

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 9TH DAY OF SEPTEMBER 2008, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. CALL TO ORDER**

**B. ROLL CALL**

Bruce C. Goodson, Chairman, Roberts District  
James G. Kennedy, Vice Chairman, Stonehouse District  
James O. Icenhour, Jr., Powhatan District  
John J. McGlennon, Jamestown District  
Mary Jones, Berkeley District

Sanford B. Wanner, County Administrator  
Leo P. Rogers, County Attorney

**C. PLEDGE OF ALLEGIANCE** – Demarjia Lewis, a fourth-grade student at James River Elementary School, led the Board and citizens in the Pledge of Allegiance.

**D. PRESENTATION** – Jamestown High School Envirothon Team

Mr. Goodson presented certificates of recognition to the members of the Jamestown High School Envirothon Team for its outstanding performance in the State competition.

**E. PUBLIC COMMENT**

1. Mr. Mike Caplice, 4193 Teakwood, on behalf of the James City County Citizens' Coalition (J4C) Traffic Committee, presented a traffic study done by the J4C.

2. Mr. Burt Roth, 112 Winged Foot, on behalf of the James City County Citizens Budget Advisory Committee, commented on fiscal analysis of school spending, enrollment, and capacity data.

3. Dr. Don Cherry, 31 Whittaker's Mill, commented on the J4Cs study in relation to school enrollment and classroom capacity.

4. Mr. Randy O'Neill, 109 Sheffield Road, commented on childhood health issues, and the cost and quality of parks and recreation in the County. He commented on his program for youth health enhancement and stated that he has still not had the opportunity to work with the County.

5. Mr. Ed Oyer, 139 Indian Circle, commented on the King William Reservoir bond issue; disposal of televisions in the County; attendance at the 2007 Commemoration events; out-of-state registration of vehicles; in-fill homes on Route 60 East; commercial traffic on Route 60 East; and housing prices.

**F. CONSENT CALENDAR**

Mr. Goodson asked to add two items to the Consent Calendar dealing with the declaration of a local emergency for Tropical Storm Hanna.

Mr. Goodson asked to pull Item 10 for a presentation from Ms. Angela King, Assistant County Attorney.

Mr. McGlennon made a motion to adopt the items on the Consent Calendar aside from Items 10, 11, and 12.

On a roll call vote, the vote was: AYE: Icenhour, McGlennon, Jones, Kennedy, Goodson (5). NAY: (0).

1. Minutes –
  - a. August 12, 2008, Work Session
  - b. August 12, 2008, Regular Meeting
2. Spencer’s Ordinary and Green Spring Battlefields Mapping & Archaeology Study Grant Allocation

**RESOLUTION**

**SPENCER’S ORDINARY AND GREEN SPRING BATTLEFIELDS MAPPING AND**

**ARCHAEOLOGY STUDY – GRANT ALLOCATION – \$55,224**

WHEREAS, the American Battlefield Protection Program of the National Park Service (NPS) has awarded James City County a \$55,224 grant for mapping and archaeological investigations at the Revolutionary War Battlefields of Spencer’s Ordinary and Green Spring; and

WHEREAS, the funds will be used to identify battlefield boundaries and historic landscape features through examination of historic maps, literature searches, and selective archeological testing, and this information will provide accurate battlefield boundary information to help guide future development on and around these historic sites.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants fund:

Revenue:

NPS American Battlefield Protection Program \$55,224

Expenditure:

Spencer’s Ordinary and Green Spring Battlefields Mapping  
and Archaeology Study \$55,224

- 3. Grant Award – TRIAD Crime Prevention for Seniors – \$2,250

**RESOLUTION**

**GRANT AWARD – TRIAD CRIME PREVENTION FOR SENIORS – \$2,250**

WHEREAS, James City County has been awarded a TRIAD Crime Prevention for Seniors Grant in the amount of \$2,250 (\$2,025 State; \$225 local match) through Virginia’s Office of the Attorney General to be used to enhance the County’s TRIAD program; and

WHEREAS, the purpose of TRIAD is to reduce criminal victimization of older citizens, enhance the delivery of law enforcement services, and improve their quality of life; and

WHEREAS, these funds will be used to purchase safety equipment for the elderly, to provide supplies and promotional materials to educate seniors on safety issues, and to promote the various programs offered to seniors in the County; and

WHEREAS, the grant requires matching funds of \$225, and these funds are available in the County’s Grant Match Account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and the following appropriation amendment to the Special Projects/Grants fund:

Revenues:

OAG – TRIAD Crime Prevention for Seniors Grant	\$2,025
James City County Grant Match Account	<u>225</u>
Total	<u>\$2,250</u>

Expenditure:

OAG – TRIAD Crime Prevention for Seniors Grant \$2,250

4. Award of Contract – Ambulance Purchase – \$201,592

**RESOLUTION**

**AWARD OF CONTRACT – AMBULANCE PURCHASE – \$201,592**

WHEREAS, funds are available in the FY 2009 Capital Improvements Program budget for the purchase of a replacement ambulance; and

WHEREAS, cooperative purchasing action is authorized by Chapter 1, Section 5 of the James City County Purchasing Policy, the Virginia Public Procurement Act, and the County of Arlington issued a cooperative purchasing contract to Singer Associates as a result of a competitive sealed Invitation to Bid; and

WHEREAS, the Fire Department and Purchasing staff determined the contract specifications met the County’s performance requirements for a medium-duty ambulance and negotiated a price of \$201,592 with Singer Associates for a 2008 Medtec AD-170, Type I, medium-duty ambulance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute a contract with Singer Associates for a medium-duty ambulance in the amount of \$201,592.

5. Grant Award – Department of Motor Vehicles (DMV) – \$35,010

**RESOLUTION**

**GRANT AWARD – DEPARTMENT OF MOTOR VEHICLES (DMV) – \$35,010**

WHEREAS, the Department of Motor Vehicles (DMV) has awarded a grant in the amount of \$35,010 to the Police Department for traffic enforcement overtime and related equipment; and

WHEREAS, the grant requires only a soft money local match, thus eliminating any additional spending by the Police Department, excluding court overtime and equipment maintenance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and the following appropriation amendment to the Special Projects/Grants fund:

Revenue:

DMV – Highway Safety FY 09 \$35,010

Expenditure:

DMV – Highway Safety FY 09 \$35,010

6. Appropriation of Insurance Proceeds – Police Department

**RESOLUTION**

**APPROPRIATION OF INSURANCE PROCEEDS – POLICE DEPARTMENT**

WHEREAS, James City County is committed to protecting County assets and replacing destroyed assets in an efficient manner; and

WHEREAS, James City County vehicle No. 062606 was destroyed in an accident on July 4, 2008; and

WHEREAS, the actual cash value of the vehicle - \$7,675 has been recovered from the responsible party.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriations of recovered funds.

Revenue:

Insurance Recovery \$7,675

Expenditure:

Police Department Budget \$7,675

7. Virginia Peninsulas Public Service Authority (VPPSA) Service Agreement for Hurricanes and other Disasters

**RESOLUTION**

**VIRGINIA PENINSULAS PUBLIC SERVICE AUTHORITY (VPPSA)**

**SERVICE AGREEMENT FOR HURRICANES AND OTHER DISASTERS**

WHEREAS, James City County is a member of the Virginia Peninsulas Public Service Authority (VPPSA); and

WHEREAS, VPPSA has entered into agreements on behalf of its member jurisdictions with contractors for debris removal, reduction, and disposal in the event of a hurricane or other disaster; and

WHEREAS, James City County wishes to have the ability to utilize the services of VPPSA and its contractors for the above services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute service agreements with VPPSA for debris removal, reduction, and disposal for hurricanes and other disasters.

8. Colonial Community Criminal Justice Board Appointment

**RESOLUTION**

**COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD APPOINTMENT**

WHEREAS, the Board of Supervisors of James City County appointed Mr. William C. Porter, Jr. to serve as one of the County's representatives on the Colonial Community Criminal Justice Board (CCCJB); and

WHEREAS, Mr. Porter no longer qualifies to serve on the CCCJB in accordance with the Code of Virginia and the Joint Exercise of Powers Agreement (JEPA); and

WHEREAS, Mr. Porter's term was set to expire on February 28, 2010.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby appoint Doug Powell to an unexpired term on the CCCJB, set to expire on February 28, 2010.

9. Virginia Peninsula Regional Jail Board of Directors Alternate Appointment

**RESOLUTION**

**APPOINTMENT OF AN ALTERNATE TO THE**

**VIRGINIA PENINSULA REGIONAL JAIL AUTHORITY (VPRJ)**

WHEREAS, the Virginia Peninsula Regional Jail Authority (VPRJ) consists of one member from each participating jurisdiction; and

WHEREAS, there are occasions when the regular member is unable to attend VPRJ Authority Board of Directors meetings and Mr. Doug Powell has expressed interest in serving as the alternate representing the County on the VPRJ Authority Board of Directors.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby appoint Doug Powell as its VPRJ Authority Board of Directors alternate designee.

Mr. Rogers introduced Ms. Angela King, Assistant County Attorney to present the resolution authorizing the acceptance of real estate transfers.

10. Resolution Authorizing the Acceptance of Real Estate Transfers

Ms. King stated this resolution authorized the acceptance of real estate transfers to the County by the County Attorney's office. She stated this was an update to an earlier document, and recommended approval of the resolution.

Mr. McGlennon made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Icenhour, McGlennon, Jones, Kennedy, Goodson (5). NAY: (0).

## **RESOLUTION**

### **ACCEPTANCE OF REAL ESTATE TRANSFERS**

WHEREAS, Virginia Code Section 15.2-1803 requires that every deed conveying real estate to the County be in a form approved by the attorney for the County. Such deeds must be accepted by the County to be valid. Acceptance shall be executed by a person authorized to act on behalf of the County on the face of the deed or on a separately recorded instrument. This does not apply to any conveyance of real estate related to the orderly subdivision of land and its development, which is performed pursuant to Virginia Code Section 15.2-2240 et seq., entitled *Land Subdivision and Development*; and

WHEREAS, Virginia Code Section 15.2-408 allows the County Attorney to appoint deputies, assistants, and employees as he may require in the exercise of the powers conferred and in the performance of the duties imposed upon him by law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Attorney, the Deputy County Attorney, and/or the Assistant County Attorney of James City County to affix the acceptance upon the face of any deed conveying real estate to James City County, other than the conveyance of interests in real property through the recordation of subdivision plats.

11. Declaration of a Local Emergency

12. Declaration of a Local Emergency Rescinded

Fire Chief Tal Luton gave an overview of the opening of the Emergency Operations Center (EOC) in preparation for Tropical Storm Hanna. He stated that Mr. Wanner declared an emergency on Friday, September 5, 2008, that the shelters were opened that evening, and the EOC was fully staffed. He stated that two trees came down in the County and approximately 250 homes that were without power for a few hours. He stated that the Board was being asked to confirm the declaration of Mr. Wanner and also to rescind the declaration of a local emergency.

Ms. Jones complimented Chief Luton and the Emergency Management team including Police Chief Emmett Harmon and Ms. Kate Hale for preparedness and communication. She recognized the proactive nature of the Virginia Department of Transportation (VDOT) and the coverage by the Daily Press and Virginia Gazette.

Ms. Jones made a motion to adopt the resolutions.

On a roll call vote, the vote was: AYE: Icenhour, McGlennon, Jones, Kennedy, Goodson (5). NAY: (0).

**RESOLUTION**

**DECLARATION OF A LOCAL EMERGENCY**

WHEREAS, the Board of Supervisors of the County of James City, Virginia, does hereby find as follows:

1. That due to the occurrence of Tropical Storm Hanna, the County of James City is facing a condition of extreme peril to the lives, safety, and property of the residents of James City County; and
2. That as a result of this extreme peril, the proclamation of the existence of an emergency is necessary to permit the full powers of government to deal effectively with this condition of peril.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a local emergency now exists throughout the County of James City.

NOW, THEREFORE, BE IT FURTHER RESOLVED that during the existence of this emergency, the powers, functions, and duties of the Director of Emergency Management and the Emergency Management organization, and functions of the County of James City shall be those prescribed by the laws of the Commonwealth of Virginia and the ordinances, resolutions, and approved plans of the County of James City in order to mitigate the effects of said emergency.

**RESOLUTION**

**DECLARATION OF A LOCAL EMERGENCY RESCINDED**

WHEREAS, the Board of Supervisors of James City County, Virginia, does hereby find that due to the predicted effects of Tropical Storm Hanna, the County faces dangerous conditions of sufficient severity and magnitude to warrant coordinated local government action to mitigate the damage, loss, hardship, or suffering threatened or caused thereby; and

WHEREAS, a condition of extreme peril of life and property necessitated the declaration of the existence of an emergency; and

WHEREAS, the effects of Tropical Storm Hanna have been mitigated by James City County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, pursuant to Section 44-146.21 of the Code of Virginia, 1950, as amended, that the Declaration of a Local Emergency dated September 5, 2008, by Sanford B. Wanner, Director of Emergency Management for James City County, is rescinded.

**G. PUBLIC HEARINGS**

Mr. Goodson recognized Planning Commissioner Tony Obadal was in the audience.

1. Case No. SUP-0014-2008. Freedom Park Water Main Extension

Ms. Leanne Reidenbach, Planner, stated that the applicant has requested a deferral. She stated that the applicant has requested that the public hearing be continued to the first meeting in October 2008 to provide staff time for further investigation.

Mr. Goodson opened the Public Hearing.

Mr. Goodson continued the Public Hearing to October 14, 2008.

Mr. Icenhour stated that his concern with this application was for the cost of this project and the necessity of connecting the school site. He stated that he would prefer not to see this carried through the entire loop and asked that staff look at other options. He stated that the same has been asked of by-right projects that incorporate independent water systems in that area and asked for a range of alternatives with cost-benefit analysis of each.

Ms. Jones stated that at the Planning Commission meeting, there was a request to evaluate the Board's current policy through the Comprehensive Plan update.

Mr. McGlennon stated that he was surprised at this application being used as a vehicle to raise the issue of extending the primary service area (PSA). He stated that he was surprised that this arose outside the Comprehensive Plan process.

Ms. Jones stated that she felt that this was a means of evaluating the most cost-efficient way of providing water and the better interests of the citizens should be taken into account with this policy.

Mr. McGlennon stated that he did not understand why this was a vehicle for this issue. He stated that there were other instances, including the Comprehensive Plan process, within which this could be considered.

Ms. Jones stated that this particular application was extending water outside the PSA.

Mr. McGlennon stated that there was concern about a double standard, but to extend public facilities to public buildings was an effort to address the impacts of growth rather than to extend growth.

2. An Ordinance to amend and reordain James City County Code Chapter 18A, Stormwater Management to eliminate language supporting the stormwater service fee

Ms. Frances Geissler, Stormwater Management Director, stated that the ordinance amendment deleted language in the County Code which supported the stormwater service fee.

Mr. Icenhour asked if the guidance about the stormwater program for citizens was limited.

Ms. Geissler stated that there was information in brochures and on the website.

Mr. Icenhour stated that it would be difficult to make the State and Federal mandates clear to citizens without clear structure and objectives.

Mr. Goodson stated that was unfair to staff.

Mr. Icenhour stated that staff should be able to make a recommendation on this matter. He asked to salvage some of the language to provide a general purpose and definitions. He asked that the Board give guidance to staff for a better definition of what the program should be.

Ms. Jones asked if it would be required to be in the code.

Mr. Rogers stated it would not. He stated that the first ordinance did have a purpose section, but that seemed odd since there was no additional code section.

Mr. Icenhour asked about the methodology to clarify for the Board and public the structure and impact of the program.

Mr. Goodson stated that staff has reacted to a Board direction.

Mr. Goodson opened the Public Hearing.

1. Ms. Kensett Teller, 126 Lake Drive, stated on behalf of the J4C that the J4C supported the Stormwater Management division. She stated that a flooding report was done by the J4C and this matter has not been addressed. She stated that priorities should be established, resolutions identified and budget funding be provided for these matters. She requested approval of the committee.

As no one else wished to speak to this matter, Mr. Goodson closed the Public Hearing.

Mr. Icenhour stated that the professional staff has not been asked to provide input. He asked for an outlined program for citizens to clearly understand the goals of the program.

Ms. Jones stated that the Stormwater Management division has provided the information on the goals, but that the funding mechanism falls under the responsibility of the Board. She stated that the division did not need to be defined by ordinance.

Mr. Goodson stated that during Board Considerations a resolution will be provided for consideration that creates a committee with a mission that is clearly defined.

Mr. Wanner stated that if staff is allowed to come back with a stormwater management policy that has goals and resolutions, it can be adopted as a policy document. He stated that this would not prohibit any of the actions of the evening or the appointments that the Board will be asked to do on September 23, 2008. He stated that this will pull together a lot of the other documents and guidance that have been provided.

Mr. Icenhour stated that this was what he had expected in order to define the program and to make the information available to the public. He stated that two criteria to fund this are public education and that he would appreciate staff creating this document and bringing it back before the Board.

Mr. McGlennon stated that he planned to vote against repealing this ordinance because it was the direction of citizens to manage stormwater through a utility as defined by this ordinance. He stated that these citizens studied this item for two years and that he planned to vote against this item to reflect his appreciation to those citizens for their efforts.

Ms. Jones stated that the citizens did an excellent job, but noted that the funding requirement came as a result of previous Boards refusing to make a dedicated fund for stormwater issues.

Mr. McGlennon stated that stormwater became a much lower priority as part of the budget than as a dedicated utility fee.

Ms. Jones stated that this would come as a separate bill to citizens, which would be a problem and that by making this issue a priority it could be funded.

Mr. McGlennon stated that it is not funded as well as it could have been, and the citizens would be covering the needs. He stated that with the utility fee the cost was more equitably assessed.

Ms. Jones stated that citizens have asserted that the utility was a stealth tax and that financing this issue was a matter that warranted discussion.

Mr. Kennedy made a motion to adopt the ordinance amendment.

Mr. Icenhour stated that he would be voting against this item for similar reasons as Mr. McGlennon and that there would be a lack of service to the citizens who needed it.

On a roll call vote, the vote was: AYE: Jones, Kennedy, Goodson (3). NAY: Icenhour, McGlennon (2).

3. Verizon Easement – Warhill Trail

Mr. Adam Kinsman, Deputy County Attorney, stated that in March 2008, the James City Service Authority (JCSA) Board of Directors approved a lease for AT&T to locate a cellular array on the new Warhill water tower located at 5900 Warhill Trail. Mr. Kinsman indicated that the resolution granted Verizon an easement to run telephone lines across the property. He stated that staff recommended approval of the resolution giving the County Administrator the authority to execute the necessary documents to grant the easement.

Mr. Goodson opened the Public Hearing.

As no one else wished to speak to this matter, Mr. Goodson closed the Public Hearing.

Mr. Kennedy made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Icenhour, McGlennon, Jones, Kennedy, Goodson (5). NAY: (0).

## **RESOLUTION**

### **VERIZON EASEMENT – WARHILL TRAIL**

WHEREAS, James City County owns a parcel of property located at 5700 Warhill Trail and further identified as James City County Real Estate Tax Parcel No. 3210100012 (the “Property”); and

WHEREAS, the James City Service Authority (the “JCSA”) has entered into a lease with AT&T for the location of a cellular array and related support equipment on the Warhill water tank site located at 5900 Warhill Trail; and

WHEREAS, the cellular support equipment requires telephone service and the closest telephone line is situated along Opportunity Way; and

WHEREAS, the extension of a telephone line from Opportunity Way to the Warhill water tank will provide improved telephone service on adjacent County-owned property at the Warhill site.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized and directed to sign and execute those documents necessary to grant a 20-foot-wide, approximately 4,200-foot-long easement, on property located on the northeast side of the Warhill property and further identified as James City County Real Estate Tax Parcel No. 3210100012 to Verizon to extend telephone service from Opportunity Way to JCSA’s Warhill water tank.

## **H. BOARD CONSIDERATION**

### **1. Formation of the Stormwater Program Advisory Committee**

Ms. Frances Geissler, Stormwater Management Director, stated that the resolution created a Stormwater Program Advisory Committee to set priorities and to shape an outreach program. She stated that this led to the completion of the requirement for the public outreach requirements for the Municipal Separate Storm Sewer System (MS4) permit. She stated that there should be three results: better targeting of limited funds, more effective public outreach programs, and improved permit compliance for MS4.

Ms. Jones stated that the alternate resolution provided added language incorporating flooding. She stated that Brian Noyes of the Colonial Soil and Water Conservation District would like to participate.

Ms. Geissler stated that she felt that he would be a very valuable non-voting member of the Committee.

Ms. Jones stated that the flooding inclusion was the only change.

Ms. Geissler stated that this was added at Ms. Jones's request and that it expands the role of the committee. She stated that this goes beyond the MS4 permit requirements, but the issue would likely be raised.

Ms. Jones asked if Wayland Bass and Darryl Cook would be included.

Ms. Geissler said that they would.

Ms. Jones asked if the representative from VDOT would be available.

Ms. Geissler stated that she asked Mr. Halacy, but that he has not confirmed this.

Ms. Jones stated that Mr. Halacy had communicated that he would be interested.

Ms. Jones made a motion to adopt the alternate resolution which included language that incorporated flooding into the goals of the Committee.

Ms. Jones stated that the citizens appreciate the support from the Board on this item and that this would be a great accomplishment to bring together citizens, staff, and outside agencies on this matter.

Mr. McGlennon stated his support for the creation of the Advisory Committee if it is a good representation of the community. He stated that it would provide a good deal of guidance and also an avenue of funding for the items. He asked about the mention of 12 members and asked that if this was not included in the event that the number does not fulfill.

Ms. Jones stated that the intention was to have two citizens per district and two at-large members.

Mr. Icenhour stated that this was beyond the MS4 permit with the flooding measure due to the input of citizens.

Ms. Geissler stated that this was correct.

Mr. Icenhour stated that this year's budget has no money for flooding.

Ms. Geissler stated that this was correct.

Mr. Icenhour stated that it would be difficult and asked how many people have submitted applications.

Ms. Geissler stated that there have been several applications and many phone calls about the Committee.

Ms. Jones stated that there would be an increased interest once the Committee formation resolution is adopted. She stated that the County has never had funding for flooding, but that this was a matter that needed to be addressed.

Mr. McGlennon stated that the utility had money to address stormwater, which resulted in flooding and that the purpose was to establish the funding that could be available.

On a roll call vote, the vote was: AYE: Icenhour, McGlennon, Jones, Kennedy, Goodson (5). NAY: (0).

## **RESOLUTION**

### **FORMATION OF A STORMWATER PROGRAM ADVISORY COMMITTEE**

WHEREAS, there is a need for citizen input in setting priorities for capital and maintenance projects to meet the stormwater program goals; and

WHEREAS, there is a need for citizen assistance in developing meaningful and effective public outreach activities to meet the stormwater program goals; and

WHEREAS, an effective, citizen-based advisory committee will promote compliance with the State Municipal Separate Storm Sewer Systems (MS4) General Permit.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the formation of a Stormwater Program Advisory Committee as described herein:

1. **Mission**

To provide assistance and advice to the Board and County staff in the development, implementation, and promotion of the County's stormwater program to meet the needs of the citizens of James City County by fulfilling the goals of the Stormwater Program.

2. **Responsibilities**

- a. Identify needed infrastructure improvements for flooding, drainage and water quality,
- b. Review annual drainage and capital improvement programs, and recommend priorities;
- c. Review annual stormwater program public engagement and outreach plan and make recommendations regarding needs and activities;
- d. Review outreach and public engagement materials to ensure consistent and effective messages to County citizens; and
- e. Assist staff in outreach and engagement activities including speaking to community groups and manning displays at events such as the County Fair.

3. **Membership Requirements and Terms of Appointment**

- a. Sufficient number and makeup of members to ensure broad representation of interests and areas within the County;
- b. Four-year staggered terms with one-half the initial members having two-year terms at commencement; and
- c. Members must be able to support the goals and purpose of the Stormwater Program and advocate for projects within the community.

**I. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, commented on the passing of Mr. Tommy Smith and the localities absorbing shortfalls of State funding.

**J. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner stated that Chief Luton and Ms. Jones made comments on the Tropical Storm Hanna event. He noted that no one came to the shelter, but that the Red Cross and staff members were there. He stated that the Board and previous Boards have invested in emergency management. He thanked the Board on behalf of staff for its support.

He stated the Board would need to hold a closed session for personnel matters, appointments to committees, and that the Board should adjourn to 4 p.m. on September 23, 2008, for a work session which included discussion on a budget update, solid waste, and the Powhatan Watershed study.

**K. BOARD REQUESTS AND DIRECTIVES**

Mr. Icenhour stated that citizens had questions about debris cleanup after the tropical storm in his community. He stated that the question was why the County did not provide pickup for personal debris on personal property. He stated that this was no longer a rural county and the expectations are for an urban level of service. He asked that staff provide a public education session on providing this level of service and stated that citizens needed to be clearly informed of this.

Mr. Goodson stated that this was part of the larger conversation at the next work session on solid waste, which would take place at 4 p.m. on September 23, 2008.

Mr. Kennedy asked about the drainage ditches on Old Stage Road that needed to be redone. He stated that there had been complaints from citizens in this regard. He asked that Mr. Halacy follow up about a shoulder on Route 60 where ditches had been filled in and placement of silt fencing whenever VDOT does work. He stated that he has received comments about VDOT reinforcing the areas that were being worked on with seed, sod, or mesh.

Mr. Wanner stated that VDOT is currently short-staffed and is beginning to hire more individuals to complete maintenance work.

Mr. McGlennon commented that the property at 110 Jameswood in First Colony constituted a threat to health and public safety, and asked for consensus to move forward on this with an ordinance.

Mr. Kennedy stated that he supported this, but that there was no housekeeping ordinance and asked that if a better policy was needed.

Mr. McGlennon stated that this was an exception among derelict properties, as this house has been under construction for over ten years. He said there was an alternate vehicle for addressing buildings that were in use. He stated his agreement on the need to evaluate the policy.

**L. CLOSED SESSION**

Mr. Kennedy made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the consideration of a personnel matter, the appointment of individuals to County boards and/or commissions, specifically the Chesapeake Bay Board/Wetlands Board, the Comprehensive Plan Steering Committee, and the Regional Issues Committee.

On a roll call vote, the vote was: AYE: Icenhour, McGlennon, Jones, Kennedy, Goodson (5). NAY: (0).

At 8:30 p.m., Mr. Goodson recessed the Board into Closed Session.

At 8:48 p.m., Mr. Goodson reconvened the Board.

Mr. McGlennon made a motion to adopt the Closed Session resolution.

On a roll call vote, the vote was: AYE: Icenhour, McGlennon, Jones, Kennedy, Goodson (5). NAY: (0).

**RESOLUTION**

**CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1), to consider personnel matters, the appointment of individuals to County boards and/or commission.

Mr. McGlennon made a motion to appoint Mr. Allen Murphy to fill a vacant seat on the Regional Issues Committee. He made a motion to appoint Mr. Terence Elkins to a term on the Wetlands Board/Chesapeake Bay Board beginning October 1, 2008, and expiring October 1, 2013. He made a motion to appoint Mr. Richard Mason as the first alternate and Mr. Charles Roadley as the second alternate to the Wetlands Board/Chesapeake Bay Board.


On a roll call vote, the vote was: AYE: Icenhour, McGlennon, Jones, Kennedy, Goodson (5). NAY: (0).

**M. ADJOURNMENT** to 4 p.m. on September 23, 2008.

Mr. Icenhour made a motion to adjourn.

On a roll call vote, the vote was: AYE: Icenhour, McGlennon, Jones, Kennedy, Goodson (5). NAY: (0).

At 8:50 p.m., Mr. Goodson adjourned the Board to 4 p.m. on September 23, 2008.

  
Sanford B. Wanner  
Clerk to the Board