

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, **May 22, 2012** at 7:30 p.m. in the 236th year of the Commonwealth and in the 378th year of the County.

PRESENT: Floyd H. Miles, Sr., Vice Chair
William G. Coad, Member

RE: ADOPTION OF AGENDA

Motion was made by William Coad to adopt the agenda with the addition of Item 7. g. Mt. Zion Baptist Church Resolution of Congratulations; and moving Item 2. Consent Agenda c. Appropriations for the Month of June, 2012 to Item 7. h. The motion carried as follows:

William G. Coad	Aye
Floyd H. Miles, Sr.	Aye

RE: CONSENT AGENDA

Motion was made by William Coad to approve the following consent agenda items:

- a. Approval of the minutes of the March 27, 2012 Regular Mtg and April 2, 2012 and April 4, 2012 Recessed Meetings.
- b. Approval of payment to CH2MHill in the amount of \$12,475 for landfill professional services for the period of March 17, 2012 through April 20, 2012.

The motion carried as follows:

William G. Coad	Aye
Floyd H. Miles, Sr.	Aye

RE: VIRGINIA DEPARTMENT OF TRANSPORTATION

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

Maintenance Activities for the Previous 30 Days:

Shoulder repairs to Route 600 (Charles City Road)
Mowed the grass and picked up litter along the Bike Trail
Performed litter pickups on Routes 607, 609, 620, & 623
Performed tree trimming operations on Routes 631 & 636
Performed ditch cleaning operations on Routes 658, 626, & 609
Made repairs to washouts on Routes 5 and 612
Made repairs to potholes on Routes 623, 603, 609, 620, 636, 618, 613, 620, 658, & 612

Maintenance Activities Planned for the next 30 Days:

Contract mowing on Primary and Secondary roads
To make shoulder repairs to Route 5
Litter control as needed
Pothole repairs as needed in county
Complete mowing the Bike Trail
Install entrance pipes on Route 155 and Route 612
Clean ditches along Route 623
Check beaver problem areas

RE: VIRGINIA DEPARTMENT OF TRANSPORTATION (CONTD)

Projects

1. The VA Capital Trail plan, Sherwood Forest Phase, has been realigned to minimize the removal of trees along Rt. 5.(John Tyler Memorial Hwy)
2. The traffic study of the junction of Rt. 602 (Lott Cary) and Rt. 609 (Barnetts Road) shows that Barnetts has approximately twice the traffic as Rt. 602.
3. The Rt. 607 (Wayside Road) through truck traffic restriction report is forthcoming. It is anticipated that when the final determination is made the restriction will be permanent. There is a process that must be followed that may take months.
4. Flooding on Rt. 613 (Sandy Point Road) in the curve is being reviewed. They are planning to replace the piping there and looking at raising the roadway in the subject area.

Recent Board Requests

1. **Mr. William Coad** noted that to curb flooding issues where Rt. 631 (Cool Hill) and Rt. 618 (Adkins Road) meet, VDOT had put riff-raft on the roadway but it is getting kicked out into the road. He requested VDOT check into and resolve the problem.
2. **Mr. William Coad** informed that the stop sign at the Rt. 106 (Roxbury Road) and Rt. 5 (John Tyler Mem. Hwy) intersection has been moved but the traffic island is still there.

Citizens' Comments

1. Vince Brackett, 7789 Kips Creek Drive - Mr. Brackett asked that once the VA Capital Trail is completed through the county is there any law that will require bicyclists to use it and not the road.
Mr. Cade responded that there is no way to mandate that bicyclists use the trail. By VA Law bicyclist are able to use the road as any vehicle and are subject to those same laws.
2. Elnora Robinson, 17511 John Tyler Memorial Highway - Mrs. Robinson requested VDOT check into the area that floods on Rt. 623 (Willcox Neck Road) noting it is very dangerous.
Mr. Cade advised he would have it checked into.

RE: SOIL AND WATER CONSERVATION - COLONIAL DISTRICT

Soil and Water Conservation – Colonial District (SWC-CD) elected county representative, Frederick Fisher explained that the SWC-CD works with the local farmers to get “best management practices” in place working through the Watershed Implementation Plan and the Chesapeake Bay Watershed requirements. They provide funds to improve the farmers’ use of best management practices and over the years have brought a lot of money into the county.

The farmers in Charles City have been instrumental in developing a “best practice” on their own, *continuous no-till farming*. The SWC-CD has been working on getting that acknowledged by the state and the Environmental Protection Agency (EPA).

The SWC-CD has had a lot of success in securing state and federal funds to provide incentives to land owners and have also been successful in working with other groups to gain grant funds. The SWC-CD offers support services such as technical and liaison services to assist in such things as tracking best management practices and validating their use. They also make sure the records of the land use and land cover are accurate. Outreach is offered in the form of technical training and public education. Mr. Fisher noted the SWC-CD members look forward to working with the county in any way they may assist with the water pollution requirements or in any other way they may be of service to the county.

RE: ARCHEOLOGICAL SOCIETY OF VA (ASV)

Mr. David Ledbetter, a member of the Archeological Society of VA (ASV) introduced David Campbell, attorney for the ASV. Mr. Campbell explained the legalities behind the real estate tax exemption requested and introduced Mr. Carl Fischer, ASV Treasurer.

Mr. Fischer provided some ASV background explaining that the property (Kittiewan Plantation) was gifted to ASV with many restrictions. He noted that the deed also came with the requirement to maintain the historic building and rent of the rental properties could not be raised for five years. To be able to operate the property the ASV did a timber sale of the timber on the property and when allowable raised the rent. The ASV does not have the funds to manage the property. The property is maintained and supported by dues of members and tends to lose \$1,000 per year, the largest expense of the property being the real estate tax.

Kittiewan Plantation is a significant resource to the community, housing one of the largest collections of artifacts and historical memorabilia in Charles City County. It is a middle plantation home and allows tourist to see another aspect of life. The community can benefit from the educational programs it offers.

The ASV requested the Board agree that Kittiewan is an important part of Charles City history, and it is important to preserve it for the citizens, as an educational site and possibly for tourists.

Mr. William Coad asked if there is a charge to visit Kittiewan, how many visits they have per year and if they sell any merchandise related to Kittiewan.

Mr. Fisher and other members of ASV in attendance provided that the charge is \$7.00 per visitor, there were approximately 180 visitors last year and there are some publications on the property that can be purchased there and select stores.

RE: COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD

Ms. Katie Green, Director, Colonial Community Corrections explained the *Resolution Providing for the Implementation of the Comprehensive Community Corrections Act for Local Responsible Offenders, the Pretrial Services Act and the Establishment of the Colonial Community Criminal Justice Board AND the Governance Agreement for Localities Participating in Colonial Community Corrections* will replace the existing resolution and agreement and super cede them.

The Resolution cites the VA Code sections that are relevant to the establishment of the Comprehensive Community Corrections as well as the pretrial services which are services provided to Charles City County. It also addresses the re-establishment of jail projects which require these programs to be in place to receive reimbursement from the state. The localities that participate in this are all named in the documents and information on the board membership and positions is noted.

The Governance Agreement formalizes the agreement between the participating localities to establish in a cooperative regional agency (Colonial Community Corrections) to provide Community Correction Probation programming and pretrial services to be used by the courts to divert offenders and defendants from the local correctional facilities (namely Riverside Regional Jail for Charles City County offenders). The Governance Agreement super cedes the Joint Exercise of Powers that was adopted August 21, 1995 that established the Colonial Community Criminal Justice Board. In short, it formalizes the fiscal and administrative agent responsibilities as well as formalizing the financial provisions for Colonial Community Corrections.

The participating localities may withdrawal from the agreement at any time, pursuant to VA Code 9.1-179. To date New Kent County, the City of Poquoson and James City County have approved this resolution. The James City County attorney's office is working with the City of Williamsburg and York County to move this forward in their jurisdictions.

Ms. Green concluded that upon execution of the document by all participating municipalities the agreement will be in effect.

RE: PUBLIC COMMENTS

1. David Ledbetter, 16530 The Glebe Lane - Mr. Ledbetter explained that access to Kittiewan Plantation has always been free to county residents and all funds raised through rental property, merchandise and timber sales, etc. have been used to restore and preserve Kittiewan.

RE: PUBLIC HEARING - FY2013 VDOT SECONDARY SIX-YEAR PLAN

The Board of Supervisors held a joint public hearing with the Virginia Department of Transportation (VDOT) to receive citizen comments on the proposed FY2013-2018 Six Year Secondary Road Plan and the Construction priorities, namely (1) Rt. 618, road improvements; and (2) Rt. 614, study for road improvements.

Interim County Administrator, Jacqueline Wallace read the public hearing advertisement.

Chairman Smith opened the hearing to public comment. There being no people respond to the offer to speak, the public hearing was closed.

RE: FY2013 VDOT SECONDARY SIX-YEAR PLAN APPROVED

Motion was made by William G. Coada to approve the Virginia Department of Transportation FY2013-2018 Six Year Secondary Road Plan and the Construction priorities to be (1) Rt. 618 and (2) Rt. 614, as presented. The motion carried as follows:

William G. Coada	Aye
Floyd H. Miles, Sr.	Aye

RE: APPOINTMENT – VASAP BOARD

Motion was made by William G. Coada to reappoint Deputy Floyd Miles, Jr. to the Virginia Alcohol Safety Action Program (VASAP) Board. The motion carried as follows:

William G. Coada	Aye
Floyd H. Miles, Sr.	Aye

RE: SURVIVOR DAY UPDATE

Mr. Dallas Johnson, Interim Emergency Operations Coordinator reported that the Charles City County Survivor Day workshop was held on Saturday, May 5, 2012 at the high school auditorium.

Mr. Johnson explained that the presentation and the distribution of materials were geared towards reaching the maximum number of households, not individuals. Ninety-three households were represented. They attended the three hour presentation, received survival kit back packs and informational folders, with approximately 120 distributed.

Eight new registrations for CODE RED were received, while 24 new registrations were received expressing interest in the local Community Emergency Response Team (CERT) program. This does not include the 21 citizens interested in serving as emergency volunteers who registered after Hurricane Irene. Mr. Johnson proposed an informational meeting be held in the later part of June for development of the CERT Team.

Another Survivor Day workshop may be held in the fall, depending upon the available funding from the Central VA Urban Area Security Initiative organization.

RE: COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD

Motion was made by William G. Coada to approve the *Resolution Providing for the Implementation of the Comprehensive Community Corrections Act for Local Responsible Offenders, the Pretrial Services Act and the Establishment of the Colonial Community Criminal Justice Board AND the Governance Agreement for Localities Participating in Colonial Community Corrections*, as presented. The motion carried as follows:

William G. Coada	Aye
Floyd H. Miles, Sr.	Aye

RE: FY2012 AUDIT ENGAGEMENT

Motion was made by William G. Coada to approve the Audit Agreement letter engaging Robinson, Farmer, Cox Associates confirming the FY2012 audit services to be provided to Charles City County. The motion carried as follows:

William G. Coada	Aye
Floyd H. Miles, Sr.	Aye

RE: SCHOOL REQUEST FOR TRANSFER AND REALLOCATION OF FUNDS

Superintendent of Schools, Dr. Janet Crawley presented the School's request to transfer \$103,692.56 from the instructional category, \$20,336.97 from the Admin & Health Service Category and \$1,169.53 from the Operations & Maintenance for a total of \$125,199.06. Once transferred, to then reallocate these funds as follows; \$102,618.25 to the Technology Center and \$22,580.81 to the Pupil Transportation Category.

The Board of Supervisors deferred the decision on the request to their June 6, 2012 work session to further consider the information provided.

RE: ARCHEOLOGICAL SOCIETY OF VA (ASV) R/E TAX RELIEF PETITION

The Archeological Society of VA (ASV) requested determination of eligibility for tax exemption status pursuant to VA Code Section 58.1-3651 – Real Property Taxes.

The Board of Supervisors deferred the decision on the request to their June 6, 2012 work session to further consider the information provided.

RE: RESOLUTION OF CONGRATULATIONS TO MT. ZION BAPTIST CHURCH 200TH ANNIVERSARY

Motion was made by William G. Coada to approve the following resolution congratulating Mt. Zion Baptist Church for its 200th anniversary. The motion carried as follows:

William G. Coada	Aye
Floyd H. Miles, Sr.	Aye

RESOLUTION
COMMEMORATING THE 200TH ANNIVERSARY OF MT. ZION BAPTIST CHURCH
(Resolution 2012-09)

WHEREAS, Mt. Zion Baptist Church was established in 1812 by a group of inspired slave worshippers from Old Elam Baptist Church, one of the oldest African American Churches in Virginia; and

RE: RESOLUTION OF CONGRATULATIONS TO MT. ZION BAPTIST CHURCH
200TH ANNIVERSARY (CONTD)

WHEREAS, the original edifice for Mt. Zion Baptist Church was located on State Rt. 5, approximately 1 mile west of Sandy Point Road, on land purchased from John and Miley Wilson; and

WHEREAS, the trustees to whom the land was deeded were Austin Keeley, James Black, Scott Black, Ester Jones, and Henry Hall; and

WHEREAS, Mr. Mountcastle, a white man, was overseer of the congregation as required by law, and Austin Keeley, a black man, was the first known preacher for Mt. Zion; and

WHEREAS, in the 1870's, the original building was destroyed by fire and the Church relocated to its present site, called Elbethel, owned by Mt. Pleasant Baptist Church, a white congregation; and

WHEREAS, the present edifice, completed in 1886, with improvements added throughout the years, is where the congregation still worships; and

WHEREAS, throughout its rich history, Mt. Zion Baptist Church has not only provided a place of worship and spiritual guidance for its members, but it has been a mainstay for individuals and families in need; and

WHEREAS, Mt. Zion Baptist Church provided financial support for the Mt. Zion School, a community school for Negro children during the 1940's and early 1950's; for Charles City County organizations such as the Volunteer Fire Department and First Responders; County civic organizations, 4-H Clubs, School PTAs; and various other community needs; and

WHEREAS, Mt. Zion Baptist Church has served as a beacon of hope for its members and the community for 200 years.

NOW, THEREFORE, BE IT RESOLVED, that the Charles City County Board of Supervisors hereby acknowledges with deep appreciation the contribution made by Mt. Zion Baptist Church to the County and salutes you on the occasion of your 200th Anniversary, and further, extends its best wishes for many years of service in the future.

RE: APPROPRIATIONS FOR THE MONTH OF JUNE, 2012

The Board of Supervisors deferred the decision on the County's June, 2012 appropriations request to their June 6, 2012 work session and after their decision on the School transfer request.

RE: PUBLIC COMMENT (NON-AGENDA ITEMS)

1. Vince Brackett, 7789 Kips Creek Drive - Mr. Brackett stated it is time to let citizens know where their tax dollars are going in relation to the waste-water systems. He provided a comprehensive list of information he would like disclosed.
2. Elnora Robinson, 17511 John Tyler Memorial Highway - Mrs. Robinson questioned the county employees receiving a 3% raise and the schools cutting their budget. Stating the teachers should also get a raise.
In addition, Mrs. Robinson extended an invitation to the Board of Supervisors and all in attendance to attend the Mt. Zion Baptist Church 200th Anniversary program on June 2, 2012 at the Social Center.

RE: BOARD DIRECTIVES/COMMENTS

1. Directed staff to contact the Sheriff's Department and advise they need to cite bicyclists as regular drivers when they break the law by riding in the middle of the road, or wrong side of the road, etc.

RE: BOARD DIRECTIVES/COMMENTS (CONTD)

2. **Mr. William Coad** responded to Mr. Brackett's request for information explaining there are no private systems in the scope of waste-water plants currently being addressed and that under order and guidance of the Department of Environmental Quality (DEQ) and the Virginia Health Department a long range plan is being developed. Some of the county systems are ok and others need to be replaced. He noted that there is a 50/50 possibility that development will pay for one of the systems. Grants and low interest funding are being looked into to cover the estimated costs. Engineering companies are being interviewed to take on the project. Five engineers are looking at what needs to be done as the total scope is not known at this time. When it is the Board will be forthcoming with that information.
3. **Mr. William Coad** responded to Mrs. Robinson advising that out of 94 counties in VA, Charles City is the 5th highest in committing local dollars to their schools and 15th highest in total cost per student. Charles City invests more in our students than 89 other localities. There are eight other county school districts in VA that have less than 1,000 students. In comparison, Charles City out spends the average county by \$1 Million per year.
Regarding a raise for the teachers, the School Board requested level funding which they received, although they will have 67 less students than last year. That's the equivalent of \$412,000 dollars. The School Board did not request funding to give raises to the teachers. It is the job of the School Board to request raises for their teachers as the County Finance Director requested a raise for the County employees.
4. **Mr. Floyd Miles, Sr.** explained for clarity sake that the Board of Supervisors divided the County matters needing the most attention in the following way to allow them to come up to speed and be proactive with needed improvements more quickly:

Gilbert Smith	Fire & EMS
William Coad	Planning and Public Works
Floyd Miles, SR.	Human Resources
5. **Mr. Floyd Miles, Sr.** reiterated to the citizens in attendance that the FY2013 2% real estate tax increase is earmarked for 24 hour/7 days a week EMS service for the county.

RE: CLOSED SESSION

Motion was made by William Coad to go into closed session to discuss the personnel matters under VA Code 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. Coad	Aye

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

Floyd H. Miles, Sr.	Aye
William G. Coad	Aye

Motion was made by Floyd Miles, Sr. 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. The motion carried as follows:

William G. Coad	Aye
Floyd H. Miles, Sr.	Aye

RE: BOWMAN ENGINEERING

Motion was made by William Coada to go into negotiations with Bowman Consulting for the utility engineering services needed. The motion carried as follows:

William G. Coada	Aye
Floyd H. Miles, Sr.	Aye

RE: ALLOCATION OF FUNDS

Motion was made by William Coada to allocate \$167,000 to the Mt. Zion water system, noting it is County's top priority project. The motion carried as follows:

William G. Coada	Aye
Floyd H. Miles, Sr.	Aye

RE: DIRECTOR OF PLANNING RESIGNATION

Motion was made by William Coada to accept the resignation of the Director of Planning, Allyson Finchum, effective immediately. The motion carried as follows:

William G. Coada	Aye
Floyd H. Miles, Sr.	Aye

There being no further business before the Board, it hereby recessed to meet again on Tuesday, **June 6, 2012** at 6:00 p.m. for the Board of Supervisors' Work Session Meeting.