

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 9TH DAY OF DECEMBER 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 – Police Chief Emmett Harmon led the Board and citizens in the Pledge of Allegiance.

D. RECOGNITION

1. Chairman's Award

Mr. Goodson presented the Chairman's Award to County Administrator Sandy Wanner for his years of exemplary service to the County and the Hampton Roads region.

E. PRESENTATIONS

1. Annual Financial Report – Goodman and Company, LLP

Ms. Tara Woodruff, Accounting Manager, introduced Mr. Fred Westphal of Goodman and Company, LLP.

Mr. Westphal, Partner at Goodman and Company, LLP, provided the Board with an overview of the firm's independent audit results of the County's financial statements for the year ending June 30, 2008. Mr. Westphal said the opinions offered were evaluated using Generally Accepted Auditing Standards (GAAS) and are unqualified or clean opinions, and stated the amounts are presented fairly.

Mr. Kennedy asked about the slowing growth rate in the County and the issuance of bonds for long-term water supply.

Mr. Westphal stated that goals of conservation are contradictory to budgetary increases in revenues

for water and sewer service. He stated that this was not directly related to the audit, but indicated that he appreciated the concern that the County would have.

Mr. McGlennon asked if the assumption with the billing changes was that the revenue would be collected, but not necessarily in this fiscal year.

Mr. Westphal stated that there were billing errors that needed to be corrected that were all run through Fiscal Year 2008. He stated in the future there would be a return to a normal level in Fiscal Year 2009.

Mr. Goodson asked if this report was available online.

Staff indicated that it was available online.

2. Planning Commission Annual Report

Planning Commission Chair Jack Fraley provided the Board with an overview of the activities of the Planning Commission for 2008. He highlighted environmentally exceptional development plans; the Comprehensive Plan process; affordable housing efforts; environmentally friendly development efforts; rural lands and open space; Adequate Public Facilities policy and the Capital Budget process; and the wireless communications policy. He thanked the Board, staff, citizens, and others involved in the planning processes for the County.

Mr. McGlennon stated his appreciation for the report that Mr. Fraley provided. He did note that the comments that address the pace of growth do not reflect the feelings he had perceived from the community from various community meetings. He stated that he felt citizens would expect a great deal of attention to this in the coming months.

Ms. Jones thanked Mr. Fraley for his efforts. She recognized the fruition of some items recommended by Ms. Shereen Hughes's report from 2007. She recognized Mr. Fraley's efforts for the conceptual master plan process and the Adequate Public Facilities policy and linking projects to the Comprehensive Plan.

Mr. Icenhour commented on citizen input on cumulative impact studies. He noted that there were a number of approved residential developments that were unable to be estimated at this time. He commented on the traffic study on News Road which took approved development into account, but calculated the surrounding land at its current zoning at buildout. He stated that the rate of development would continue unchecked even if the Board did not continue to approve residential rezonings. He stated that the effort was to limit the effects of growth.

Ms. Jones stated she hoped that the focus would continue to be what the County would like to see in the future.

F. HIGHWAY MATTERS

Mr. Todd Halacy, Virginia Department of Transportation (VDOT) Williamsburg Residency Administrator, stated that the VDOT Commissioner has approved a \$1.5 million contract for pavement improvements on Richmond Road. He said the improvements would take place on Route 60 eastbound from the New Kent County line to Ivy Hill Road, Route 657 and Route 60 westbound from the intersection of Route 30 to Olde Route 60, also known as Route 620. He stated the contract was awarded to Curtis Contracting. He updated the Board on the Transportation Budget and stated VDOT was looking at reductions of roughly \$2.1 to \$2.6 billion in the next six years. He stated that five public hearings would be held on the

matter and the Hampton Roads area public hearing would be held on January 7, 2009, 6 p.m. at the Regional Building, 723 Woodlake Drive in Chesapeake. He briefed the Board on the most current revenue allocation information and the impact these reductions would have on the County. He stated that when the actual revenue allocations were received, they would be distributed and would be available online at www.ctv.virginia.gov.

Mr. Kennedy asked if the budget reductions have taken into account the reduction in costs of raw goods.

Mr. Halacy stated that the project managers are trying to keep up with the current economy. He stated that the revenues are impacted by State and Federal revenues from the gas tax. He stated he could check to see how the reductions in these costs have affected the revenues.

Mr. Goodson asked about interchange studies in the Roberts District.

Mr. Halacy stated he would have that information soon.

Mr. Goodson stated he would look for that information in January.

G. PUBLIC COMMENT

1. Mr. Craig Metcalfe, 4455 Landfall Drive, gave a brief presentation requesting a “no wake” ordinance on Powhatan Creek.

2. Ms. Kathleen Haldeman, 109 Randolph Spring, stated her opposition to construction of cellular towers in Kingsmill.

3. Mr. Alfred McKenney, 516 Fairfax Way, stated his opposition to construction of by-right cellular tower development.

4. Mr. David Neiman, 105 Mill Circle, stated his opposition to construction of cellular towers in residential areas.

5. Mr. Ed Oyer, 139 Indian Circle, commented on foreclosures in Pocahontas Square; the passing of Alvin Anderson; income tax revenue shortfalls; and Mr. Wanner’s service to the County.

6. Mr. Robert Richardson, 2786 Lake Powell Road, commented on the expiration of terms of Planning Commissioners Reese Peck and Chris Henderson in January 2009. He commented on his suspicion of the James City County Republican Committee receiving support for Republican candidates from the real estate and development community. He requested that the Board make new appointments to the Planning Commission.

H. CONSENT CALENDAR

Mr. McGlennon made a motion to adopt the items on the Consent Calendar.

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

1. Minutes –
 - a. November 25, 2008, Work Session
 - b. November 25, 2008, Regular Meeting
2. Grant Award – Virginia Department of Emergency Management – \$24,000 – Citizens Corps Program

RESOLUTION

**GRANT AWARD – VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT – \$24,000 –
CITIZENS CORPS PROGRAM**

WHEREAS, the James City County Fire Department’s Division of Emergency Management has been awarded a Citizens Corps Program grant in the amount of \$24,000 from the Virginia Department of Emergency Management; and

WHEREAS, the grant requires no match; and

WHEREAS, the funds are to be used in the delivery of preparedness education and training to County citizens by members of the James City County Citizens Corps Program.

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:

Citizens Corps FY 09	<u>\$24,000</u>
----------------------	-----------------

Expenditure:

Citizens Corps FY 09	<u>\$24,000</u>
----------------------	-----------------

3. Grant Award – Target – \$900 – Police

RESOLUTION

GRANT AWARD – TARGET – \$900 – POLICE DEPARTMENT

WHEREAS, the James City County Police Department has been awarded a grant in the amount of \$900 from Target; and

WHEREAS, the grant requires no match; and

WHEREAS, the funds are to be used for the purchase of *Your Friend the Police Officer* activity books and accompanying youth educational materials.

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:

Target – Police Community Services Unit (CSU) \$900

Expenditure:

Target – Police CSU \$900

- 4. Department of Criminal Justice Services Grant Award – \$50,340 – Terrorism Prevention Program

RESOLUTION

DEPARTMENT OF CRIMINAL JUSTICE SERVICES GRANT AWARD - \$50,340 -

TERRORISM PREVENTION PROGRAM

WHEREAS, Williamsburg/James City County Sheriff’s Office has been awarded a Law Enforcement Terrorism Prevention Program (LETPP) grant by the Virginia Department of Criminal Justice Services for \$50,340; and

WHEREAS, grant funds will be used to purchase and install six Mobile Computer Terminals (MCTs) in the Sheriff’s Office vehicles, which will allow interaction with the County’s existing Computer Aided Dispatch system; and

WHEREAS, the grant requires no matching funds.

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:

LETPP – MCTs \$50,340

Expenditure:

LETPP – MCTs \$50,340

5. Erosion and Sediment Control Ordinance Violation – Civil Charge – Busch Properties, Inc.

RESOLUTION

EROSION AND SEDIMENT CONTROL ORDINANCE VIOLATION – CIVIL CHARGE –

BUSCH PROPERTIES, INC.

WHEREAS, on November 4, 2008, Busch Properties, Inc. violated the County’s Erosion and Sediment Control Ordinance by disturbing, filling, and grading land without an approved plan and land disturbing permit at 300 Frances Thacker in the Kingsmill subdivision, identified by Property Identification Nos. 5030100001 and 5040100001 within the James City County Real Estate system and herein referred to as the “Property”; and

WHEREAS, Busch Properties, Inc. has abated the violation at the Property; and

WHEREAS, Busch Properties, Inc. has agreed to pay \$2,000 to the County as a civil charge under the County’s Erosion and Sediment Control Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the civil charge in full settlement of the Erosion and Sediment Control Ordinance violation, in accordance with Section 8-7(f) of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$2,000 civil charge from Busch Properties, Inc. as full settlement of the Erosion and Sediment Control Ordinance violation at the Property.

I. PUBLIC HEARING

1. Property Sales – 4001 Mount Laurel Road, 106 Joanne Court, and 151 Louise Lane

Mr. Larry Foster, General Manager, stated that the properties for sale were purchased by the James City Service Authority (JCSA) for construction of the Ware Creek Reservoir, but the project was abandoned. Mr. Foster explained that the properties were deeded to James City County and required the Board’s consent for the sales to be made. He stated the properties were located at 4001 Mount Laurel Road, 106 Joanne Court, and 151 Louise Lane. He recommended that the resolution be approved authorizing the sale of the property at no less than 90 percent of the assessed value and having the proceeds return to the JCSA, since the Authority originally purchased the property.

Mr. Goodson opened the Public Hearing.

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

Mr. Kennedy made a motion to approve the resolution.

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

RESOLUTION

**PROPERTY SALES – 4001 MOUNT LAUREL ROAD, 106 JOANNE COURT, AND
151 LOUISE LANE**

WHEREAS, the three parcels of property that are listed below were purchased by the James City Service Authority (JCSA) for the Ware Creek Reservoir project and deeded to James City County, and have been determined to be surplus; and

WHEREAS, a public hearing has been conducted by the Board to receive public comment on the sale of the property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the sale of the properties listed below for no less than 90 percent of the assessed value, and agrees that the proceeds of the property sale will be returned to the JCSA. The three properties are as follows:

4001 Mount Laurel Road
106 Joanne Court
151 Louise Lane

J. BOARD CONSIDERATION

1. 2009 Legislative Program

Mr. Leo Rogers, County Attorney, stated that the County's Legislative Program was before the Board for approval. He stated that this was a subject at the last meeting's work session and some changes have been made accordingly. He requested approval of the Legislative Program.

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

2009 LEGISLATIVE PROGRAM

WHEREAS, James City County has developed a Legislative Program for the consideration of the 2009 session of the General Assembly which outlines certain legislative policies which the Board believes ought to guide the General Assembly and proposes certain legislation that would benefit the County; and

WHEREAS, the Board has carefully considered its legislative program and believes that it is in the best interest of the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the County's 2009 Legislative Program and commends it to the County's representatives in the General Assembly for action.

BE IT FURTHER RESOLVED that a copy of the County's 2009 Legislative Program be forwarded to the County's elected representatives to the General Assembly.

K. PUBLIC COMMENT

1. Mr. Robert Richardson, 2876 Lake Powell Road, commented on a proposed coal-fired power plant in Surry County. He requested a statement of opposition from the Board on this project.

2. Mr. Ed Oyer, 139 Indian Circle, commented on the proposed coal-fired power plant in Surry County and on premature construction of new schools.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated when the Board completed its business, there needed to be a meeting of the Board of Directors of the JCSA. He noted that the Board would only hold one meeting in the month of December and the Board was scheduled to meet on January 6, 2009, 4 p.m. for its 2009 Organizational Meeting. He stated there was a Closed Session item that dealt with an appointment to the Comprehensive Plan Steering Committee School Board representative.

Mr. Wanner thanked the Chairman for the honor of receiving the Chairman's Award. He stated that he has spent 50 years in public service and announced that he planned to retire effective July 1, 2009. He stated he was happy to assist the Board in the search for his successor.

M. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson thanked Mr. Wanner for his service to the County.

Mr. McGlennon stated Mr. Wanner's presence has been reassuring and supportive over the years. He stated he hoped to continue Mr. Wanner's efforts to improve the community.

Mr. Goodson commented on the passing of Alvin Anderson and stated members of the Board and Mr. Wanner were able to attend the funeral. He stated he would be missed.

Mr. Goodson asked for a motion to forego the Closed Session and to appoint Ruth Larson to serve in place of Jim Nickols on the Comprehensive Plan Steering Committee as the School Board representative.

Mr. McGlennon made a motion to appoint Ruth Larson as the School Board representative on the Comprehensive Plan Steering Committee.

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

Mr. McGlennon stated his appreciation for the sentiments expressed for the late Alvin Anderson. He stated his appreciation for the opportunity to participate in a naturalization ceremony for 31 new American citizens.

Mr. Goodson acknowledged Mrs. Judy Wanner in the audience.

Mr. Goodson stated that the Metropolitan Planning Organization (MPO) was going through a restructuring and that there would be a vote on how to restructure the voting strength of that organization. He stated he would support the one vote per locality and that the committee would support one vote per 70,000 citizens.

Mr. Goodson recognized the Board, staff, and Mr. Wanner for responsible fiscal management during the current economic situation. He stated he is looking forward to the efficiency study and noted that York County has opted to do a similar study. He stated that he felt the Board should be congratulated for its efforts to move forward on the construction of new schools to accommodate growth and to save on construction materials. He stated this project would also create jobs for citizens. He stated that he was honored to serve as Chairman this year.

Mr. Icenhour expressed his appreciation for Mr. Wanner for his efforts for the County and to help develop him as a Board member.

Mr. Icenhour commented on the Prime Outlets Best Management Practice (BMP) and stated it has not yet been successful. He stated it was important to follow up with these projects to ensure that the plans come into fruition. He commented on handling shopping crowds on Black Friday.

Ms. Jones stated that staff is working toward handling these problems.

Mr. Icenhour asked that the Environmental Division keep the Board apprised of these matters with BMPs and other structures. He also commented on payment of leaf collection at the convenience center versus free pickup of leaves. He asked if there could be an opportunity for citizens to drop off leaves for free at the convenience center.

Mr. Wanner stated that could be a budget alternative.

Mr. Goodson stated his concern about an ordinance to apply to new technologies for the community character corridor. He stated that the ordinance refers to neon and that he would like the ordinance to keep up with technology.

Ms. Jones stated the comments she received on this issue are the matter of brightness of the Light Emitting Diode (LED) lights. She stated that performance measures could be applied.

Mr. McGlennon stated this could be discussed further at a later date, but he stated he felt that people did not want illuminated signage in a community character corridor.

Ms. Jones stated that a balance was needed.

Mr. Goodson stated that illuminated signs were allowed.

Mr. McGlennon stated that signs illuminated by backlighting were allowed.

Ms. Jones stated she would support having the Policy Committee evaluate it.

Mr. McGlennon stated that there would be a series of signs along Route 5.

Ms. Jones stated that there were ways to address the number of signs.

Mr. Goodson stated that performance standards could be applied and the Policy Committee could evaluate the matter.

Mr. McGlennon stated that he would like to identify alternatives in this case.

Mr. Goodson stated that this case brought the policy matter into light.

Mr. McGlennon stated he wanted to evaluate this particular case.

Mr. Kennedy stated that he would like the ordinance for signs and banners to be enforced in the community character corridors, including those of James City County. He stated that many ordinances need to be evaluated, including signage and requirements for stables in A-1 property zoning. He asked that ordinances undergo housekeeping to stay current and applicable.

Mr. Rogers stated there was a request for evaluation of a sign ordinance change, which would require an initiating resolution. He asked if the Board would like to do this at the next meeting or for it to go through the Comprehensive Plan.

Mr. Goodson stated he could support an initiating resolution.

Mr. Rogers state that resolution could be brought to the first or second regular meeting in January.

Ms. Jones stated she could support an initiating resolution.

Mr. Hicks stated that starting on December 10, 2008, staff would be evaluating all signs for compliance and removing those that are not in compliance. He stated that once the Comprehensive Plan was completed, staff would go through to evaluate needed updates.

Mr. Goodson asked that Mr. Rogers bring the initiating resolution forward.

Ms. Jones commented on air quality in schools and she asked for more information on this matter and how this could be evaluated.


Mr. Wanner stated that this could be put on the agenda for the joint retreat with the School Board and City of Williamsburg in February.

N. ADJOURNMENT

Mr. McGlennon made a motion to adjourn to January 6, 2009, 4 p.m.

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

- (0). At 8:47 p.m. Mr. Goodson adjourned the Board.


Sanford B. Wanner
Clerk to the Board

120908bos.min