

**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, **AUGUST 27, 2013** at 7:30 p.m. in the 238<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 as presented. The motion passed unanimously.

RE: CONSENT AGENDA

Motion was made by William G. Coad to approve the following Consent Agenda. The motion passed unanimously.

- a. Payment to CH2MHill in amount of \$14,223.65 for professional services rendered from June 22, 2013 through July 19, 2013.
- b. Appropriations for the month of September, 2013.

<b>General Fund Agencies</b>	
Board of Supervisors	\$ 6,957
County Administrator	15,033
Legal Services	5,100
Non Departmental	7,626
Non Departmental-Telecom	20,000
Audit	3,900
Commissioner of Revenue	13,956
Reassessment	18,000
Treasurer	14,882
Management Services	23,917
Information Technology	40,000
Motor Pool	6,423
Central Gas	1,253
Memberships	-
Electoral Board	-
Registrar	11,869
Circuit Court	3,950
Combined GD/JD Court	-
County Magistrate	-
Clerk of Circuit Court	16,910
Sheriff Judicial	12,206
Courthouse Security Fund	1,245
Crater Criminal Justice T.C.	-
Commonwealth's Attorney	34,464
Sheriff Law Enforcement	66,212
Sheriff Support	4,090
Fire Protection	10,000
Emergency Medical Response	17,000
E-911	5,160

**RE: CONSENT AGENDA****September Appropriations (contd)**

Wireless E911	3,730
Correction & Detention	34,500
VJCCCA	1,500
Col Com Correction jb	600
9th District Court Services	16,800
Codes Enforcement	11,260
Animal Control	11,450
Medical Examiner	-
Emergency Services	685
Landfill Monitoring	32,895
General Properties	80,590
Health Department	-
MH/MR Services Board	-
Contributions	-
John Tyler Community College	-
Parks and Recreation	51,173
Lewis Park Boat Ramp	6,000
Library/Cultural	-
Center For Local History	-
Planning Commission	-
Planning Department	19,378
Com Development Cont	-
Environmental Mgt Cont	1,600
Cooperative Extension	-
General Fund Contingency	-
Cap Outlay-Repair/Renovation	75,907
Debt Service	42,000
<b>Total General Fund</b>	<b>\$ 750,221</b>
Public Utility Fund	37,619
<b>Total Board of Supervisors</b>	<b>\$ 787,840</b>
<b>FY14- School Operating Categorical</b>	
Instruction	612,000
Admin, Attendance & Health Serv.	80,000
Pupil Transportation	75,000
Operations & Maintenance	125,000
Instructional Technology	100,000
Self-Sustaining Fund	-
Textbook Fund	-
Food Service Fund	36,000
Capital Fund	-
<b>School Fund Total</b>	<b>\$ 1,028,000</b>
<b>ALL FUNDS</b>	
Board Of Supervisors	787,840
School Operating	1,028,000
Social Services	130,837
Special Welfare	-
<b>GRAND TOTAL ALL FUNDS</b>	<b>\$ 1,946,677</b>

RE: JULY 23, 2013 MEETING MINUTES

Motion was made by William G. Coada to approve the July 23, 2013 meeting minutes with the correction to page 6 noting *approximately* 28% of the school children in the county did not attend Charles City County schools – in place of 38%. The motion passed unanimously.

RE: VIRGINIA DEPARTMENT OF TRANSPORTATION

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

**Maintenance Activities - Past 30 Days:**

- *Pot Hole Repair* (Ender Patch): Rt. 615 The Glebe Lane, Rt. 632 Tyler's Mill Rd., Rt. 658 Kimages Rd., Rt. 618 Adkins Rd., Rt. 627 Old Neck Rd., Rt. 619 Weyanoke Rd., Rt. 613 Sandy Point Rd., Rt. 618 Wilcox Wharf Rd., Rt. 627 Old Neck Rd., Rt. 106 Roxbury Rd., Rt. 644 Courthouse Rd., Rt. 600 Charles City Rd., Rt. 609 Barnetts Rd.
- *Driveway Culvert Replacement:* Rt. 632 Tyler's Mill Road and Rt. 613 Sandy Point Road
- *Shoulder Repair:* Rt. 155 Court House Rd., Rt. 607 Wayside Rd., Rt. 612 Ruthville Rd.
- *Bike Trail:* Hand and tractor Mowing complete, weed spraying , tree trimming
- *Litter Pickup:* Rt. 155 Courthouse Rd., Rt. 106 Roxbury Rd., Rt. 5 John Tyler Parkway, Rt. 609 Barnetts Rd., Rt. 641 Little Elam Rd., Rt. 607 Wayside Rd., Rt. 620 Lewis Tyler Lane, Rt. 631 Cool Hill Rd., Rt. 607 Church Lane, Rt. 602 Lott Cary Rd.
- *Surface Treatment:* Rt. 623 Wilcox Neck Rd., Rt. 614 Sturgeon Point Rd., Rt. 649 Woodbourne Rd., Rt. 618 Adkins Rd., Rt. 634 Sterling Heights Lane, Rt. 608 Shirley Plantation Rd., Rt. 609 Barnetts Rd., Rt. 607 Church Lane, Rt. 635 Holly Tree Rd.
- *Pavement Leveling (Paver):* Rt. 613 Sandy Point Rd.
- *Tree Trimming:* Rt. 600 Charles City Rd., Rt. 618 Adkins Rd., Rt. 630 Samaria Lane, Rt. 658 Kimages Rd., Rt. 613 Sandy Point Rd., Rt. 654 Deerfield Rd., Rt. 619 Weyanoke Rd., Rt. 609 Barnetts Rd., Rt. 637 Wyatt's Lane, Rt. 680 Perks Lane and Rt. 652 Wiant Lane.
- *Ditch Cleaning:* Rt. 614 Sturgeon Point Rd., Rt. 618 Adkins Rd., Rt. 615 The Glebe Lane, Rt. 626 Old Elam Cemetery Rd., Rt. 651 Legion Rd.
- *Grass Mowing:* Secondary Mowing Cycle Complete
- *Drainage:* Clean clogged drains as needed problem areas
- *Surface treatment:* Completed on Rt. 607, 609, 614 and 623

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

- Shoulder Repair Rt. 5 and Rt. 106
- Litter Control
- Sign Maintenance.
- Pavement Repair
- Add Stone/Blade Dirt Non-Surfaced Rds
- Drainage Problem
- Tree Trimming

**Updates:**

Bridge: Route 618 Bridge will be repaired under an "Emergency Contract" and work is expected to begin in December 2013.

**Construction**

Sherwood Forest (Virginia Capital Trail) - Phase I: ROW is clear for construction and full construction of the trail will commence soon. Retaining wall construction is underway at Parrish Creek. Bridge construction is occurring at several locations. Ashland Residency Maintenance is assisting on the project by improving drainage in the existing roadside ditches adjacent to the trail. Contract completion date is September 18, 2014.

New Market Heights (Virginia Capital Trail) - Public Hearing held 8/15/2013. The design builder is anticipated to proceed with right-of-way negotiations on some portions of the project by first of September, 2013. The current contract completion date is January 30, 2014 but that date is anticipated to slip due to required additional public hearing. Project will be complete by mid-2015 at the latest.

**Traffic Studies/Special Requests**

Route 603 Old Union Road, a speed study resulted in the posted speed limited to 45 mph from its intersection with Route 609 to Route 600 intersection for a total of 4.11 miles.

**Recent Board Requests:**

1. **Mr. Floyd Miles, Sr.** inquired if the Rt. 615 speed study had been completed. Mr. Cade informed that it was still ongoing.

RE: VIRGINIA DEPARTMENT OF TRANSPORTATION (CONTD)

Citizens' Comments

1. Alton Washington, 10605 Sturgeon Point Road – Requested status of correction of the Rt. 614, Sturgeon Point flooding problem. *Mr. Cade responded that VDOT is looking at raising the roadway pavement approximately 1-2 feet as it's a wetland flooding area and advised it is somewhat of a lengthy process.*
2. Stephen Adkins, 7240 Adkins Road – Chief Adkins questioned why the speed limit was reduced on Adkins Road from 55 mph to 45 mph. *Mr. Cade will look into and report back.*

RE: PUBLIC COMMENT PERIOD

Mr. Floyd H. Miles, Sr. advised that the Board had taken under consideration the request of a citizen to remove the *Agenda Items* and *Non-Agenda Items* differentiation on the Agenda's two Public Comment periods and were instituting the removal of the distinction on a trial basis.

1. Mr. Tak Kwok, 7110 Mistletoe Lane – Mr. Kwok spoke to the Board about proposals being discussed for development in the Holly Tree Community and his concerns about the impact on the community. Chairman Miles reminded the audience that if comments were going to be longer than the time allotted that the public can submit written statement to the County Administrator at any time.
2. Mrs. Elnora Robinson, 17511 John Tyler Memorial Highway - Mrs. Robinson asked about the \$300,000 that was budgeted for water and wastewater system repairs and how much was left. Mrs. Robinson also asked where the County stands in regards to issues with DEQ and whether the systems have been fixed. *Chairman Miles directed staff to follow up with Mrs. Robinson.*

RE: APPOINTMENTS - 2014 BOARD OF REAL ESTATE ASSESSORS

Motion was made by Gilbert A. Smith to appoint George Black, 6641 Westover Road, Charles City, to serve as a District I member and Joseph B. Call, III, 401 John Tyler Memorial Hwy., Richmond, VA 23231 to serve as an At Large member on the Board of Real Estate Assessors for the 2014 Assessment. The motion passed unanimously.

Motion was made by Floyd H. Miles, Sr. to appoint Jacqueline Wallace, 20001 John Tyler Memorial Hwy., Charles City, to serve as a District III member on the Board of Real Estate Assessors for the 2014 Assessment. The motion passed unanimously.

RE: APPOINTMENT – 2014 EQUALIZATION BOARD

Motion was made by Gilbert A. Smith to appoint Frederick Fisher, 7000 Westover Road, Charles City to serve as a District I member on the Equalization Board for the 2014 Assessment. The motion passed unanimously.

RE: APPOINTMENT - HOUSING TASK FORCE

Motion was made by Gilbert A. Smith to appoint Lilton Crawley, 4821 Roxbury Road, Charles City, to serve as a District I member on the Housing Task Force, said term to expire 8/31/2017. The motion passed unanimously.

RE: APPOINTMENT - RECREATION ADVISORY COMMISSION

Motion was made by Gilbert A. Smith to appoint Kermit White, 10955 Shady Lane, Charles City, to serve as a District I member on the Recreation Advisory Commission, said term to expire 8/31/2017. The motion passed unanimously.

RE: EXEMPT STATUS FOR CHICKAHOMINY TRIBE'S FALL POW-WOW

Mr. Matthew Rowe, Director of Planning and Zoning Administrator advised the Board of Supervisors that under Section 24: Legally Existing Non-Conforming Uses of the Charles City County Zoning Ordinance, §24-1(1) the annual Chickahominy Tribe's Fall Pow-Wow is legally exempt from the County's Zoning Ordinance and its accompanying rules and regulations. The event shall remain exempt unless it ceases for a period of two consecutive years and/or it changes in nature, such as instituting an admission fee.

RE: JOINT PUBLIC HEARING: #SUP-04-2013 CHICKAHOMINY TRIBE, INC.

The Board of Supervisors and the Planning Commission held a joint public hearing to receive citizen comments on the Chickahominy Tribe, Inc. Application #SUP-04-2013 for Special Use Permit for three (3) recreational events per year in addition to the exempt annual fall Pow-Wow. The general recreation activities to take place on 10 acres located at 8200 Lott Cary Road (T.M. #14-123 & #14-121).

Mr. Zach Trogdon, County Administrator read the advertisement for the joint public hearing.

Vice-Chairman William Bailey called the Planning Commission to order and read the rules and procedures governing the hearing.

Mr. Matthew Rowe, Director of Planning, presented the staff report for Application #SUP-04-2013.

Mr. Bailey opened the floor to receive questions regarding Special Use Permit Application #SUP-04-2013. There being none, Mr. Bailey opened the hearing to public comments. There being no speakers, the public hearing was closed.

Motion was made and seconded by the Planning Commission to recommend the Board of Supervisors approve the Chickahominy Tribe, Inc. Application #SUP-04-2013 for Special Use Permit allowing a maximum of three (3) recreational events per year on the subject property, in addition to the exempt annual Fall Pow-Wow, with the conditions as presented. The motion carried by a vote of 6:0.

RE: CHICKAHOMINY TRIBE, INC. #SUP-04-2013 APPROVED

Motion was made by William G. Coad to approve the Chickahominy Tribe, Inc. Application #SUP-04-2013 for Special Use Permit allowing a maximum of three (3) recreational events per year in addition to the exempt annual Fall Pow-Wow with the conditions recommended by the Commission. The motion carried as follows:

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

RE: NEW SHERIFF'S DEPUTY INTRODUCED

Sheriff Smith introduced Deputy Victoria Byrd, the newest deputy to the Charles City County Sheriff's Department.

RE: FY2014 SHERIFF'S DEPARTMENT BUDGET AMENDMENT

Motion was made by William G. Coada to approve the amendment of the FY2014 Sheriff's Department budget to reflect the increase of \$22,416 to support the School Resource Officer position. The motion passed unanimously.

RE: AGENDA ITEMS DEFERRED

Action was deferred on the following agenda items until more information was provided to the Board by County staff:

- Sheriff Dept. request for \$5,000 budget amendment for DaProSystems annual maintenance
- Sheriff Dept. Grants: Byrne Justice (\$1,140), Selective Enforcement (\$16,450), PSAP (\$2,000)
- Amendment to FY2014 School Budget & Appropriation

RE: VDOT RIGHT-OF-WAY ACQUISITION

Mr. Zach Trogdon, County Administrator, briefly reviewed documentation from VDOT regarding the purchase of County-owned property for use as a portion of the Virginia Capital Trail. Mr. Trogdon advised that a public hearing would have to be advertised and held in order to sell the property and recommended that be done at the September 24, 2013 regular meeting of the Board. The Board agreed to have the hearing on September 24<sup>th</sup> agenda.

RE: INITIAL AUDIT AGREEMENT APPROVED

Motion was made by William G. Coada to approve entering into a formal agreement with Environmental Technology and Consulting, Inc. to provide the County a third-party Emergency Management System Initial Audit of the existing public water and sewer systems. The motion passed unanimously.

RE: PUBLIC COMMENTS

1. Mr. Tak Kwok, 7110 Mistletoe Lane – Mr. Kwok spoke to the Board about proposals being discussed for development in the Holly Tree Community and his concerns about the impact on the community.
2. Peter Churins - 18700 Tettington Lane – Mr. Churins spoke about the status of the Charles City County schools and recent test results.

RE: BOARD DIRECTIVES/COMMENTS

1. Mr. Coada state to the public that he had engaged his constituents' concerns about potential development in the Holly Tree community.
2. Directed staff to advertise for public hearing to be held on September 24, 2013 to receive public input on VDOT's desire to acquire right-of-way land rights.
3. Directed staff to insure that employees are submitting monthly mileage reports as required.
4. Clarified that Board directives are to be treated as adopted policy.

RE: CLOSED SESSION

Motion was made by William G. Coada to go into closed session to discuss legal matters under Section 2.2-3711(A)(7); 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 passed unanimously.

RE: CLOSED SESSION (CONTD)

Motion was made by William G. Coada to return to regular session. The 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. The motion passed unanimously.

There being no further business before the Board, it hereby recessed to meet again on Wednesday, **August 28, 2013** at 5:00 p.m.