

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 12TH DAY OF NOVEMBER, 2003, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. ROLL CALL**

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

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

Mr. Harrison recognized members of the Planning Commission and Ms. Denise W. Koch, the Roberts District School Board Member elect, in the audience.

**B. MOMENT OF SILENCE**

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

**C. PLEDGE OF ALLEGIANCE**

Stuart Righter, an eighth-grade student at Toano Middle School, led the Board and citizens in the Pledge of Allegiance.

**D. RECOGNITIONS**

1. Resolution of Appreciation – Dr. Lisa Curry

Mr. Harrison recognized Dr. Lisa Curry for her service to the community as a member of the Development Potential Analysis Committee, the Comprehensive Plan Community Participation Team, and the Comprehensive Plan Steering Committee; and recognized her accomplishment as the recipient of the Virginia Citizen Planner of the Year Award by the Virginia Citizen Planner's Association.

Dr. Curry thanked those that helped her during the Comprehensive Plan process.

2. Animal Control Officer of the Year – Shirley Anderson

Mr. Harrison recognized Shirley Anderson, Animal Control Supervisor, as the recipient of the 2003 Animal Control Officer of the Year Award by the Virginia Animal Control Association and recognized her accomplishments of improving the image of Animal Control, developing a brochure for citizens, and care of the animals.

3. Employee and Volunteer Outstanding Service Awards

Mr. Kennedy and the other Board members presented Outstanding Service Awards to the following: **Individuals:** Tracey Brown, Carole Norman, Dr. John McKnight, Michael Drewry, Noreen Bernstein, Randy Weiford, Pam Blank, Roy Jackson, and Andy Hargreaves; **Outstanding Teams:** *Comprehensive Plan Steering Committee*, Joe Poole, Peggy Wildman, George Billups, John Hagee, Joe McCleary, Michael Brown, Dr. Lisa Curry, and Jeff Barra; *Comprehensive Plan Community Participation Team*, Dr. Lisa Curry, Jeff Barra, Bob Jacobsen, Hampton Jessem Mary Jones, Bill Miller, Grant Olson, Mary Higgins, Wilford Kale, Donald Hunt, Joe Poole, Clarence Curry, Bill Pompeii, Dennis Koch, and Ron Rosenberg; *Co-Sponsorship Guidelines* Carla Brittle, John Carnifax, Nancy Ellis, Dan Smith, and Phil Mease; *Freedom Park Pedestrian Bridge* Greg Storck and Bill Storck; *Second Annual Super Turf Saturday*, Bob Winters and Debbie Green; *STRIVE Program for At-Risk Youth* Iris Street, Audra Jeppson, Howard Mason, Kelley Herbert, and Josh Gray; and the **Life Saving Award** to Kerry Blekfeld.

**E. PUBLIC COMMENT**

1. Ms. Gwendolyn Johnson, 104 Grove Heights Avenue, stated concern about the apparent lack of adequate notification to residents regarding a meeting concerning the Epstein Retirement Center and therefore lack of opportunity for citizens to present a petition against the proposal.

2. Mr. Rich Costello, 10020 Sycamore Landing Road, commented on Cox Communications disappointing customer service and lack of efficient restoration of service to citizens in comparison to Dominion Virginia Power.

3. Mr. Ollie Ferrera, 3196 Derby Lane, stated concern that Cox Communications is changing its programming packages resulting in higher rates for less service.

4. Ms. Karen Sublett, 1401 Westgate Circle, Williamsburg, stated concern that Cox Communications has poor customer service, apparent unjustified rate increases, inefficient technical assistance to its customers, and automatically puts its customers that telephone on hold for 1 to 1.5 hours.

5. Ms. Vivian Prescott, 1603 Westgate Circle, Williamsburg, stated that those in Cox Communications technology service are poorly informed and have a lack of technical knowledge to answer basic questions, stated concern that Cox Communications is offering new customers three months of free service in the face of rate hikes to existing customers, and stated that she does not mind paying for services if the service provided is good.

6. Mr. Mark Rinaldi, 10022 Sycamore Landing Road, stated that Cox Communications did not convey to customers that reconnection of service was not automatic after Hurricane Isabel and did not provide information on how to get service reconnected, nor do they have good customer service.

7. Mr. Ed Oyer, 139 Indian Circle, stated that 155 citizens reside in the general Grove area and that adequate notification was not provided to them concerning a meeting to be held regarding the Epstein Retirement Center and stated opposition to the proposal.

**F. CONSENT CALENDAR**

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

Mr. Brown requested Item No. 4, Award of Contracts – Annual Engineering Services, be pulled. Mr. McGlennon made a motion to adopt the remainder of the items on the Consent Calendar.

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

1. Minutes –
  - a. October 14, 2003, Work Session
  - b. October 14, 2003, Regular Meeting
2. Resolution of Appreciation – Dr. Lisa Curry

### **RESOLUTION OF APPRECIATION**

#### **DR. LISA CURRY**

WHEREAS, Dr. Lisa Curry has served the citizens of James City County as a member of its Development Potential Analysis Committee in 2001-2002; and

WHEREAS, Dr. Curry also served on James City County's 2003 Comprehensive Plan Community Participation Team; and

WHEREAS, she was elected by the Community Participation Team to serve as its representative on the 2003 Comprehensive Plan Steering Committee; and

WHEREAS, the Comprehensive Plan Steering Committee received the 2003 Virginia Municipal League President's Award and the Community Participation Team received the Virginia Chapter of the American Planning Association's Public Education Award; and

WHEREAS, Dr. Curry's contributions to James City County has been recognized by the Virginia Citizen Planners' Association by awarding her the Citizen Planner of the Year award.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby extend its sincere appreciation and every good wish for continued success to

#### **DR. LISA CURRY**

BE IT FURTHER RESOLVED that this resolution be spread upon the November 12, 2003, minutes of this Board and a suitable copy be presented to Dr. Lisa Curry.

3. Award of Contract – Custodial Services, Government Complex, Building F

**RESOLUTION**

**AWARD OF CONTRACT - CUSTODIAL SERVICES,**

**GOVERNMENT COMPLEX, BUILDING F**

WHEREAS, the Request for Proposals has been advertised and evaluated for custodial services for the new Building F in the James City County Government Complex; and

WHEREAS, nine firms submitted proposals, with Red Coats, Inc., being determined to be the best qualified to provide the required services; and

WHEREAS, the operating budget contains funding for these services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract for custodial services for Building F in the James City County Government Complex to Red Coats, Inc., in the amount of \$25,043.76.

5. Award of Contract – Renovations to Buildings A and B

**RESOLUTION**

**AWARD OF CONTRACT – RENOVATIONS TO BUILDINGS A AND B**

WHEREAS, the plans and specifications have been advertised and competitively bid for renovations to Buildings A and B; and

WHEREAS, five firms submitted bids, with SEVAC submitting the lowest responsive and responsible bid of \$539,200; and

WHEREAS, the bid is within budgeted amounts, funds are available, and SEVAC has been determined to be capable of performing the work associated with the project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract to SEVAC, in the amount of \$539,200.

6. State Employee Raises

**RESOLUTION**

**STATE EMPLOYEE RAISES**

WHEREAS, the State of Virginia has awarded State employees an increase of 2.25 percent effective December 1,2003; and

WHEREAS, the Board of Supervisors agreed to provide the Sheriff’s Department an additional 1.25 percent increase if the State raises were approved.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, appropriates \$18,982 in State Revenue and transfers \$11,811 from the Operating Contingency account to fund the raises of the State employees.

REVENUES:

From the Commonwealth:	
Registrar	\$ 583
Commonwealth Attorney	4,386
Clerk of Circuit Court	4,561
Treasurer	1,788
Commissioner of Revenue	1,518
Sheriff	<u>6,146</u>
Total	<u>\$18,982</u>

EXPENDITURES:

Registrar’s Office	\$ 686
Electoral Board	119
Extension Office	498
Commonwealth Attorney	6,837
Clerk of Circuit Court	6,389
Treasurer	1,222
Commissioner of Revenue	1,051
Sheriff	13,991
Contingency	<u>(11,811)</u>
Total	<u>\$18,982</u>

4. Contract Awards – Annual Engineering Services

Mr. Brown requested a mechanism by which the Board would be notified if an annual contract amount of \$100,000 is exceeded.

Mr. John E. McDonald, Manager of Financial and Management Services, stated that staff would look into it.

Mr. Brown mad a motion to adopt the resolution.

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

**RESOLUTION**

**CONTRACT AWARDS - ANNUAL ENGINEERING SERVICES**

WHEREAS, the Request for Proposal has been advertised and evaluated for annual engineering services; and

WHEREAS, the firms listed below to this resolution were determined to be the best qualified to provide the required engineering services in their respective groups.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contracts for annual engineering services to the firms listed as follows:

Group 1 - Basic Engineering  
Firm Name: AES; Michael Baker, Jr., Inc.; Draper Aden & Associates;  
URS Corporation; Woolpert LLP

Group 2 - Environmental Engineering  
Firm Name: Kimley Horn & Associates; Natural Systems Engineering;  
Williamsburg Environmental Group

Group 3 - Hydro-Geological Engineering  
Firm Name: Russnow-Kane

Group 4 - Landscape Planning and Landscape Architecture  
Firm Name: Clough, Harbour & Associates; Land Planning & Design Associates;  
Rhodeside & Harwell, Inc.

Group 5 - Site Plan Review Engineering  
Firm Name: Johnson, Mirmiran & Thompson

Group 6 - Surveying Services  
Firm Name: AES; Precision Measurements, Inc.; Woolpert, LLP

Group 7 - Stormwater Infrastructure Engineering  
Firm Name: Timmons Group; URS Corporation

**G. PUBLIC HEARINGS**

1. Case Nos. SUP-18-03 and MP-7-03. Olde Towne Timeshares

Mr. David Anderson, Planner, stated that Richard A. Costello, AES Consulting Engineers, applied on behalf of Heritage Resorts, Inc., for a special use permit (SUP) to amend a previously approved special use permit to make some changes to the layout of the Master Plan on 130.40 acres zoned R-2, General Residential District, at 9295, 5350, and 5380 Olde Towne Road, further identified as Parcel Nos. (1-26), (1-26A), (1-36), and (1-30) on James City County Real Estate Tax Map Nos. (32-4) and (33-3).

Staff found the proposal to be consistent with surrounding zoning, single-family, multifamily, and timeshare uses; and consistent with the requirements for the residential cluster zoning ordinance and consistent with the Comprehensive Plan.

At its meeting on October 6, 2003, the Planning Commission voted 4-3 to recommend approval of the application.

Staff recommended approval of the special use permit amendment with conditions.

Mr. McGlennon requested verification that the biggest changes associated with the amendment were to reduce the number of bedrooms per unit in a portion of the proposed units and to reduce the amount of impervious cover on the site.

Mr. Anderson verified the information.

Mr. Harrison opened the Public Hearing.

1. Mr. Vernon Geddy, III, attorney representing the applicant, concurred with the staff report and requested the Board approve the proposal as it reduces some of the impacts to the County.

Mr. McGlennon inquired if the addition of the indoor pool would offset the water savings resulting from the reduction of the number of individuals in some of the units.

Mr. Rich Costello, AES Consulting, stated that although there would be less indoor water use in some of the units, there would not be a significant water use reduction associated with the proposal.

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

Mr. Goodson made a motion to adopt the revised resolution.

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

## **RESOLUTION**

### **CASE NO. SUP-18-03/MP-7-03. OLDE TOWNE TIMESHARES**

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Mr. Richard Costello has applied on behalf of Heritage Resorts, Inc., for a special use permit to amend a previously approved special use permit allowing 365 timeshares in a residential cluster; and

WHEREAS, the proposed residential cluster is shown on the Master Plan prepared by AES Consulting Engineers, dated August 25, 2003, and entitled "Master Plan Amendment for The Colonies at Williamsburg"; and

WHEREAS, the property is located on land zoned R-2, General Residential District, and can be further identified as Parcel Nos. (1-26), (1-26A), and (1-36) on James City County Real Estate Tax Map No. (32-4) and Parcel No. (1-30) on James City County Real Estate Tax Map No. (33-3); and

WHEREAS, the Planning Commission, following its public hearing on October 6, 2003, voted 4-3 to approve this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-18-03/MP-7-03 as described herein with the following conditions:

1. Construction on this project shall commence within 36 months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation. Construction does not include land preparation, such as clearing, grading, or filling.
2. The Master Plan of development required under Section 24-554 of the Zoning Ordinance shall be generally consistent with the "Master Plan Amendment for The Colonies at Williamsburg" prepared by AES Consulting Engineers, revised September 29, 2003, as determined by the Director of Planning. Development of the site shall be generally in accordance with the Master Plan, with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
3. The property shall be developed as a timeshare project. There shall be no more than 365 timeshare units in addition to associated recreation facilities on the property and one single-family residential lot, its location identified on the Master Plan.
4. The applicant shall implement the road improvements recommended by the traffic study "Traffic Analysis for Olde Towne Road Timeshares on Olde Towne Road" prepared by DRW Consultants, Inc., September 9, 1998, prior to issuance of the first Certificate of Occupancy for any structure on the site.
5. All dumpsters and heating and cooling units shall be screened by landscaping or fencing approved by the Planning Director prior to final site plan approval.
6. Free-standing signs shall be ground-mounted, monument style and shall be approved by the Planning Director prior to final site plan approval.
7. The landscape plan shall be approved by the Planning Director prior to final site plan approval for any section or phase of this project and shall include enhanced landscaping around the perimeter of each timeshare building, so that the required number of plants equals at least 133 percent of the County's Landscaping Ordinance requirements with a minimum of 33 percent of the required number of trees being evergreen. The landscape plan shall also contain landscape screening and berms with a minimum eight-foot height along the Olde Towne Road and Route 199 frontage, at the location shown on the Master Plan. Additionally, the landscape plan shall address the landscaping along the Route 199 right-of-way berm. The applicant has requested a 20-foot reduction in the width of the buffer adjacent to Route 199 from 150 feet to 130 feet in order to allow development of this property as shown on the Master Plan. In order to ensure the adequacy of the reduced buffer, the landscaping shall include the total number of trees required for a 150-foot buffer, despite its reduced width, effectively increasing the buffer's density. Landscaping

should also be designed in a manner that provides the appearance of a natural forested area.

8. Four-foot paved shoulder bikeways shall be provided on both sides of Olde Towne Road at the location shown on the Master Plan prior to the issuance of the first Certificate of Occupancy for any structure on this site. A four-foot sidewalk shall be provided at the location shown on the Master Plan on the eastern side of Olde Towne Road prior to the issuance of the first Certificate of Occupancy for any structure on this site.
9. All exterior light fixtures on the property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. A lighting plan shall be submitted to, and approved by, the Planning Director indicating the fixture type and that no glare will occur outside the property lines. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from a public street (except at street connections where up to 2.0 footcandles is permitted) or adjoining residentially designated property.
10. An eight-foot-wide paved public-use path with four-foot-wide mulched shoulders and a six-foot wide mulched path as shown generally on the Master Plan shall be constructed prior to the issuance of a Certificate of Occupancy for no more than 200 timeshare units if the Board of Supervisors has approved the construction of this path and requested it in writing. If the Board of Supervisors has not approved construction of this path and requested it in writing within seven years of the approval of this Special Use Permit, the applicant and/or its successors shall have no obligation to construct this path. The path shall be located no closer than 80 feet from the nearest residential property line. The applicant shall fully maintain the paths and bridge during the period of time the developer is constructing the timeshare units.
11. The applicant shall work out an arrangement with the Virginia Department of Transportation to address traffic issues and safety concerns on Olde Towne Road. The applicant shall provide documentation of the agreed upon arrangement prior to final site plan approval.
12. The applicant shall dedicate to the County, by conservation easement for the purpose of providing public access to the public-use paths, 44.94 acres of the Chisel Run Swamp, identified on the Master Plan as "Protected and Preserved Natural Area, RMA Wetlands, and Buffers," in a form approved by the County Attorney prior to final site plan approval for any structure on the site.
13. If the applicant desires to have outdoor watering, they shall provide water for irrigation utilizing surface water collection from the surface water impoundments as shown on the Master Plan and shall not use JCSA water or well water for irrigation purposes. This irrigation system shall be included with the site plan for the project and shall be approved by the JCSA General Manager. This requirement prohibiting the use of well water may be waived by the JCSA General Manager if the applicant demonstrates to the JCSA General Manager that there is insufficient water for irrigation in the surface water impoundments, and the applicant may apply for a waiver for a shallow (less than 100 feet) well only.
14. In order to mitigate the impact of the road improvements on Olde Towne Road caused in part by this project, for a period of 15 years from the issuance of this special use permit, the area shown on the Master Plan as "Reserved Lot" may be used as one residential lot if needed by the County or VDOT to relocate a family displaced due to the

Olde Towne Road improvements. In the event the "Reserved Lot" is not used for the purpose allowed in this paragraph, the "Reserved Lot" shall remain open space.

15. The proposed stormwater management upper pond shall be an excavated pond; that is one that doesn't contain a dam structure that could fail and flood adjacent residences, and both ponds shall have a dam break analysis performed to ensure that no flooding of the adjacent residences will occur.
16. Additional berming and landscaping shall be provided between the compactor and the adjacent residential property to mitigate any noise impacts produced by the compactor operation. A landscape plan showing the additional berming and landscaping shall be included with the site plan for the phase of the project containing the compactor and shall be approved by the Planning Director prior to final site plan approval.
17. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Amendments to the FY 2004 Special Projects/Grants Budget

Ms. Suzanne R. Mellen, Director of Budget and Accounting, stated that to accommodate the anticipated revenues and spending related to Hurricane Isabel, a budget amendment is needed to appropriate estimated reimbursements from Federal Emergency Management Agency (FEMA), the Commonwealth of Virginia, and insurance proceeds.

Mr. McGlennon inquired what line item the General Funds were being removed from to cover the expenditures.

Ms. Mellen stated that the funds will be from the Contributions to Capital Projects.

Mr. Harrison opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the resolution.

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

**RESOLUTION**

**AMENDMENTS TO THE FY 2004 SPECIAL PROJECTS/GRANTS BUDGET**

WHEREAS, the Board of Supervisors of James City County has adopted a budget for the year ending June 30, 2004 (FY 2004), and has been requested to amend the Special Projects/Grants Budget to accommodate the anticipated revenues and spending related to Hurricane Isabel.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the FY 2004 Special Projects/Grants Budget with the following appropriation:

Revenues:

Federal Government	\$4,250,000
State Government	900,000
Insurance Proceeds	70,000
From the General Fund	<u>480,000</u>
Total:	<u>\$5,700,000</u>

Expenditure:

Storm Costs	<u>\$5,700,000</u>
-------------	--------------------

**H. BOARD CONSIDERATION**

1. Road Abandonments, Additions, and Renumbering Due to Route 199 and Monticello Avenue (Deferred from October 28, 2003)

Mr. O. Marvin Sowers, Planning Director, stated that the Board deferred action on this item at its October 28, 2003, meeting to permit staff time to review the adequacy of the markings and signage along the bikepath; and stated that staff and the Virginia Department of Transportation (VDOT) agreed to minor changes to the bikeway pavement markings.

Mr. Sowers recommended the Board adopt the resolution.

Mr. McGlennon made a motion to adopt the resolution.

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

**RESOLUTION**

**ADDITIONS AND ABANDONMENTS TO ROUTE 613 (NEWS ROAD),**

**615 (IRONBOUND ROAD), 783 (IRONBOUND ROAD), 784 (UN-NAMED ROAD),**

**5000 (MONTICELLO AVENUE), AND 1470 (POWHATAN PARKWAY)**

WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch dated September 13, 2003, depicting required changes in the Secondary System of State Highways, which sketch is entitled "Changes in the Primary and Secondary Systems Due to **Relocation and Construction on Route 199, Project: 0199-047-F03, C503**," and which sketch is hereby incorporated herein by reference; and

WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve as a public need.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, abandons from the Secondary System of State Highways those portions of Route 615 identified as Sections 3 and 5, pursuant to 33.1-155 of the Code of Virginia.

BE IT FURTHER RESOLVED, that this Board abandons from the Secondary System of State Highways the portion of Route 1470 identified as Section 6, pursuant to 33.1-155 of the Code of Virginia.

BE IT FURTHER RESOLVED, that this Board abandons from the Secondary System of State Highways the portion of Old Route 613 identified as Section 7, pursuant to 33.1-155 of the Code of Virginia.

BE IT FURTHER RESOLVED, that this Board requests to add to the secondary system of State highways those portions of Route 5000 identified by the sketch as Sections 8, 9, and 18, pursuant to 33.1-229 of the Code of Virginia.

BE IT FURTHER RESOLVED, that this Board requests the Virginia Department of Transportation to add to the secondary system of State highways those portions of Route 613 identified by the sketch as Sections 12 and 13 pursuant to 33.1-229 of the Code of Virginia.

BE IT FURTHER RESOLVED, that this Board requests to add to the secondary system of State highways those portions of Route 784 identified by the sketch as Sections 14 and 15, pursuant to 33.1-229 of the Code of Virginia.

BE IT FURTHER RESOLVED, that this Board requests to add to the secondary system of State highways those portions of Route 615 identified by the sketch as Sections 16 and 17, pursuant to 33.1-229 of the Code of Virginia.

BE IT FURTHER RESOLVED, that this Board rennumbers Old Route 615 as Route 783, identified as Sections 1 and 2 on the aforementioned sketch.

BE IT FINALLY RESOLVED, that this Board orders that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**I. PRESENTATION**

1. Cox Communications

Mr. Wanner introduced Mr. Thom Prevette, Vice President of Cox Communications, and members of the Cable Communications Advisory Committee.

Mr. Prevette provided an overview of the preparations Cox Communications took for the hurricane, the damage inflicted to the structures and services of Cox Communications, the status of the restoration of customer service, and the fiscal impact of the hurricane damage.

The Board stated its concern that the level of customer service is not adequate, that automatic functions to be performed by Cox Communications were not performed during the restoration of service to customers, and that the length of time customers spends on hold trying to reach a representative during the recovery from the hurricane and on any given day is too lengthy.

Mr. Prevette stated that Cox Communications is looking at improving its service to its customers.

The Board requested information regarding the average length of time a customer from James City County waits on hold to speak with someone with Cox Communications.

Mr. Prevette stated that in review of its emergency operations plan, Cox Communications would be improving its communication with local government and its customers.

Mr. Kennedy stated that he appreciated the willingness of Cox Communication employees to work 18 hour shifts for six to seven days a week in an effort to restore service to Cox Communication customers, and appreciated Mr. Prevette's recognition of the areas of improvement Cox needs to address.

The Board and Mr. Prevette discussed Cox Communications' efforts to comply with FCC regulations and improving its customer service.

Mr. McGlennon inquired about the justification for the programming line up changes within the tiers and the rate changes for the tiers.

Mr. Prevette stated that the cost for programming is increasing and that ESPN programming costs are increasing by 20 percent annually.

**J. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, stated that the Richmond local television station removed earlier this year from the Cox Communications lineup provided better James City County coverage during the hurricane than the local news channels provided by Cox Communications.

2. Mr. Ollie Ferrerra, 3196 Derby Lane, stated that he understood the need to increase rates, but objected to decreasing plan options, redoing packages, and then the customers are forced to choose to remain at the same rate level for less service or move up to a higher costing tier for unwanted channels; and requested Cox Communications review its packaging options.

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner stated that Police Officer Dale Burden thanks the citizens for their outreach.

Mr. Wanner stated that staff has terminated the burning process of storm debris at the District Park Sports Complex, and that the last debris collection is expected to be completed by December 7.

Mr. Wanner provided an overview of the role the Virginia Department of Transportation has in the removal of storm debris from Interstates, Primary Roads, and Major Secondary roadways.

#### **L. BOARD REQUESTS AND DIRECTIVES**

Mr. Brown thanked staff for identifying an alternative method to burning the debris at the District Park Sports Complex.

Mr. Harrison inquired if there would be a third debris removal by the County.

Mr. Wanner stated that a third sweep for removal of debris in subdivisions will be focused.

Mr. Harrison requested the citizens contact the County with information regarding areas still needing debris removal.

Mr. Goodson recommended the consideration of the appointment to the Colonial Services Board be done in open session.

Mr. Harrison stated that County received an honorable mention award from the Virginia Association of Counties for the partnership formed by Williamsburg Area Transport.

Mr. Harrison clarified that the Roberts District meeting regarding the Epstein Retirement Center was not a County function and that citizens would be provided an opportunity for input regarding such proposals before the Board considers action on them.

Mr. McGlennon stated that the County has little ability to influence Cox Communications, that the agreement with the cable provider does not expire until 2010, and that citizens can log a complaint against Cox Communications through the Cable Communications Advisory Committee.

Mr. Wanner stated that all the correspondence regarding Cox Communications is forwarded to the FCC.

Mr. Wanner stated that there is no local competition for Cox Communications at this time due to the expense to reproduce a system that is already in place.

Mr. Kennedy requested a work session be scheduled for the discussion of the Emergency Operations Plan and Hurricane Isabel.

The Board and staff discussed Mr. Kennedy's proposal and if the Board would have enough information at this stage for a productive review.

Mr. Wanner stated that the Governor has created a taskforce to conduct a survey which will be submitted to the State regarding issues associated with Hurricane Isabel.

Mr. Goodson made a motion to appoint Mr. John McDonald to a three-year term on the Colonial Services Board, term to expire on June 30, 2006.

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

**M. ADJOURNMENT**

Mr. McGlennon made a motion to adjourn.

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

At 9:04 p.m., Mr. Harrison adjourned the Board until 4 p.m. on Tuesday, November 25, 2003.

---

Sanford B. Wanner  
Clerk to the Board

111203bs.min