

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 12TH DAY OF NOVEMBER, 2002, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Jay T. Harrison, Sr., Vice Chairman, Berkeley District
John J. McGlennon, Jamestown District
Michael J. Brown, Powhatan District
Bruce C. Goodson, Roberts District

Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. MOMENT OF SILENCE

Mr. Kennedy requested the Board and citizens observe a moment of silence.

C. PLEDGE OF ALLEGIANCE

Mr. Kennedy led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, recapped his comments made on March 12, 1994, regarding opposition to a proposed referendum on a third high school.

E. PRESENTATION

Mr. Kennedy and the other Board members presented Outstanding Service Awards to the following: **Individuals:** JoDarah Prescott, Linda Reinke, Pauline Milligan, Eric Funkhouser, Jane Leonard, Greg Dohrman, Alan McDowell, and John Black; **Outstanding Teams:** *Greenway Master Plan Steering Committee* Ron Boyd, Camilla Buchanan, Loretta Garrett, Mary Higgins, Michael Kirby, Jim Tucker, Peggy Wildman, and Bill Williams; *2002 Neighborhood Conference Team* Terry Buntrock, Helen Clendenin, Kim Johnson, Alex Kuras, John McCabe, Alan McDonald, Patricia McDonald, Dave Volz, and Nancy Volz; *Booksmart Program* accepted by Ileen Moorman, Noreen Bernstein, Genevieve Owens, Vicki Sprigg, Renee Dino, and Patricia Banks on behalf of Candace Allshouse, Patricia Banks, Lillian Barrett, Betsy Barry, Noreen Bernstein, Ellen Bennett, Erin Bladergroen, Heather Blair, Linda Broughton, Crystal Clay, Natalie Collins, Garland Dalton, Marie DiBenigno, Renee Dino, Reba Friedrich, Benjamine Goldberg, Vanessa Grant, Katie Hoff, Marcia Hoff, Bob Hunt, Tom Jordan, Reuben Lantz, Dawn Lantz, Mac McFarland, Ileen Moorman, Madeline Moss, Barbara Murphy, Larry Murphy, Genevieve Owens, Howard Richardson, Nancy Ruhland, Vicki Sprigg, Noel Veden, and Morag Willey; *SWAT Team Readiness* accepted by Stan Stout, Steve

Rubino, and John Black on behalf of Jeremy Barnett, Chris Belote, John Black, Billie Booth, Tony Dallman, Tom Ezell, Sean Gormus, Art Latimer, Dave Luchard, Alan McDowell, Pat Murray, Chris O'Neil, Sterling Perry, Eric Peterson, Brad Rinehimer, Steve Rubino, Richard Schugeld, Stan Stout, Michelle Toutaint, Steve Vargas, and Jerry White; *Chesapeake Bay Gateways Network Grant* Carla Brittle, John Carnifax, Paul Tubach, and Mike Woolson; *E-Gov Initiatives* Renee Dallman, Alisa Fox, Sharron Jeffreys, Jean Kuo, Linda Odell, Patrick Page, James Wilson, and Bernie Winslow; *Homebound Program* Linda Ellis and Margaret Toscano; *Paws @ Your Library Program* Cherny Edwards and Debra Weiss; *Check Information Process Improvement* Terry Bazemore, Beasy Hutchens, Jean Kuo, Barbara Miller, Tara Moore, and Rosemary Randall; *Day of Caring* John Haislip and Carol Schenk; *Customer Service Team* Barbara Coughlan, Alyce Donelson, Alex Holloway, Liz Johnson, Sarah Noble, Ronnie Nowak, Christy Parrish, Rosemary Randall, Bobby Ratcliffe, Mary Frances Rieger, Brad Rinehimer and Jane Townsend; and *Online Catalogue Improvement* Brett Charbeneau, Stephen D'Amico, Judith Fuss, and Kraston Scott; and the **Life Saving Award** to Aminda Davis, Heather Reese, and Daniel Stanley.

F. CONSENT CALENDAR

Mr. Kennedy asked if a member wished to pull an item from the Consent Calendar.

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

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

1. Minutes

- a. October 22, 2002, Work Session
- b. October 22, 2002, Regular Meeting
- c. October 28, 2002, Budget Retreat

2. Temporary Appointment of Acting Zoning Administrator

RESOLUTION

TEMPORARY APPOINTMENT OF ACTING ZONING ADMINISTRATOR

WHEREAS, pursuant to Section 24-5 of the Code of the County of James City, the Board of Supervisors is responsible for appointing the Zoning Administrator; and

WHEREAS, an appointment of an Acting Zoning Administrator is necessary on a temporary basis beginning November 12, 2002, and ending January 31, 2003.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints John T. P. Horne as Acting Zoning Administrator for the time period specified herein.

3. Chesapeake Bay Preservation Ordinance Violation – Civil Charge – Don and Paula Dazley

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION -

CIVIL CHARGE - DON AND PAULA DAZLEY

WHEREAS, Don and Paula Dazley are the owners of a 21.91± acre parcel of land, commonly known as 129 Saw Mill Road, designated as Parcel No. (16) on James City County Real Estate Tax Map No. (36-3), hereinafter referred to as the (“Property”); and

WHEREAS, on or about February 13, 2002, it was determined by County staff that vegetation was removed from approximately 22,000-square feet of area in the Resource Protection Area on the Property; and

WHEREAS, Mr. and Ms. Dazley agreed to a Restoration Plan to replant trees, and shrubs, install silt fencing and construct a fence to keep horses out, on the Property in order to remedy the clearing violation under the County’s Chesapeake Bay Preservation Ordinance and Mr. and Mrs. Dazley have provided surety to the County to guarantee the survival of the vegetation in the Resource Protection Area on the Property; and

WHEREAS, Mr. and Mrs. Dazley have agreed to pay \$4,000 to the County as a civil charge under the County’s Chesapeake Bay Preservation Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the restoration of the impacted areas and the civil charge as an interim settlement of the Chesapeake Bay Preservation Ordinance violation, in accordance with Sections 23-10 and 23-18 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 \$4,000 civil charge from Don and Paula Dazley as an interim settlement of the Chesapeake Bay Preservation Ordinance Violation.

4. Police Department Grant

RESOLUTION

POLICE DEPARTMENT GRANT

WHEREAS, the Department of Motor Vehicles (DMV) has approved a grant in the amount of \$9,000 to the Police Department for traffic enforcement, overtime, and related equipment; and

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

WHEREAS, the grant is administered by the DMV according to the Federal Government Fiscal Year, which runs from October 1 through September 30, thus allowing any unspent funds as of June 30, 2003, to be carried forward to James City County’s next fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia,

hereby authorizes the following appropriation amendments:

Revenues:

Department of Motor Vehicles \$9,000

Expenditures:

Police Department Budget \$9,000

G. PUBLIC HEARINGS

1. Ordinance to Amend and Reordain Chapter 13, Motor Vehicles – Multi-Year Motor Vehicle Decal

Ms. Ann Davis, Treasurer, stated that following the Board’s endorsement of a multi-year decal on September 24, 2002, staff prepared an ordinance providing the provisions for a multi-year decal, set to expire on December 31, 2007.

Ms. Davis recommended adoption of the Ordinance.

Mr. Brown inquired about how the multi-year motor vehicle decal will impact the collection of delinquent taxes.

Ms. Davis stated that in addition to the original bill and second notice, a third notice will be sent prior to assessing liens or undertaking “DMV stops.”

Mr. Brown requested further clarification on the “DMV stops.”

Ms. Davis stated that through the initiation of a “DMV stop,” a citizen will be unable to register any vehicle with the Department of Motor Vehicles until all delinquent taxes are paid including the cost of the fee to lift the DMV stop. Ms. Davis also stated that prior to the initiation of a “DMV stop,” the County would provide a 30-day notice of the intent to begin the DMV stop.

Mr. Kennedy opened the Public Hearing.

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

Mr. Goodson stated support for the elimination of motor vehicle decals and stated support for this initiative towards that goal.

Mr. Goodson made a motion to adopt the Ordinance.

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

2. Case No. Z0-2-02. Zoning Ordinance Amendment – Manufactured Home Replacement

Ms. Christy Parrish, Zoning Officer, stated that on April 8, 2002, the Virginia General Assembly amended Section 15.2-2307 to permit the replacement of a valid nonconforming manufactured home with a comparable one that meets HUD standards, and thereby localities can no longer require any further legislative approvals of such homes.

Ms. Parrish stated that the proposed Ordinance amendment eliminates references to requiring a special use permit and the language would mirror that of the Code of Virginia.

On October 7, 2002, the Planning Commission voted 7-0 to approve the Ordinance amendment.

Staff recommended approval of the amendment to ensure consistency between the County's Zoning Ordinance and the Code of Virginia.

Mr. Kennedy opened the Public Hearing.

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

Mr. Goodson made a motion to adopt the Ordinance amendment.

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

3. Vacation of a Portion of Right-of-Way for Louise Lane

Mr. Leo P. Rogers, Deputy County Attorney, provided the Board with an Ordinance of Vacation to vacate portions of the right-of-way as well as the conveyance of additional right-of-way to the County for Louise Lane in an effort to improve Louise Lane under the Dirt Street program and have Louise Lane accepted by the Virginia Department of Transportation (VDOT) into the State Secondary Road System.

Staff recommended adoption of the Ordinance.

Mr. Kennedy opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the Ordinance.

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

H. BOARD CONSIDERATION

1. General Obligation Public Improvement Refunding Bond

Ms. Suzanne R. Mellen, Director of Budget and Accounting, stated that bonds were issued at rates ranging from 5.6 percent to 5.85 percent for financing a portion of the costs for School improvements through the General Obligation Public Improvement Bonds issued by the County in 1994. Staff would like to take advantage of the lower interest rates and refund the portion of the bonds maturing on or after December 14, 2007, at a savings to the County of approximately \$16,000 to \$19,000 annually and total present value savings of approximately \$178,500.

Staff recommended the Board adopt the resolution to authorize the issuance and sale of \$4,280,000 General Obligation Public Improvement Refunding Bonds, Series 2002.

Mr. Goodson inquired if adoption of the resolution would extend the term of the Bonds.

Ms. Mellen stated that it would not.

Mr. Brown inquired if the \$16,000 - \$19,000 annual savings is a net savings.

Ms. Mellen stated that is an anticipated net savings.

Mr. McGlennon made a motion to adopt the resolution.

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

I. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, stated that other localities have turned down referenda on new schools due to conflicting information provided by the schools and requested that local educational opportunities include technical training.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that the Comprehensive Plan Steering Committee will be meeting on Mondays at 4 p.m. in the Building C Board Room at the Government Center, 101 Mounts Bay Road, and stated that citizens are invited to make comments regarding the Comprehensive Plan at the beginning and end of each meeting.

Mr. Wanner stated that at the High Growth Coalition meeting, Mr. Roger Wiley was engaged to represent the Coalition at the 2003 General Assembly. Mr. Wanner stated that the County's portion of Mr. Wiley's fee is \$1,000, and requested guidance from the Board on providing funding for this matter.

The Board supported the funding request of \$1,000.

Mr. Wanner requested Mr. Larry Foster, General Manager of the James City Service Authority, provide an update on the status of the Groundwater Desalinization Permit.

Mr. Foster stated that a Public Comment period would be open from November 17 – December 17 on the issuance of a Permit to James City Service Authority for Groundwater Desalinization. Mr. Foster stated that a Permit could be issued to the Service Authority as early as January of 2003 that would be another step forward in the development of the Groundwater Treatment Facility.

The Board and staff held a brief discussion regarding the conditions of the Permit and the impacts of a potential surface water source on the permit as well as the amount of groundwater withdrawal allowed by the Permit.

Mr. Wanner recommended that at the conclusion of the agenda, the Board adjourn until 4 p.m. on November 26, 2002.

K. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson requested the Board adopt an Emergency Ordinance to rescind the Ordinance adopted by the Board in answer to the Governor's Executive Order 33.

The Board, staff, and County Attorney held a discussion on the impacts of adopting this Emergency Ordinance on the Groundwater Withdrawal Permit and lapse of any outdoor watering regulations until the Board reinstates an outdoor watering ordinance.

Mr. Morton stated that in regard to the impacts on the Groundwater Withdrawal Permit, staff will contact the Department of Environmental Quality and alert them of the County's situation and seek guidance from them.

Mr. Kennedy requested a roll call on the motion to adopt the Emergency Ordinance.

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

Mr. McGlennon requested staff contact Cox Cable to have a representative before the Board and citizens to address concerns about the increasing rates for cable service and other issues.

Mr. Wanner stated that Hampton Road localities are coming together to address cable rate impacts to the localities and to create a model franchise agreement for future cable services.

Mr. Harrison stated that on November 21 at 6:30 p.m. in Rooms A and B of the James City/Williamsburg Community Center on Longhill Road, there will be a Berkeley District town meeting and invited all County residents to attend and voice any concerns or issues.

Mr. Kennedy stated that citizens are invited to participate in the next Community Conversations on the 2003 Comprehensive Plan Update on November 13 at 7 p.m. at the Toano Middle School.

Mr. Kennedy thanked the volunteers at the Volunteer Fire Department for their service and congratulated those that were part of the Installation Ceremony.

L. ADJOURNMENT

Mr. Harrison made a motion to adjourn until 4 p.m. on November 26, 2002.

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

Mr. Kennedy adjourned the Board at 8:22 p.m.

Sanford B. Wanner
Clerk to the Board