisors and recommended that the Board raise the real estate tax by .02¢ with the resulting revenue dedicated to providing 24 hour emergency services 7 days per week.

The Board of Supervisors unanimously agreed to approve the proposed budget, with the .02¢ tax increase as presented, for advertising the public notice of public hearing and hold a public hearing to receive citizen comments on the same on April 19, 2012 at 7:00 p.m.

RE: PUBLIC COMMENTS

1. Mr. Vince Brackett, 7789 Kips Creek Drive - Mr. Brackett supports the .02¢ tax increase earmarked for 24/7 EMS. He does not support approving the School Board's proposed FY2013 Budget which included a request for carryover of \$132,866 to achieve level funding.
2. Mr. Tak Kwok, 7110 Mistletoe Lane – Mr. Kwok stated he felt the town hall meeting held by Board member William Coada the previous evening was helpful and asked that all Board members hold them for their constituents to provide easy access for Q&A regarding their own district.
3. Mrs. Teri Tench, 18110 The Glebe Lane – Mrs. Tench stated the schools needed to be more accountable for the money allocated to them by the county.

RE: APPOINTMENTS – CHARLES CITY-NEW KENT HERITAGE PUBLIC LIBRARY BOARD OF TRUSTEES

Motion was made by Gilbert Smith to appoint Jennifer Richardson, 5525 N. Warriner Road, Richmond, to serve as a District I member on the Charles City-New Kent Heritage Public Library Board of Trustees, said term to expire March 31, 2016. The motion carried as follows:

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

Motion was made by Floyd H. Miles, Sr. to appoint Doris Hollimon, 16100 Willcox Neck Road, to serve as a District III member on the Charles City-New Kent Heritage Public Library Board of Trustees, said term to expire March 31, 2016. The motion carried as follows:

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

RE: APPOINTMENT - CENTER FOR LOCAL HISTORY ADVISORY COM.

Motion was made by Floyd H. Miles, Sr. to reappoint Judy Ledbetter, 16530 The Glebe Lane, to serve as a District III member on the Center for Local History Advisory Commission, said term to expire March 31, 2015. The motion carried as follows:

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

RE: SURVIVOR DAY WORKSHOP

Dallas Johnson, Emergency Operations Coordinator presented details to the Board on the Survivor Day Workshop to be held May 5, 2012 at the Charles City High School auditorium. He explained the workshop will teach participants how to live safely through natural disasters and other emergencies and advised for more information and to pre-register interested citizens may go online at www.survivorday.com or call 2-1-1.

RE: SESQUICENTENNIAL COMMITTEE UPDATE

The Virginia Sesquicentennial Committee's Charles City County liaison, Allyson Finchum, reported that the Charles City/New Kent Sesquicentennial Committee is promoting the Fort Pocahontas Battle Reenactment on May 19 & 20, 2012; J.E.B. Stuart's Ride Commemoration at Dabbs House in Henrico, June 10, 2010; and Berkeley Plantation's Taps 150th Commemoration June 22-24, 2012.

Charles City/New Kent Sesquicentennial Committee member, Gina Patterson reported the HistoryMobile has been secured by the committee to be in Charles City at Berkeley Plantation during their Taps 150th Commemoration on June 22-24, 2012. The HistoryMobile is free to visitors. The Taps 150th Commemoration will include a musical concert, "Birth of an American Tradition", Civil War re-enactors portraying the Union Army encamped on the beautiful plantation grounds and a re-commemoration of the Taps Memorial. All of which will be free to the public. She stressed that it will be a fun and educational event and encouraged citizens to come out and bring their children for the Taps Commemoration and to see and enjoy all the HistoryMobile has to offer.

Mrs. Finchum reported needing citizens to volunteer to help staff the HistoryMobile during the 3 days (June 22-24) it will be in Charles City and directed anyone interested in doing so to contact Ms. Patterson at the county administration office. The River's Rest Marina and Hotel is supporting the committee and the event by providing the required lodging for the Historymobile drivers.

RE: CHICKAHOMINY-SKIFFES CREEK 500KV LINE

Motion was made by William Coad to direct staff to prepare a resolution of opposition to the Dominion Virginia Power Chickahominy-Skiffes Creek 500kv Line. The motion carried as follows:

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

RE: HOUSEHOLD HAZARDOUS WASTE DAY AT THE LANDFILL

Interim County Administrator Jacqueline Wallace announced that Charles City and Waste Management will be holding their Annual Household Hazardous Waste Collection Day at the landfill on Chambers Road on Saturday, April 14, 2012.

RE: RESOLUTION OF CONGRATULATIONS TO THE 2012 CHARLES CITY HIGH SCHOOL PANTHERS (Resolution 2012-04)

The motion made by Gilbert A. Smith to approve the following resolution carried as follows:

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

WHEREAS, the Charles City High School Boys Varsity Basketball Team, the Panthers, won the 2012 Region A, Division 1 District Championship; and

WHEREAS, the Panthers participated in the State Quarter Finals tournament held at the College of William and Mary, defeating the Luray High School team; and

WHEREAS, the Panthers advanced to the Final Four Group A State Championship Semi-Finals held at the VCU's Siegel Center and was defeated by Galax High School; and

WHEREAS, the Panthers, a team comprised of 17 players ranging from 13 to 18 years of age, displayed the highest level of sportsmanship, teamwork, and athletic prowess; and

WHEREAS, Charles City High School students, faculty, staff and the community at large is unified in its support of and pride in the Panthers.

NOW THEREFORE, BE IT RESOLVED that the Charles City County Board of Supervisors hereby congratulates each member of the Panthers team, the Athletic Director, and the Panthers' coaches, and salutes you for your commendable performance.

BE IT FURTHER RESOLVED that the Charles City County Board of Supervisors expresses its appreciation to the parents of the team members and the citizens of Charles City County for your enthusiastic support of our youth.

RE: FY2013 BUDGET WORK SESSION SCHEDULE

The Board of Supervisors unanimously agreed to schedule the work session for the FY2013 Budget for April 2, 2012 at 6:00 p.m.

RE: VEHICLE MAINTENANCE BIDS ACCEPTED

Motion was made by Floyd H. Miles, Sr. to accept the bids of Company 1 for mounting, balancing and alignment of tires; and Company 3 for oil changes as presented. The motion carried as follows:

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

Upon the motion and approval, Interim County Administrator Mrs. Jacqueline Wallace identified *Company 1* as Holmes Auto and *Company 3* as Old Forge Tire and Alignment.

RE: CITIZEN COMPLAINT FORMS

The motion made by William Coad to approve the County Complaint Forms as presented carried as follows:

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

RE: SALE OF COUNTY PROPERTY

The Board unanimously agreed to decline to sell county property per the request to purchase made by Mr. Ed Kin.

RE: PUBLIC HEARING - WASTE MANAGEMENT C-U-P APPLICATION

The Board of Supervisors and Planning Commission held a joint public hearing to hear citizen comments on the request of Waste Management, Inc. to amend the Conditional Use Permit CUP2005-4 issued in September, 2005 to Charles City County Landfill to allow for the expansion of the existing soil borrow area to include an additional 178.5 acres (part of T.M. #14-116 & #8-34), Phase III Borrow Area.

Mr. John Bragg presented the staff report. Waste Management requests to amend the current conditional use permit to include an additional 178.5-acre soil borrow area, providing additional daily cover materials for the Charles City County Landfill. The site surrounded by the landfill and roadside residential homes is located within the Roxbury Industrial Development Center. There are no public services (water or wastewater) required. All borrow operations are within the landfill. There are sensitive landforms, Chesapeake Bay Preservation Areas, upland and wetlands on site. Several areas identified as having potential historical and archaeological significance. Sensitive areas, noted on the planning map are to be preserved as required by state, federal and local laws. Noise levels are no more than 65 db for a period of 30 minutes or any occurrence of 80 db. Operator will not use public roads for operations. All necessary permits shall be obtained from the appropriate regulating agencies (i.e., U.S. Army Corps of Engineers, Virginia Department of Environmental Quality, and/or Charles City Environmental Staff).

Staff believes this application, for Special Use Permit #2005-4/2012-1, is consistent with both the Future Land Use Plan and Zoning Ordinance, and submit the following conditions for consideration.

- 1) Abide by all requirements of Condition Use Permit #2005-4/Special Use Permit #2005-4/#2012-1. Should there be a conflict between the two documents, the Soil Borrow Area Operations Plan dated March 2012 applies.
- 2) Abide by all federal, state, local laws and requirements. Where there is a conflict between these requirements, the more stringent will apply.
- 3) The applicant shall implement a Woodland Wildlife and Screening Plan for all reclamation areas. Such plan is to be approved by the Department of Forestry.
- 4) The hours of operation for the borrow pit shall be limited to 8:00 A.M. to 6:00 P.M., Monday through Friday, and 8:00 A.M. to 3:00 P.M. on Saturday. Hours of operation will exclude operating on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving, and Christmas. There will be no Sunday hours.
- 5) CUP #2005-4/SUP #2012-1 will renew every five years as dated from Board of Supervisors approval provided there are no unresolved violations at the time of renewal. Should there be unresolved violations; the renewal would require approval of the Board of Supervisors after a joint public hearing and recommendation of the Planning Commission. The Department of Planning will determine if there are any unresolved violations.

RE: PUBLIC HEARING - WM C-U-P APPLICATION (CONTD)

Mr. Samuel Nicolai (Area Engineer) of Waste Management, Inc. (WM) and Mr. Michael Williams of Golder Associates gave a brief presentation of the Waste Management proposal explaining that it is not an expansion of the landfill. The proposal is for the borrowing of soil for the construction and daily operation of the landfill. Studies prepared in 1990 identified two areas having potential historical and archaeological significance. Waste Management has no plans to borrow the area that would require the crossing of wetlands. Waste Management has committed to evaluating the second area, before entering, for any impacts and recovery of historical and archaeological finds. Waste Management has worked with County Staff on buffering, traffic, noise and dust concerns. An Operations Plan dated March 2012 submitted to the County combines all the requirements of the areas of Phase I, II and III.

Chairman Baber opened the floor to questions regarding the proposal. Questions are as follows:

- 1) Would there be pooling that would collect insects, and/or be potential danger to children?
- 2) How would the proposal impact the existing problem of water that now collects and stands on Barnetts Road due to heavy rains?
- 3) What does Waste Management have in place to control dust?
- 4) How does Waste Management have the capability to handle soil contamination (fuel, oil spills, etc) from equipment?
- 5) Has Dominion Virginia Power been engaged regarding the easement crossing the proposed borrow area?

There being no further questions, Chairman Baber requested Mr. Nicolai to respond to the questions. Mr. Nicolai's response to each respectively is as follows:

- 1) The drainage falls from the south side to the north side. Grading plans, designed for each phase, outline what the grades need to be and throughout the process. The drainage must be maintained and would prohibit the collection of any water. This will not affect the water table in this area.
- 2) This project will not have an impact on Barnetts Road. Water collecting on Barnetts Road is not believed to be caused by WM.
- 3) There is an existing pond located in the Phase I area that is used to refill water truck to spray roads to control the dust to a minimum.
- 4) There are response plans and capabilities in place at the landfill to deal with the handling of any contaminated soil from an equipment spill just like they do at the landfill they would have for the borrow area.
- 5) WM is not engaged yet with Dominion Virginia Power on this property but Dominion's transmission line proposal does cross the lower portions of the borrow area. There is an existing easement and its language regulates the excavation, cutting and filling of soils within the easement by which WM is bound.

Chairman Baber opened the hearing to public comment.

The following persons spoke.

1. Mr. Phil Banks, 8810 Old Elam Cemetery Road – Mr. Banks expressed concerns regarding the home occupations and home based businesses (upcoming public hearing topic).

There being no further public comment Chairman Baber closed the hearing and asked for questions, comments, and/or a motion from the Commission.

Mr. Emmett Crocker made a motion to recommend the Board of Supervisors approve Special Use Permit #2005-4/2012-1, Charles City County Landfill (Waste Management of Virginia, Inc.) with conditions. The motion,

RE: PUBLIC HEARING - WM C-U-P APPLICATION (CONTD)

seconded by Mr. Alton Washington, was carried by a vote of 8:0. The Conditions For Special Use Permit #2005-4/2012-1 are as follows:

Conditions For Special Use Permit #2005-4/2012-1,
Waste Management Inc. (Charles City County Landfill)

- 1) Abide by all requirements of Condition Use Permit #2005-4/Special Use Permit #2005-4/#2012-1. Should there be a conflict between the two documents, the Soil Borrow Area Operations Plan dated March 2012 applies.
- 2) Abide by all federal, state, local laws and requirements. Where there is a conflict between these requirements, the more stringent will apply.
- 3) The applicant shall implement a Woodland Wildlife and Screening Plan for all reclamation areas. Such plan is to be approved by the Department of Forestry.
- 4) The hours of operation for the borrow pit shall be limited to 8:00 A.M. to 6:00 P.M., Monday through Friday, and 8:00 A.M. to 3:00 P.M. on Saturday. Hours of operation will exclude operating on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving, and Christmas. There will be no Sunday hours.
- 5) CUP #2005-4/SUP #2012-1 will renew every five years as dated from Board of Supervisors approval provided there are no unresolved violations at the time of renewal. Should there be unresolved violations; the renewal would require approval of the Board of Supervisors after a joint public hearing and recommendation of the Planning Commission. The Department of Planning will determine if there are any unresolved violations.

The Commission's recommendation was forwarded to the Board of Supervisors for their action.

RE: WASTE MANAGEMENT CONDITIONAL USE PERMIT

Motion was made by William Coado to defer a decision on Waste Management, Inc.'s request to amend Conditional Use Permit CUP2005-4 issued in September, 2005 to Charles City County Landfill to allow for the expansion of the existing soil borrow area to include an additional 178.5 acres until the April 24, 2012 Board meeting so that the request documentation could be reviewed more thoroughly. The motion carried as follows:

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

RE: PUBLIC HEARING ZONING ORDINANCE AMENDMENT (SIGN)

The Board of Supervisors and Planning Commission held a joint public hearing to hear citizen comments on the proposed amendments to the Charles City County Zoning Ordinance, *Division I- General, Section 3-Definitions, §3-1-Genera, Sign*; and, *Division III-Standards Applying to All Uses, Section 16-Signs, §16-1-Permitted Signs, §16-2- Sign Geometry, §16-3-Sign Standards.*

RE: PUBLIC HEARING ZONING ORDINANCE AMENDMENT (SIGN)
(CONTD)

Planning staff, Mr. John Bragg, presented the proposed ordinance amendments to Section 3- Definitions, "Sign" and to the Division III – Section 16, "Standards Applying to All Uses" of Signs.

Planning Commission Chairman Mr. Edward L. Baber, Jr. opened the floor to questions regarding the proposed amendments as presented. There being none, Chairman Baber opened the hearing to public comment.

The following person spoke.

1. Mr. John Tabb, 14031 The Glebe Lane – Mr. Tabb asked if the sign regulations apply to government buildings.

There being no further public comment the hearing was closed.

Mr. Bragg responded to Mr. Tabb's questions explaining government buildings are required as all buildings in the county to comply with County Ordinance.

Motion was made by Commission member William Bailey to recommend the Board of Supervisors approve the amendments to the Zoning Ordinance regarding "Signs" with noted corrections made tonight. The motion, seconded by Mr. Emmett Crocker, carried by vote of 8:0. Proposed ordinance amendments are as follows.

Section 3 – Definitions

3-1 GENERAL; SIGN:

- c) LOCATION: A sign that directs attention to the approximate location of ~~an establishment~~ *a community, subdivision, individual or an establishment* from which the advertised product may be obtained.
- g) TEMPORARY: A sign applying to a seasonal or other brief activity such as, but not limited to summer camps, horse shows, political, auctions or sale of land. ~~Temporary signs shall conform I size and type to directional signs.~~
- h) REAL ESTATE: *Any sign used to offer for sale, lease, or rent the property upon which the sign is placed.*

DIVISION III: STANDARDS APPLYING TO ALL USES

Amend to redefine permitted uses of signs:

Sec. 16 – SIGNS – §16-1 Permitted Signs; §16-2 Sign Geometry; §16-3 Sign Standards

16-1 PERMITTED SIGNS

Repeal and the following be adopted in its place.

4. *As many temporary signs announcing a campaign, drive, or event of a civic, philanthropic, educational, historical, religious organization auction, or political nature may be erected on the premise where such campaign, drive, or event of a civic, philanthropic, educational, historical, religious organization, auction, or political nature is to take place provided the total area of the signs does not exceed 100 square feet and no one sign exceeds 50 square feet in area. All such signs must be erected no more than 60 days prior to the campaign, drive, or event and shall be removed within seven days after completion of the campaign, drive or event.*

Amend by the addition of the following:

2. *Temporary signs erected off premises announcing a campaign, drive, or event of a civic, philanthropic, educational, historical, religious organization auction, or political nature shall not exceed thirty two square feet in area. All such signs must be erected no more than 60 days prior to the*

RE: PUBLIC HEARING ZONING ORDINANCE AMENDMENT (SIGN)

campaign, drive, or event and shall be removed within seven days after completion of the campaign, drive or event.

- 5. *Real estate sign(s) advertising any single family detached, attached or multiple family dwelling unit shall not exceed a total of six square feet. All such signs shall be removed within seven days after completion of the activity.*
- 6. *Any real estate signs advertising any commercial or industrial property, may be erected on the premises of any residential or agricultural property containing a minimum of ten (10) acres shall not exceed a total area of thirty-two square feet. All such signs shall be removed within seven days after completion of the sale.*

The paragraphs formerly numbered 5, 6, 7, 8, 9 & 10 would now be numbered 8, 9, 10, 11, 12 & 13.

RE: SIGN ORDINANCE AMENDMENTS

Motion was made by William Coad to approve the amendments of the Charles City County Zoning Ordinance, *Division I General, Section 3 Definitions, §3-1-General, Sign Definition; and, Division III Standards Applying to All Uses, Section 16 Signs, §16-1 Permitted Signs, §16-2 Sign Geometry, §16-3 Sign Standards* as presented. The motion carried as follows:

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

RE: PUBLIC HEARING ZONING ORDINANCE AMENDMENTS (HOME OCCUPATION & HOME BASED BUSINESS)

The Board of Supervisors and Planning Commission held a joint public hearing to hear citizen comments on the amendments to the Charles City County Zoning Ordinance, *Division I-General, Section 3-Definitions, §3-1 General, Home Occupation; and, Division II District Regulations, Section - Agricultural District, §5-2 Permitted Uses, §5-3 Uses With Special Use Permit; Section 6-Residential District, §6-2 Permitted Uses, §6-3 Uses With Special Use Permit; Section 7-Multi-Family Residential District, §7-2 Permitted Uses, §7-3 Uses With Special Use Permit; Section 9-Neighborhood Business District, §9-2 Permitted Uses, §9-3 Uses With Special Use Permit; Section 14-Agricultural-Forestal District, §14-2 Permitted Uses, §14-3 Uses With Special Use Permit.*

Planning staff, Mr. John Bragg, presented the proposed ordinance amendments to the definition of “Home Occupation” (Section 3), and explained that the proposed amendments are to redefine “Home Occupation” and add a definition for “Home Based Business.” In addition, the proposed amendments would amend the Agricultural, Residential, Multi-family Residential, Neighborhood Business, and Agricultural-Forestal Zoning Districts to permit the uses ”Home Occupation” and “Home Based Business” by-right or with a special use permit.

Planning Commission Chairman Mr. Edward L. Baber, Jr. opened the floor to questions regarding the amendments for “Home Occupation” and/or “Home Based Business”.

Planning Director, Mrs. Allyson Finchum briefed the public, Commissioners and Board on the status of existing home occupations. She explained the four scenarios that could possibly happen to existing home

RE: PUBLIC HEARING ZONING ORDINANCE AMENDMENTS (HOME OCCUPATION & HOME BASED BUSINESS) (CONTD)

occupations. *First*, there are illegal operations that will remain illegal based on the amendment proposed tonight. Those businesses that remain illegal may be due to having more than the permitted number of vehicles and/or equipment, or have more square footage than permitted. *Second*, there are the illegal home occupations that would now become legal fitting into one of the two classifications, “Home Occupation” & “Home Based Business.” *Third*, the legal that remain legal are those businesses that may change from a Home Occupation, as we know it now, to a Home Based Business. *Fourth*, the legal that will become illegal although at this time there are is no county business that fits this classification. Farms are a permitted use within the Agricultural Zoning District.

The illegal business and remain illegal are the business that we cannot consider non-conforming because they were never legal under the zoning regulations. We have a fix for those remaining illegal businesses. These businesses may apply for a special use permit. The Board of Supervisors may or may not grant the permit. The application fee is \$800.

Chairman Baber opened the floor to questions regarding the amendments for “Home Occupation” or “Home Based Business”. There being none, Chairman Baber opened the hearing to public comment.

The following person spoke.

1. Mr. Phil Banks, 8810 Old Elam Cemetery Road – Mr. Banks expressed concern over the proposed requirement of occupying no more than 30% of the gross lot area and up to a maximum of 20,000 total square feet. He asked for consideration of increasing the maximum to 30,000 square feet.

There being no further public comment Chairman Baber closed the hearing and asked for questions, comments, and/or a motion from the Commission.

Planning Commission member Mr. Barney Lomax made a motion to recommend the Board of Supervisors approve the amendments to the Zoning Ordinance regarding “Home Occupation” and “Home Based Business”. The motion, seconded by Mr. Emmett Crocker, carried by a vote of 8:0. Proposed ordinance amendments are as follows:

Section 3 – Definitions, §3-1 General

Amend §3-1 to repeal the Home Occupation definition and adopt the following in its place:

HOME OCCUPATION: An onsite business activity carried on solely by the resident(s) of a dwelling. This onsite business activity must be a clearly incidental and subordinate use of the residential dwelling or accessory structure. The onsite business activity generates no exterior impacts such as storage, traffic, parking demand, noise, vibration, glare, odors or electrical interference. The residential appearance of the dwelling and the character of the neighborhood must be maintained. Not more than 25 percent of the floor area of the dwelling unit or 2,000 square feet if conducted in an accessory building shall be used in the conduct of the home occupation.

Amend §3-1 by the addition of the following definition for Home Based Business:

HOME BASED BUSINESS: An occupation except for business service facility, personal service facility and professional service facility conducted by persons residing on the premises. Such occupations may include the use of accessory structures or outside areas, to include but not limited to the service and repair of motorized vehicles and equipment, cabinet shops, machine shops, and contractors offices. Such uses must be generally compatible to the existing

RE: PUBLIC HEARING ZONING ORDINANCE AMENDMENTS (HOME OCCUPATION & HOME BASED BUSINESS) (CONTD)

character of the surrounding area. No more than four (4) employees (resident or non-resident) shall be allowed to work on the premises at any one time on a regular basis. No equipment or process shall be allowed which creates noise, vibrations, glare, fumes, odors, or electrical interference. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, phone, or television receivers off the premises. Outside storage of goods, products, equipment, or other materials associated are acceptable as long as it is screened from view of adjacent properties and roadways by a solid board fence and/or landscaping as approved by the Zoning Administrator. Storage does not include storage yard as defined in the Charles City County Zoning Ordinance. Not more than four (4) vehicles and/or pieces of equipment associated with a business shall be operated from the site or stored there overnight. Small transportable equipment including lawn mowers, chain saws, power hand tools, table, band or radial arm saws, and similar items shall not be included in this limitation. A greater number of vehicles and/or pieces of equipment may be allowed upon issuance of a special use permit by the Board of Supervisors. Any need for parking generated by the conduct of such Home Based Business shall be off the street. A Home Based Business shall not occupy more than 30% of the gross lot area up to a maximum of 20,000 total square feet. A greater area may be allowed upon issuance of a special use permit by the Board of Supervisors. The primary hours of operation for Home Based Business shall be limited to 7:00 am to 7:00 pm Monday through Saturday. Signage must meet standards for home occupation.

Amend the following Zoning Districts to include as a permitted use “Home Occupation” as redefined.

Section 6 - Residential District (R-1), §6-2 Permitted Uses

Section 7 – Multi-Family Residential District (R-2), §7-2 Permitted Uses

Amend the following Zoning Districts by deleting the use “Home Occupation”.

Section 6 – Residential District (R-1), §6-3 Uses with Special Use Permit

Section 7 - Multi-Family Residential District (R-2), §7-3 Uses with Special Use Permit

Amend the following Zoning Districts to include as a permitted use “Home Based Business” as defined.

Section 5 - Agricultural District (A-1), §5-2 Permitted Uses

Section 9 – Neighborhood Business District (B-2), §9-2 Permitted Uses

Section 14 – Agricultural-Forestal District (A-F), §14-2 Permitted Uses

Amend the following Zoning Districts to include with a special use permit the use “Home Based Business”:

Section 5 – Agricultural District (A-1), §5-3 Uses with Special Use Permit

Section 9 – Neighborhood Business District, §9-3 Uses with Special Use Permit

Section 14 – Agricultural-Forestal District, (A-F), §14-3 Uses with Special Use Permit

With the following additional language added to each:

Home Based Business, as defined, occupying more than 30% of the gross lot area or exceeding 20,000 square feet in area, and/or the allowance for five or more vehicles and/or pieces of equipment.

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The Commission's recommendation was forward to the Board of Supervisors for their action.

Mr. Floyd H. Miles, Sr. questioned how the Planning Commission came to "30% of the gross lot area or maximum of 20,000 square feet in area" for the Home Based Business parameters.

County Attorney B. Randolph Boyd explained that the reasoning was based on that the former minimum lot size was 30,000 square feet, the current being 1 acre. There are a number of lots in the county that are 30,000 square feet. The 20,000 square feet is basically half of the current minimum lot size and two-thirds of the former minimum lot size. The main idea is that in a residential area a lot should not be allowed to become completely commercial. If a 30,000 square foot lot had 20,000 square foot of business it would cease to be much of a residence. The proposal allows for a way to address it on an individual lot by lot basis by special use permit.

RE: HOME OCCUPATION & HOME BASED BUSINESS ORDINANCE AMENDMENTS

Motion was made by William Coad to approve the amendments to the Charles City County Zoning Ordinance, *Division I-General, Section 3-Definitions, §3-1 General, Home Occupation; and, Division II District Regulations, Section -Agricultural District, §5-2 Permitted Uses, §5-3 Uses With Special Use Permit; Section 6-Residential District, §6-2 Permitted Uses, §6-3 Uses With Special Use Permit; Section 7-Multi-Family Residential District, §7-2 Permitted Uses, §7-3 Uses With Special Use Permit; Section 9-Neighborhood Business District, §9-2 Permitted Uses, §9-3 Uses With Special Use Permit; Section 14-Agricultural-Forestal District, §14-2 Permitted Uses, §14-3 Uses With Special Use Permit* as presented. The motion carried as follows:

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

RE: PUBLIC HEARING ZONING ORDINANCE AMENDMENTS - (ADDITIONAL DWELLINGS / NONCONFORMING DWELLING UNITS / ACCESSORY APARTMENT)

The Board of Supervisors and Planning Commission held a joint public hearing to hear citizen comments on the amendments to the Charles City County Zoning Ordinance on the following:

1. Section 5-Agricultural (A-1), Section 6-Residential (R-1), Section 7-Multi-family Residential (R-2), Section 8-General Business (B-1), Section 9-Neighborhood Business (B-2), Tourist Business (B-3), Light Industrial (M-1), & Heavy Industrial (M-2): The proposed amendment limits the number of single-family dwellings and two-family dwelling on a parcel of land. Additional dwellings may be permitted with a special use permit issued by the Board of Supervisors.
2. Section 24 – Nonconforming Lots and Uses. The proposed amendment would allow any existing dwelling where there may be more than one on a parcel at the time of the amendment adoption be treated as if it were the only dwelling unit on that parcel and therefore allow that may be improved, repaired, or maintained as if it was the only dwelling unit on that lot, provided all setbacks are met.

RE: PUBLIC HEARING ZONING ORDINANCE AMENDMENTS -
(ADDITIONAL DWELLINGS / NONCONFORMING DWELLING
UNITS / ACCESSORY APARTMENT) (CONTD)

3. Section 3-1 Definitions, General. The proposed amendment would create a new definition and regulations for Accessory Apartment.

Planning Director Mrs. Allyson Finchum presented the amendment proposals. This proposal would limit the number of dwelling units on a parcel of land and will not affect family divisions. Area requirements are one acre per a dwelling unit and most lot within the county are one acre or more. There are lots that are less than one acre. Agricultural Zoning District allows single-family and two-family dwellings. Agricultural Zoning Districts allow Manufactured Home Parks because there is no limitation on the number of dwellings per lot. Neighborhoods could occur next to a chicken farm. Because most of the land within the County is Zoned Agricultural, there is no protection to land owners. Limiting the number of dwellings allows growth to be managed, to control the spending in a rural county, and keep the tax rate low. Having unlimited dwellings does give you more property rights but so does your next-door neighbor. This results in unplanned growth, a conflict in land uses that could occur, loss in agricultural & forestal land. The growth, the people moving into the county, will increase the demand for schools, fire & rescue, police protection and roads. The existing taxpayers will pay for these increased demands. This ordinance amendment will protect the rural landscape of Charles City County, control growth, and insure public services meet the demand.

Mrs. Finchum noted that other counties in Virginia do not allow more than one dwelling per parcel except for James City who allows for a minimum of six acre lots and require three acres minimum between dwellings. A unique allowance on Charles City's part is to allow by special use permit the ability to add more dwellings on your property if needed.

Ms. Finchum explained that the Planning staff noted that the proposed limitation of dwelling units would take away property development rights and that residents would be concerned with providing for family without dividing their land. There are provisions in the County Code for Family divisions but to assist in providing for family without doing a family division, staff proposes a new use "Accessory Apartment". An Accessory Apartment would allow for a second dwelling unit on your parcel, limited to 40% of the total finished floor area of all dwelling square footage (principal and accessory apartment), and up to 800 square footage. An Accessory Apartment could be detached or attached, and allowed on parcels less than two acres. Currently there is no option for a land owner whose parcel is less than two acres to place another dwelling on their parcel.

She explained the adoption of the proposed amendment would classify dwellings, where more than one dwelling exists on a parcel of land, as Nonconforming. Nonconforming status would prohibit improvements, repairs, or maintenance to said dwelling(s). Therefore the third proposed amendment is a proposal to amend Section 24 – *Nonconforming Lots and Uses* of the Zoning Ordinance that would allow repairs, improvement, or maintenance to said dwelling(s), provided it met all setbacks, and existed prior to the adoption of the amendment.

Due to confusions for what defines an apartment, staff recommends renaming "Accessory Apartment" to "Dwelling, Accessory."

Chairman Baber opened the floor to questions regarding the three proposed amendments. Questions are as follows:

- 1) If a parcel has an existing dwelling and a mobile home and the trailer burned, could a stick built dwelling replace it? Could this home be larger than 800 square feet?
- 2) If a developer wants to develop a 100-acre parcel, would they be restricted to one dwelling per one-acre parcel or could they build apartments?
- 3) Is a new apartment limited to 800 square feet?

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- 4) Is it the County's concern that homes not be clustered close together? If so, would there be consideration given to one house per acre with the designation of an acre with the other dwelling?
- 5) Would the accessory dwellings have their own septic systems?
- 6) Has thought been given to advertising public hearings in the NK-CC Chronicle?
- 7) What is the reasoning behind the decision to allow only one dwelling per parcel?
- 8) What is a Family Division?
- 9) Wouldn't Zoning address this issue of developers putting more than one home on their lot?
- 10) Are you forcing people out of the county?
- 11) Has sliding scale been considered? Could you use the sliding scale in regards to the number of dwellings allowed?

Chairman Baber and Planning Staff addressed the questions responding to each respectively as follows:

- 1) The proposed amendment would allow the replacement of the mobile home.
- 2) A major subdivision would require division of lots and area required would be for one dwelling. An Apartment structure would require rezoning prior to building.
- 3) The 800 square feet would apply to Accessory Dwelling. The non-conforming piece would apply to parcels that have more than one dwelling existing at the time the amendment is adopted.
- 4) It was considered and the rural character of the county is kept with greater separation of homes.
- 5) Septic systems for Accessory Dwelling would depend on Health Department approval.
- 6) State Code requires the County to advertise over a period of days in a newspaper having general circulation in the county. The Chronicle does not qualify as it is published bi-weekly.
- 7) To prevent, for example a developer purchasing 100 acres and putting 100 homes on those 100 acres.
- 8) A Family Division is a single division of a lot or parcel is permitted for the purpose of sale or gift to a member of the immediate family of the current property owner.
- 9) The proposed ordinance amendment does not require rezoning. Zoning would have addressed the issue if it had.
- 11) Sliding scale pertains to subdivision and would not apply.

Chairman Baber opened the hearing to public comment. The following persons spoke:

1. Ms. Judith Ledbetter, 16530 The Glebe Lane – Mrs. Ledbetter spoke in opposition to this ordinance, stating it is unnecessarily restrictive. If James City County, with all the development pressure it has faced, can tolerate three structures on a lot, Charles City County could as well she reasoned. Mrs. Ledbetter expressed the belief that new rental housing built in the County will reduce due to the proposed ordinance. New rental housing is essential in finding a way to bring young people to the County and would allow young people the ability to find places to live in the county. The threat of an invasion is absurd. The population in this County has grown by less than 2000 people in 210 years. Long range demographic projections for the County are worrisome showing a very small population growth, an increase in median age, and a continuing decrease in the number of school age children. The notion that a special use permit allows a way around it is just a way of driving up the cost and making it less likely that such housing will be built. What person that may have a five

RE: PUBLIC HEARING ZONING ORDINANCE AMENDMENTS -
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- acre lot and be inclined to build 3 rental units on it is going to pay almost a \$1000 knowing that if one neighbor shows up and complains they may get turned down? Why just one dwelling per lot? This ordinance will make over 200 properties in the county nonconforming.
2. Mr. Tak Kwok, 7110 Mistletoe Lane – Mr. Kwok supports the amendment as proposed. He asked the Board to respect the wishes and concerns of citizens in regards to health, wealth and safety of citizens when proposing any future amendments. He hopes the County will be open to any suggestions and input that would occur in the near future.
 3. Mr. Lloyd Carter, 3720 Wayside Road – Mr. Carter asked how this applies to non-family members units, indicating that dwelling units for family members were mentioned.
 4. Mr. Charles Tench, 13110 The Glebe Lane – Mr. Tench stated the amendment is too restrictive, especially for larger parcels of land. He understands that no one wants a trailer park next door. The larger landowner pays more taxes, has more investment and should be allowed to build more homes than one, especially for family.
 5. Ms. Susan Bohon, 13120 Howards Grove Lane – Mrs. Bohon stated she owns 56 acres of land consisting of three parcels. If the proposed amendment were adopted, she would only be able to build one home on each parcel, noting the County will lose tax money. When she subdivided off the original 56 acres she was informed she could subdivide her land three more times to that piece of land. She understands if it had been for family she could have subdivided into 56 family divisions. She indicated that this is where her confusion lies.
 6. Mrs. Teri Tench, 18110 The Glebe Lane – Mrs. Tench expressed frustration stating that a resident can file for the special use permit, pay the \$800 fee and cost for surveys, do everything that is required, have the application brought before the Board and Commission and still be denied. It is not as easy as just paying the \$800 fee. She asserted the amendment is too restrictive, and the Board needs to think more creatively about how to keep unwanted developers out. She suggested developers be required to come before the Board for approval.
 7. Mr. John F. Miniclier, Jr., 11620 Eagle Nest Road – Mr. Miniclier agreed with Mrs. Ledbetter's statement. He feels a sliding scale could be used. Stating he does not know what the answer is but feels it should be more than just one unit per lot.

There being no further public comment Chairman Baber closed the hearing and asked for questions, comments, and/or a motion from the Commission.

Mr. William Bailey stated that this amendment is not stopping the division of land. The Commission has spent a long time on this and not certain this is right.

Mr. Linny Miles indicates that the County should be proactive and not reactive to matters like this. The use of the Accessory Apartment can be for family or non-family members.

Mr. Emmett Crocker made a motion to recommend the Board of Supervisors approve the three amendments to the Zoning Ordinance regarding special use permits for additional dwellings on a single lot, a definition for Accessory Apartment, and the repair, improvement or maintenance of non-conforming structures. Mr. Crocker's motion also includes renaming Accessory Apartment to Dwelling, Accessory. The motion, seconded by Mr. Linny Miles, carried by a vote of 7:1. (Chairman Baber cast the dissenting vote.)

RE: PUBLIC HEARING ZONING ORDINANCE AMENDMENTS -
(ADDITIONAL DWELLINGS / NONCONFORMING DWELLING
UNITS / ACCESSORY APARTMENT) (CONTD)

The three ordinance amendments are as follows:

1. Amend the following Zoning Districts to include the use “Dwelling, single-family” and “Dwelling, two-family” with a special use permit where there is more than one separate dwelling structure:
 - Section 5 – Agricultural District (A-1),
§5-3 Uses with Special Use Permit
 - Section 6 – Residential District (R-1),
§6-3 Uses with Special Use Permit
 - Section 7 - Multi-Family Residential District (R-2),
§7-3 Uses with Special Use Permit
 - Section 8 – General Business District (B-1),
§8-3 Uses with Special Use Permit
 - Section 9 – Neighborhood Business District,
§9-3 Uses with Special Use Permit
 - Section 10 – Tourist Business District,
§10-3 Uses with Special Use Permit

And the following additional language to each:

Dwelling, single-family, or dwelling, two-family where there is more than one separate dwelling structure on any one lot.

2. Section 24 – Nonconforming Lots and Uses
Amend Section 24, Nonconforming Lots and Uses to include the following additional language:
 - §24-5.1 NONCONFORMING DWELLING UNITS
Any dwelling unit existing at the time of the adoption or amendment of this ordinance which complies with the permitted number of dwelling limits on a single lot may be improved, repaired, or maintained as if it was the only dwelling unit on that lot, provided all setbacks are met. If all setbacks cannot be met, an appeal can be made to the Board of Zoning Appeals or the Zoning Administrator for a variance as set forth in the Provisions for Appeals section of the ordinance.

3. Section 3 – Definitions, §3-1 General
Amend §3-1 to include a definition for “Accessory Apartment” to read:
ACCESSORY APARTMENT: A second dwelling unit either in or added to an existing Single-Family Detached Dwelling, or in a separate Accessory Structure on the same lot as the principal dwelling, for use as a complete, independent living facility with provision within the Accessory Apartment for cooking, eating, sanitation and sleeping. Such a dwelling is clearly incidental and subordinate to the main dwelling and is not more than 40% of the total finished floor area of all dwelling unit square footage, that is, Accessory Apartment and principal dwelling.

Any Single-Family Dwelling which adds an Accessory Apartment shall be deemed to remain a Single-Family Dwelling and shall be considered to be one (1) dwelling unit for the purpose of yard, lot coverage, and minimum lot size. The following apply:

- 1) An Accessory Apartment shall be permitted only within the structure of the main dwelling or within a detached accessory building. Not more than one (1) Accessory Apartment shall be permitted per single family dwelling.

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- 2) In no case shall an apartment accessory be more than 800 square feet, nor less than 300 square feet, nor have more than 2 bedrooms.
- 3) An Accessory Apartment located in a detached accessory structure must meet the setbacks of a principal structure.

Amend the following Zoning District to include as a permitted use “Accessory Apartment” as defined.

Section 5- Agricultural District (A-1), §5-2 Permitted Uses

Amend the following Zoning Districts to include with a special use permit the use “Accessory Apartment” as defined.

Section 6 – Residential District (R-1),

§6-3 Uses with Special Use Permit

Section 8 – General Business District (B-1),

§8-3 Uses with Special Use Permit

Section 9 - Neighborhood Business District (B-2),

§9-3 Uses with Special Use Permit

Section 10 – Tourist Business District (B-3),

§10-3 Uses with Special Use Permit

Section 14 – Agricultural-Forestal District (A-F),

§14-3 Uses with Special Use Permit

The Commission’s recommendation was forwarded to the Board of Supervisors for their action.

RE: ADDITIONAL DWELLINGS / NONCONFORMING DWELLINGS/
ACCESSORY DWELLING ORDINANCE AMENDMENTS

Motion was made by William Coada to approve the amendments of the Code of the County of Charles City with the change from “Accessory Apartment” to “Accessory Dwelling”; and omission of District M-1 and District M-2 from “Accessory Dwelling”; and from the “Dwelling, single-family” and “Dwelling, two-family” with a special use permit where there is more than one separate dwelling structure amendments.

The motion carried as follows:

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

RE: EXECUTIVE SESSION

Motion was made by Gilbert A. Smith to go into executive session to discuss personnel matters under Section 2.2-3711(A)(1); and investment of public funds under Section 2.2-3711(A)(6) of the 1950 Code of Virginia, as amended. The motion carried as follows:

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

RE: EXECUTIVE SESSION (CONTD)

Motion was made by William Coada to return to regular session.
The motion carried as follows:

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

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 executive session. The motion carried as follows:

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

There being no further business before the Board, it hereby adjourned to meet again on Monday, **April 2, 2012** at 8:45 a.m. for the Board of Supervisors' work session.