

**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, **June 28, 2011** at 7:30 p.m. in the 235<sup>th</sup> year of the Commonwealth and in the 377<sup>th</sup> year of the County.

PRESENT: Gilbert A. Smith, Chairman  
Sherri M. Bowman  
Timothy W. Cotman, Sr.

RE: ADOPTION OF AGENDA

Motion was made by Sherri M. Bowman to adopt the agenda as presented. The motion carried as follows:

Sherri M. Bowman           Aye  
Timothy W. Cotman, Sr.   Aye  
Gilbert A. Smith           Aye

RE: CONSENT AGENDA

Motion was made by Timothy W. Cotman, Sr. to approve the following consent agenda:

- a. Approval of the minutes of the June 1, 2011 recessed meeting and the minutes of the May 24, 2011 regular meeting.
- b. Approval of payment to CH2MHill in the amount of \$16,925.70 for landfill professional services for the period of April 16, 2011 through May 20, 2011.
- c. Appropriations for the month of July, 2011.

<b>General Fund Agencies</b>	
Board of Supervisors	\$ 5,606
County Administrator	25,733
Legal Services	3,600
Non Departmental	5,000
Non Departmental-Telecom	58,500
Audit	6,500
Commissioner of Revenue	22,766
Treasurer	17,153
Management Services	20,446
Information Technology	53,602
Motor Pool	19,282
Central Gas	746
Memberships	1,500
Electoral Board	1,438
Registrar	3,171
Circuit Court	3,090
Combined GD/JD Court	3,734
County Magistrate	500
Clerk of Circuit Court	16,821
Sheriff Judicial	11,278
Asset Forfeiture - Sheriff	500
Courthouse Security Fund	1,400
Crater Criminal Justice T.C.	-

RE: CONSENT AGENDA

**July Appropriations (contd)**

Commonwealth's Attorney	16,326
Asset Forfeiture - Comm Attorney	500
Sheriff Law Enforcement	62,734
IDA Sheriff Support	4,057
Fire Protection	11,075
Emergency Medical Response	28,803
E 911	4,569
Wireless E911	1,815
Correction & Detention	17,660
VJCCCA	-
Col Com Correction jb	-
9th District Court Services	1,585
Codes Enforcement	14,880
Animal Control	11,583
Medical Examiner	-
Emergency Services	16,886
Landfill Monitoring	26,707
General Properties	79,087
Health Department	6,415
MH/MR Services Board	9,221
Contributions	-
John Tyler Community Coll	-
Parks and Recreation	121,433
Library/Cultural	17,000
Center For Local History	18,000
Planning Commission	300
Planning Department	21,023
Com Development Cont	-
Environmental Mgt Cont	-
Cooperative Extension	6,550
General Fund Contingency	25,000
Revolving Accounts	-
Revenue Refunds	-
Reimbursable Accounts	-
Cap Outlay-Repair/Renovation	-
Debt Service	-
<b>Total General Fund</b>	<b>\$ 805,575</b>
Public Utility Fund	46,614
<b>Total Board of Supervisors</b>	<b>\$ 852,189</b>
<b>School Operating Categorical</b>	
Instruction	125,540
Admin, Attendance & Health Serv.	44,422
Pupil Transportation	54,923
Operations & Maintenance	44,877
School Food	4,946
Debt Service	609,319
Technology	19,500
<b>School Fund Total</b>	<b>\$ 903,527</b>

RE: CONSENT AGENDA

**July Appropriations (contd)**

<b>ALL FUNDS</b>	
Board Of Supervisors	852,189
School Operating	903,527
Social Services	114,826
Comp. Services Act	51,799
Special Welfare	-
Transfer To Commonwealth	-
Special Funds	-
<b>GRAND TOTAL ALL FUNDS</b>	<b>\$ 1,922,341</b>

The motion carried as follows:

Timothy W. Cotman, Sr.     Aye  
Sherri M. Bowman         Aye  
Gilbert A. Smith         Aye

RE: RICHMOND REGIONAL PLANNING DISTRICT COMMISSION (RRPDC) & RICHMOND AREA METROPOLITAN ORGANIZATION (MPO) PRESENTATION

Representatives from the Richmond Area Metropolitan Planning Organization (MPO) and the Richmond Regional Planning District Commission (RRPDC) updated the Board of Supervisors on the 2010 Regional Transportation Priority Projects for the region. Of the many projects the MPO has authorized the primary project effecting Charles City County is the Virginia Capital Trail Project (VCT).

The VCT will create a 55 mile paved bicycle and pedestrian trail linking Richmond to Williamsburg along the Route 5 corridor, through Charles City. The project is divided into 8 sections, with each section having an individual schedule for completion. The Charles City Courthouse Phase, a seven mile portion of the trail, is complete and open. The completion date for the Sherwood Forest Phase, the portion of the trail from the Chickahominy River bridge to the Courthouse Phase, is yet to be determined. Currently, the preliminary engineering and securing of right-of-ways is underway for that section. The estimated cost of the VCT is \$29,292 and is a “fully funded” project based on the funding status after FY2016. Funding includes \$8M in American Recovery & Reinvestment Act (ARRA) funds.

The other projects on the MPO’s Priority Transportation Projects list, which will indirectly effect Charles City, are the Higher Speed and Passenger Rail Improvements: Richmond (Main Street Station) to Hampton Road; and the I-64 Improvements/Widening: Richmond to Hampton Roads (Phase 1). The projects rank 6<sup>th</sup> and 7<sup>th</sup> respectively in priority on the list. The Tier I draft Environmental Impact Statement for the Higher Speed Rail Improvement project has been completed. Currently both projects have yet-to-be determined completion dates.

RE: HIGH SPEED INTERNET UPDATE - VERIZON PRESENTATION

Mr. Randy Dillard, Verizon Area Manager, updated the Board of Supervisors on the status of high speed internet (HSI) being brought to the county via Verizon. He explained that Charles City County is served by the central offices (CO’s) of Charles City and Providence Forge in addition to 15 associated router transfer (RT) sites. The CO’s and 9 of the RT sites are currently HSI equipped and capable of serving 1447 out of the 14 RT sites. Verizon currently shows 729 working HSI customers across the county (47.5% take rate).

RE: HIGH SPEED INTERNET UPDATE - VERIZON PRESENTATION  
(CONTD)

He explained that the areas of the county that Verizon currently provides service were chosen based on the amount of money available and the number of customers that could be served. There was \$1.1 m invested to upgrade the 9 RT sites. It would cost \$2.2 million dollars to upgrade the remaining 5 RT sites and Verizon is not likely to do that as the cost is not feasible without a guaranteed profit.

He stated that DSL is not a service that Verizon is mandated to provide and advised that there is something “coming down the pike” in the next 12 months which may make using strong, external antennas more of a viable reality.

The following citizens spoke and/or asked questions.

1. Alice Starke, 4801 Chris County Road – Ms. Starke expressed frustration that Verizon had contacted her nearly a year ago saying that HSI would be available to her residence soon but still does not have access. She has since been told it would be available in six month, and after that time was told again it would be six more months.
2. Vince Bracket, 7789 Kips Creek Drive – Mr. Bracket expressed concern that if Verizon is determining who would be potential HSI customers by the home phone accounts on record, then they would be using inadequate parameters considering a lot of people, including himself, do not have a home phone but would like to have HSI.
3. Elnora Robinson, 17511 John Tyler Memorial Highway – Mrs. Robinson asked why there doesn't appear to be any HSI service going east on Route 5.
4. Bill Coad, 9040 W. Cool Hill Road - Mr. Coad stated that he has given up on Verizon and has been using wireless broadband and found it to be “lightening fast”.

RE: VIRGINIA DEPARTMENT OF TRANSPORTATION

County Administrator, John F. Miniclier, Jr., read the following VDOT monthly report:

*Maintenance Activities for the Previous 30 Days:*

- State Forces completed low shoulder repairs on Route 106 (Roxbury Road) and Route 5 (John Tyler Memorial Hwy)
- State Forces have completed mowing all Primary and Secondary routes
- State Forces completed cycled mowing on Capital Bike Trail.
- State Forces cut and removed hazardous trees on Route 637 (Wyatt's Lane).
- State Forces performed pipe cleaning operation on Route 661 (Loop Rd).
- Contractor performed spray patching along numerous Secondary routes.
- Contractor performed crack sealing on Rt. 5 (John Tyler Memorial Hwy) and Route 155 (Courthouse Road)
- State Forces performed litter removal on numerous Secondary routes.
- State Forces performed pothole repairs on Route 5, Route 155, and numerous Secondary routes.
- State Forces broke two beaver dams on Secondary routes.
- State Forces day-lighted numerous signs for sight distance on several Secondary routes.

RE: VIRGINIA DEPARTMENT OF TRANSPORTATION (CONTD)

Maintenance Activities Planned for the next 30 Days:

- Contract crews will be asphalt patching on Routes 607, 609, 613, 618, 629, 630, 632, & 637.
- Contract tree removal crew will be cutting/removing hazardous trees from Routes 5, 607, 609, 615, 623, & 658.
- State Force crew will continue shoulder repairs along Route 5 (John Tyler Memorial Hwy)
- State Force crew with contract crew scheduled to clean pipes on Route 632 at Route 5.
- State Force crew will perform ditch cleaning operations on Route 609.
- State Force crews will continue pothole patching along Secondary routes as needed.
- State Force crews will continue monitoring beaver sites and picking up trash/litter as needed

Board Requests:

**Gilbert A. Smith** stated that Rt. 607 (Wayside Road) is a huge safety concern and that it needs to be moved to the top of the priority list of the Charles City projects.

RE: PUBLIC HEARING - EMPLOYEE BONUS ORDINANCE

The Board of Supervisors held a public hearing to receive citizen comments on the Employee Bonus Ordinance.

Mr. John F. Miniclier, Jr., County Administrator, read the advertisement for the public hearing and explained that an ordinance was needed to allow the Board of Supervisors to award monetary bonuses to County officers and employees in such amounts and at such time as the Board of Supervisors may designate by resolution.

The Board opened the floor to receive citizen comments on the issue. There were no respondents, the public hearing was closed.

RE: ORDINANCE PERTAINING TO BONUSES FOR EMPLOYEES

Motion was made by Timothy W. Cotman, Sr. to approve the following Ordinance amending, restating and readopting *Chapter 14, Article III. Electoral Districts Section 14-45. Districts described* of The Code of the County of Charles City.

WHEREAS, the governing body of any locality may provide for payment of monetary bonuses to its officers and employees by ordinance; and

WHEREAS, the Board of Supervisors of Charles City County is desirous of enacting such an ordinance to provide for payment of monetary bonuses to its officers and employees:

NOW, THEREFORE, BE IT ORDAINED that §2-20 of the Code of the County of Charles City is amended by the addition of the following section 2-20 (c):

- (c) Monetary bonuses may be paid to County officers and employees in such amounts and at such time as the Board of Supervisors may designate by resolution.

RE: ORDINANCE PERTAINING TO BONUSES FOR EMPLOYEES  
(CONTD)

The motion carried as follows:

Timothy W. Cotman, Sr.	Aye
Sherri M. Bowman	Aye
Gilbert A. Smith	Aye

RE: PUBLIC HEARING – NO WAKE ORDINANCE

The Board of Supervisors held a public hearing to receive citizen comments on the two no wake zones in the Chickahominy River as presented.

Mr. John F. Miniclier, Jr., County Administrator read the advertisement for the public hearing and explained that on April 24, 2004 the Board adopted an ordinance establishing a No Wake Zone in two parts on the Chickahominy River. In 2007 the County Code was re-codified and the No Wake Zone ordinance was inadvertently omitted, although the No Wake Zone has been enforced since the initial date of adoption. He explained that a new ordinance was needed to make the ordinance legally enforceable.

The Board opened the floor to receive citizen comments on the issue. There were no respondents, the public hearing was closed.

RE: ORDINANCE AMENDING CHAPTER 32; MISCELLANEOUS  
OFFENSES – §32-12, NO WAKE ZONE – CHICKAHOMINY RIVER

Motion was made by Timothy W. Cotman, Sr. to approve the following Ordinance amending *Chapter 32, Miscellaneous Offense*, by adding *Section 32-12 Districts described* of The Code of the County of Charles City.

WHEREAS, it was deemed necessary by the Board of Supervisors to amend Chapter 32 of the Code of Charles City County by the addition of *Section 32-12, No Wake Zone*.

NOW, THEREFORE, BE IT ORDAINED that Chapter 32 of the Code of the County of Charles City is amended by the addition of the following Section 32-12:

Sec. 32-12. No Wake Zone.

(a) The County of Charles City hereby establishes the following areas of the waterways within Charles City to be “no wake” zones pursuant to Virginia Code §29.1-744(E), as amended, in order to protect public safety.

(i) That part of the Chickahominy Lake beginning at Latitude N 37° 24'.844” and Longitude W 77° 01'.004” and extending easterly to Latitude N 37° 24'.910” and Longitude W 77° 00'.829” and then beginning again at Latitude N 37° 24'.852” and Longitude W 77° 00'.544” and extending easterly to Latitude N 37° 24'.895” and Longitude W 77° 00'.157”.

(b) “No Wake” means that the vessel is traveling at the slowest possible speed required to maintain steerage and headway.

(c) Every game warden, Marine Resources Commission inspector, and every other law enforcement officer of the Commonwealth of Virginia and its subdivisions, including the Sheriff’s Department of Charles City County, shall have authority to enforce the provisions of this section and shall have authority to

RE: ORDINANCE AMENDING CHAPTER 32; MISCELLANEOUS  
OFFENSES – §32-12, NO WAKE ZONE – CHICKAHOMINY RIVER  
(CONTD)

stop, board and inspect any vessel subject to this ordinance after having identified themselves in his/her official capacity. Any person in violation of the provisions of this section shall be guilty of a Class 4 misdemeanor.

The motion carried as follows:

Timothy W. Cotman, Sr.	Aye
Sherri M. Bowman	Aye
Gilbert A. Smith	Aye

RE: APPOINTMENTS - RECREATION ADVISORY COMMISSION

Motion was made by Sherri M. Bowman to reappoint Agnes Bradby, 8920 Little Elam Road, to serve as a District II member on the Recreation Advisory Commission, said term to expire June 30, 2015. The motion carried as follows:

Sherri M. Bowman	Aye
Timothy W. Cotman, Sr.	Aye
Gilbert A. Smith	Aye

RE: ACCELERATE VIRGINIA – VA TECH’S ECORRIDORS PROGRAM

County Administrator, John F. Miniclier, Jr. explained that in an effort to expand high-speed internet across the state, Virginia Tech’s eCorridors program is working with rural areas on *Accelerate Virginia*, a new broadband mapping project engaged in an internet speed testing campaign.

The VA Tech’s eCorridors program is asking that Charles City County residents help identify areas in need of broadband by taking the easy two minute *Accelerate Virginia* speed test found on [www.acceleratevirginia.org](http://www.acceleratevirginia.org).

The Board of Supervisors directed staff to pursue advertising in The New Kent-Charles City Chronicle and placing informative flyers throughout the county encouraging citizens to participate in the internet speed testing program, *Accelerate Virginia*.

RE: ADDITIONAL SHERIFF VEHICLE LEASED

Motion was made by Sherri M. Bowman to approve the lease of a Chevy Tahoe for the Sheriff’s department with lease payments over the next three years as recommended. The motion carried as follows:

Sherri M. Bowman	Aye
Timothy W. Cotman, Sr.	Aye
Gilbert A. Smith	Aye

RE: TRUCK RESTRICTION ON ROUTE 607 – PUBLIC HEARING SET

By consensus, the Board authorized a public hearing to be held on July 26, 2011 to receive citizen comments on a request being made to the Virginia Department of Transportation for the restriction of truck traffic on Rt. 607 (Wayside Road) from the intersection of Rt. 106 (Roxbury Road) to the intersection of Rt. 5 (John Tyler Memorial Hwy), in accordance with Section 46.2-809 of the *Code of Virginia*.

RE: RESOLUTION TO NOT PARTICIPATE IN LINE OF DUTY ACT FUND  
(*Resolution 2011-14*)

Motion was made by Sherri M. Bowman to approve the County to opt out of the Virginia Retirement System (VRS) coverage for Line of Duty Act (LODA) by approving the following resolution and executing the recommended letter to VRS.

WHEREAS, pursuant to Item 258 of the Appropriations Act, paragraph B, the Virginia General Assembly has established the Line of Duty Act Fund (the "Fund") for the payment of benefits prescribed by and administered under the Line of Duty Act (Va. Code § 9.1-400 et seq.); and

WHEREAS, for purposes of administration of the Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph B2 of Item 258 of the Appropriations Act) may make an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and

WHEREAS, it is the intent of Charles City County to make this irrevocable election to be a non-participating employer with respect to the Fund;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that Charles City County hereby elects to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and it is further

RESOLVED, that the following entities,

Charles City Volunteer Fire & EMS Department  
Sheriff's Department  
Animal Control Officers

to the best of the knowledge of Charles City County, constitute the population of its past and present covered employees under the Line of Duty Act; and it is further

RESOLVED, that, as a non-participating employer, Charles City County agrees that it will be responsible for, and reimburse the State Comptroller for, all Line of Duty Act benefit payments (relating to existing, pending or prospective claims) approved and made by the State Comptroller on behalf of Charles City County on or after July 1, 2010; and it is further

RESOLVED, that, as a non-participating employer, Charles City County agrees that it will reimburse the State Comptroller an amount representing reasonable costs incurred and associated, directly and indirectly, with the administration, management and investment of the Fund; and it is further

RESOLVED, that Charles City County shall reimburse the State Comptroller on no more than a monthly basis from documentation provided to it from the State Comptroller.

The motion carried as follows:

Sherri M. Bowman	Aye
Timothy W. Cotman, Sr.	Aye
Gilbert A. Smith	Aye

RE: UPGRADE RADIO SYSTEM – VDEM TO FUND

Motion was made by Timothy W. Cotman, Sr. to accept the authorized funds from the Virginia Department of Emergency Management (VDEM) in the amount of \$51,880.45, and authorize the County Administrator to approve and, upon the review and approval of the County Attorney, execute the Agreement with VDEM pertaining to replacing the Sheriff Department’s repeater with a digital repeater and purchasing new digital radios. The Sheriff’s current repeater and radios are to be transferred to the Fire Department for its use. The motion carried as follows:

Timothy W. Cotman, Sr.	Aye
Sherri M. Bowman	Aye
Gilbert A. Smith	Aye

RE: NEIGHBORHOOD FACILITY HVAC UNIT REPLACEMENT

Motion was made by Sherri M. Bowman to approve the carryover of \$96,754 (FY2010 Budget - HVAC Designated Funds), and an additional amount of approximately \$25,000 in varied savings, for the repair, or if necessary the placement, of the Neighborhood Facility HVAC unit. In addition, the Board directed staff to pursue the third party that indicated repair was an option, firmly negotiate with vendors and bring back an agreement for the Board’s approval as soon as possible. The motion carried as follows:

Sherri M. Bowman	Aye
Timothy W. Cotman, Sr.	Aye
Gilbert A. Smith	Aye

RE: ANIMAL CONTROL FEES – PUBLIC HEARING SCHEDULED

Motion was made by Timothy W. Cotman, Sr. to hold a public hearing for July 26, 2011 to receive citizen comments on the proposed ordinance amendment of Section 5-149 Pertaining to fees to be imposed by the animal control officer. The motion carried as follows:

Timothy W. Cotman, Sr.	Aye
Sherri M. Bowman	Aye
Gilbert A. Smith	Aye

RE: GASB 54 POLICY

Motion was made by Sherri M. Bowman to adopt and implement the GASB 54 Policy to establish a hierarchy of how the County’s fund balance will be used in the future, as recommended by Robinson Farmer Cox. The motion carried as follows:

Sherri M. Bowman	Aye
Timothy W. Cotman, Sr.	Aye
Gilbert A. Smith	Aye

RE: FY2010 CARRYOVER OF FUNDS

Motion was made by Timothy W. Cotman, Sr. to approve the carryover funds from the remaining balance of the 2010 Budget as follows:

Department	2010 Budget	Remaining Balance Expenditures	Carryover
Asset Forfeiture-Sheriff	\$8,364.00	\$6,943.17	2,538.77
Asset Forfeiture-Comm. Att.	916.00	496.00	496.00
Handgun Permit Fees	1,763.00	1,763.00	1,763.00
General Registrar	17,536.00	6,632.00	4,034.00
Smart, Safe, Sober Grant	17,700.00	5,186.00	5,186.00
E911 Wireless Grant	96,000.00	67,582.00	67,582.00
History Center Donations	1,304.00	801.00	503.00
HVAC Neighborhood Facility	96,754.00	96,754.00	96,754.00
			\$178,856.77

And approve the following transfers as recommended:

1. \$12,000 From Purchase of Services-Regional Jail to the Sheriff Department to cover the costs of leasing the new vehicle
2. \$6,462 from Middle Peninsula Juvenile Detention to the Capital outlay for the Neighborhood Facility HVAC system and the carryover of these funds
3. \$16,784 from the Health Department to correct the Health Department's incorrect contribution request and approve the carryover of this amount

The motion carried as follows:

Timothy W. Cotman, Sr.     Aye  
 Sherri M. Bowman         Aye  
 Gilbert A. Smith         Aye

RE: EQUAL EMPLOYEE BONUSES APPROVED

Motion was made by Timothy W. Cotman, Sr. to approve and resolve that an equal stipend bonus from the savings experienced from the unused Riverside Regional Jail services be distributed to all full time county officers and employees in the amount of \$789.42 each, as recommended. The motion carried as follows:

Timothy W. Cotman, Sr.     Aye  
 Sherri M. Bowman         Aye  
 Gilbert A. Smith         Aye

RE: BOARD OF SUPERVISORS COMMENTS AND DIRECTIVES

The Board of Supervisors directed staff to continue pursuing the possible avenues for high speed internet for the majority of the county.

There being no further business before the Board, it hereby recessed to meet again on Tuesday, **July 26, 2011** at 7:30 p.m. for the Board of Supervisors' regular meeting.