

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF SEPTEMBER 2006, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. ROLL CALL**

Bruce C. Goodson, Chairman, Roberts District  
John J. McGlennon, Vice Chairman, Jamestown District  
Jay T. Harrison, Sr., Berkeley District  
James O. Icenhour, Jr., Powhatan District  
M. Anderson Bradshaw, Stonehouse District

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

**B. MOMENT OF SILENCE**

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

**C. PLEDGE OF ALLEGIANCE** – Mary Burkland, an eighth-grade student at Berkeley Middle School, led the Board and citizens in the Pledge of Allegiance.

**D. HIGHWAY MATTERS**

Mr. Jim Brewer, Virginia Department of Transportation (VDOT) Williamsburg, stated the Monticello Avenue/Ironbound Road project was approximately 46 percent complete and lane changing would begin in a few weeks; the Greensprings Trail from Jamestown High School to Route 31 was about 80 percent complete; the Virginia Capital Trail was about 49 percent complete; and the project on Richmond Road was approximately 11 percent ahead of schedule.

Mr. Brewer stated he and John T.P. Horne are scheduled to go into the field on October 2, 2006, to view wayfinding signs and remove duplicates, and there was an upcoming meeting for the Ironbound Road project regarding pedestrian traffic and bike paths in order to analyze possibilities. Mr. Brewer stated he had distributed the plant mix schedule for repaving for next year with one road scheduled due to a budget of \$125,000 this year.

Mr. Bradshaw asked Mr. Brewer to compare the figure of \$125,000 for paving to the average budget.

Mr. Brewer stated for the County this budget would normally be about \$1,000,000 a year.

Mr. McGlennon asked what the impact would be for subdivisions that required resurfacing of roads.

Mr. Brewer stated there would not be sufficient funding to repave these roads in subdivisions as there was only one road listed on the paving schedule for FY 09.

Mr. McGlennon asked for clarification that there would be no repaving of subdivisions this year.

Mr. Brewer indicated that there would be none.

Mr. Bradshaw stated there was a superb job done on Route 60 west of Anderson's Corner where a drainage under the highway was substantially rebuilt and asked that the speeds be checked on two roads - Crossover Road near Lanexa and Old Stage Road through Anderson's Corner to the west. Mr. Bradshaw stated VDOT may have done a speed study for this road and asked Mr. Brewer to send a copy if so or to do another one if appropriate. He asked about pedestrian traffic signs in Toano as District Engineer Michael Corwin had wanted to replace pedestrian warning signs with handicap signs and replace pedestrian crossing signs with ones that were brighter.

Mr. Brewer stated the signs were on order and should be in within 30 days.

Mr. McGlennon asked the completion date of the paving of Jamestown Road.

Mr. Brewer responded the paving would be completed near the middle of October.

Mr. Harrison stated a constituent was asking for a pedestrian crossing switch in the Berkeley District and requested Mr. Brewer check for major crossings in the District where a pedestrian crossing switch might be warranted.

Mr. Icenhour asked for confirmation that when the County creates a six-year program, new construction is done with Board input while the maintenance budget is assessed annually through VDOT and is not under local jurisdiction.

Mr. Brewer stated this was correct.

Mr. Icenhour asked Mr. Brewer to explain why it was necessary to resurface Monticello Avenue.

Mr. Brewer stated Monticello Avenue was within the Primary System and funds could not be switched from the Primary System over to Secondary System. Mr. Brewer explained that though Monticello Avenue was a relatively new road, upon initial inspection it was found to need milling and repaving and since water flowed from one side of the road to other, the entire road needed to be milled. Mr. Brewer stated this would not be necessary again as this problem was repaired with the current resurfacing.

Mr. Icenhour asked for follow-up on a traffic light at Lafayette High School.

Mr. Brewer stated he was still working with staff and the School Board and due to extreme costs, the high school would continue to use Police to direct traffic.

Mr. Icenhour asked if there would be a traffic light near Warhill District Sports Complex.

Mr. Brewer stated not at this time.

Mr. Icenhour asked that additional striping be done on Longhill Road to ensure that people do not drive into the wrong lane at the main entrance of Ford's Colony.

**E. PUBLIC COMMENT**

1. Mr. Randy O'Neill, 109 Sheffield Road, asked for assistance in bringing a fitness program to students. Mr. O'Neil stated his support in the cooperation of municipalities for prevention of gangs in the area and asked the Board to encourage staff to provide a state-of-the-art facility to prevent obesity in young people in the community.

2. Mr. Ed Oyer, 139 Indian Circle, requested the total cost of the 800 MHz system and commented on density in relation to fire safety; inmate escape; removal of railroad tracks crossing Route 60; off-street parking and Loitering Ordinances; the acquisition of Upper County Park; and the Jamestown Campground and Marina.

**F. CONSENT CALENDAR**

Mr. McGlennon made a motion to adopt the items on the consent calendar as amended.

On a roll call vote, the vote was AYE; Harrison, Icenhour, McGlennon, Bradshaw, Goodson (5).  
NAY: (0).

1. Minutes – September 12, 2006, Regular Meeting
2. Approval of Certain County Staff to Sign Virginia Department of Transportation Documents and Agreements

**RESOLUTION**

**APPROVAL OF CERTAIN COUNTY STAFF TO SIGN VIRGINIA DEPARTMENT OF  
TRANSPORTATION DOCUMENTS AND AGREEMENTS**

WHEREAS, County/State Agreements for revenue sharing projects are required to be administered by the County; and

WHEREAS, from time to time the County will be administering projects, including Project Nos. 0763-047-R82, PE101, and C501 on Watford Road in James City County; and

WHEREAS, the Virginia Department of Transportation now requires the official signing for James City County to have authority from the Board of Supervisors to execute the necessary County/State agreements and amendments thereto.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator or Development Manager is hereby authorized to sign the necessary County/State agreements, amendments, and documentation required to administer any revenue sharing projects approved by the Board of Supervisors.

3. Regional Youth Violence Prevention Program

**RESOLUTION**

**REGIONAL YOUTH VIOLENCE PREVENTION PROGRAM**

WHEREAS, the James City County Police Department has joined efforts with other Peninsula law enforcement agencies and school districts in a youth violence prevention program; and

WHEREAS, the program will allow the jurisdictions and schools to collaborate in the development, administration, and implementation of this initiative; and

WHEREAS, as a member of this partnership, James City County will contribute \$3,615 toward the salary of the Program Manager and operational costs; and

WHEREAS, the City of Newport News will be the fiscal agent for this Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation:

Revenues:

Operating Contingency - \$3,615

Expenditures:

Regional Youth Violence Prevention -  
City of Newport News \$3,615

4. Proceeds from Tax-Delinquent Property Sales

**RESOLUTION**

**PROCEEDS FROM TAX-DELINQUENT PROPERTY SALES**

WHEREAS, the Treasurer of James City County may initiate the sale of real property with taxes delinquent for at least three, but not more than twenty years; and

WHEREAS, the recovery of delinquent property taxes is the primary objective; and

WHEREAS, once property is sold at auction to a qualified bidder and costs of sale, legal fees, and taxes are paid, remaining equity is to be awarded the former owner(s); and

WHEREAS, the former owner(s) of the property, his heirs or assigns, must make a claim for the surplus proceeds of sale, if any, within two years of the date of confirmation of sale; and

WHEREAS, if no claim is made within two years, the Clerk of the Court shall pay the surplus proceeds to James City County; and

WHEREAS, the County has received surplus proceeds from the Clerk of the Court and the Clerk of the Court is currently holding additional monies; and

WHEREAS, excess proceeds from the sale of these properties could be reinvested in affordable housing or residential redevelopment projects targeting lower-income residents of the County; and

WHEREAS, collection estimates over the next year are approximately \$150,000, including \$63,866 collected in FY 2006 and currently in the June 30, 2006, fund balance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates \$150,000 to the Office of Housing and Community Development to reinvest in affordable housing or residential redevelopment projects targeting lower-income residents of the County.

Operating Budget:

Sources of Funds

Fund Balance	\$ 63,866
Proceeds from the Sale of Tax-Delinquent Properties	<u>86,134</u>
	<u>\$150,000</u>

Transfer to Housing and Community Development: \$150,000

Housing and Community Development:

Sources of Funds:

Contribution from the County General Fund	<u>\$150,000</u>
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Expenditures:

Affordable Housing and/or Residential Redevelopment	<u>\$150,000</u>
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- 5. Grant Award – Department of Motor Vehicles - \$1,500

**RESOLUTION**

DEPARTMENT OF MOTOR VEHICLES MINI-GRANT AWARD - \$1,500

WHEREAS, the Department of Motor Vehicles has approved a Mini-Grant in the amount of \$1,500 to the Police Department for traffic-related law enforcement equipment; 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 following appropriation amendments to the Special Projects/Grants Fund.

Revenue:

DMV – Mini-Grant \$1,500

Expenditure:

DMV – Mini-Grant \$1,500

6. Department of Motor Vehicles Grant - \$20,000

**RESOLUTION**

DEPARTMENT OF MOTOR VEHICLES GRANT - \$20,000

WHEREAS, the Department of Motor Vehicles has approved a grant in the amount of \$20,000 to the Police Department for traffic enforcement overtime and related equipment; and

WHEREAS, the grant requires in-kind 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 Department of Motor Vehicles according to the Federal Government Fiscal Year which runs from October 1 through September 30, thus allowing any unspent funds as of June 30, 2007, to be carried forward to the next fiscal year.

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:

Revenues:

DMV – Highway Safety \$20,000

Expenditures:

DMV – Highway Safety \$20,000

- 7. Virginia Department of Emergency Management – State Homeland Security Program – Grant Award - \$11,643

**RESOLUTION**

**VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT – STATE HOMELAND**

**SECURITY PROGRAM – GRANT AWARD - \$11,643**

WHEREAS, James City County has received a grant from the Virginia Department of Emergency Management in the amount of \$11,643; and

WHEREAS, the grant will allow for the purchase of first responder equipment to develop better preparedness to prevent, respond to, and recover from potential acts of terrorism; and

WHEREAS, the grant requires no matching funds; and

WHEREAS, the funds from this grant must be obligated by January 31, 2007; and

WHEREAS, the grant will provide needed equipment for the Police and Fire Departments of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the grant and the following budget amendments and changes in appropriations to the Special Projects/Grants Fund:

Revenue:

State Homeland Security Program	<u>\$11,643</u>
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Expenditure:

State Homeland Security Program	<u>\$11,643</u>
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- 8. Appropriation of \$36,000 from the County’s Fund Balance for a Benefits Consultant

**RESOLUTION**

**APPROPRIATION OF \$36,000 FROM THE COUNTY’S FUND BALANCE FOR A**

**BENEFITS CONSULTANT**

WHEREAS, James City County’s 457 and 401 Deferred Compensation Plans have not been put out for competitive bid in over 15 years; and

WHEREAS, outside expertise is sought to make this analysis since it is complicated and \$10,000,000 of employee money is involved; and

WHEREAS, the funds intended for employee benefits use are available in the County's Fund Balance; and

WHEREAS, a prudent plan fiduciary would review such plans periodically to ensure they are competitive when compared to industry norms.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the appropriation of \$36,000 to contract with a benefits consultant through competitive bid to put the County's Deferred Compensation Plans out for bid.

## **G. PUBLIC HEARINGS**

1. 2006 Agricultural and Forestal District (AFD) Renewals
  - a. Case No. AFD 1-02, Carter's Grove
  - b. Case No. AFD 4-86, Pate's Neck

Mr. Matthew Smolnik, Planner, stated two of the County's Agricultural and Forestal Districts were due for renewal, and a public hearing must be held to reestablish the term and continue the parcel in the program and at that time withdrawals could be requested by the property owners. Mr. Smolnik stated that withdrawals may be subject to rollback taxes. Mr. Smolnik stated 11 AFDs were renewed in January and August, that staff suggested the term for Carter's Grove to be four years and one month to synchronize with other AFD renewals, and that staff recommended a six-year term length for the Pate's Neck AFD renewal. Mr. Smolnik stated the Carter's Grove AFD was generally located between the James River, Ron Springs Road, and south of Pocahontas Trail (Route 60); and the Pate's Neck AFD was generally located south of Little Creek Dam Road and east of Menzels Road.

Staff found before the renewal period, 320.373 acres within the Carter's Grove AFD and 624.297 acres within the Pate's Neck AFD, with no withdrawal requested. Mr. Smolnik stated Colonial Williamsburg has requested to withdraw a portion of land from the Carter's Grove AFD located on Parcel No. (59-1)(1-30A) and totaling approximately 2.26 acres, and after the withdrawal the District will total approximately 318.113 acres.

At its meeting on August 9, 2006, the AFD Advisory Committee recommended approval of the renewals by a vote of 6-0.

At its meeting on September 11, 2006, the Planning Commission recommended approval of the renewals by a vote of 7-0.

Staff recommended approval of the ordinance to renew Carter's Grove AFD for four years and one month and Pate's Neck AFD for six years.

Mr. Goodson asked for more information about the Carter's Grove withdrawal.

Mr. Keith Johnson, Colonial Williamsburg, stated the withdrawal property was located along the entrance road to the management portion of Carter's Grove.

Mr. Goodson asked if this was only where the gravel road was currently or if it would be expanded.

Mr. Johnson stated this was land on either side of the road to allow for possible widening but none was planned at this time.

Mr. Goodson asked staff to clarify that pavement was not allowed in an AFD.

Mr. Smolnik stated this was correct.

Mr. Goodson opened the Public Hearings.

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

Mr. Bradshaw commented on Pate's Neck Timber Company, and clarified that it was not a timber company, but a wildlife conservation area, and stated that six years was an unusually long term for an AFD, but in the long run, six years is a short amount of time to conserve the land.

Mr. Bradshaw made a motion to adopt the two AFD renewal ordinances.

Mr. Goodson clarified that the Public Hearings for the items were simultaneous.

On a roll call vote, the vote was AYE; Harrison, Icenhour, McGlennon, Bradshaw, Goodson (5). NAY: (0).

2. Employer Assisted Home Ownership Program Applications

Ms. Carol Luckam, Human Resource Manager, stated State Code and the resolution adopted by the Board to comply and required a public hearing to award home ownership grants to employees. Ms. Luckam stated 15 employees have already purchased homes through this program. Ms. Luckam stated seven employees had qualified for the grant program and ordinances were required for each employee to receive the grant funds. Ms. Luckam recommended adoption of the seven ordinances granting funds to employees applying for the Employer Assisted Home Ownership Program.

Mr. Goodson opened the Public Hearing.

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

Mr. Icenhour made a motion to adopt the seven ordinances.

On a roll call vote, the vote was AYE; Harrison, Icenhour, McGlennon, Bradshaw, Goodson (5). NAY: (0).

**H. PUBLIC COMMENT – None**

**I. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner commended the Board for the Celebration of Cultures at Chickahominy Riverfront Park and the Board support and participation. Mr. Wanner recommended the Board adjourn to 7 p.m. on October 10, 2006, and that following the Board meeting, a James City Service Authority Board of Directors meeting and a Williamsburg Area Transport Company Board of Directors meeting would be held.

**J. BOARD REQUESTS AND DIRECTIVES**

Mr. Icenhour commented on revisions to the watershed management plans and that they would come forward on October 10, 2006, and stated he was comfortable with proceeding according to staff recommendations.

**K. ADJOURNMENT**

Mr. Harrison made a motion to adjourn.

On a roll call vote, the vote was AYE; Harrison, Icenhour, McGlennon, Bradshaw, Goodson (5).  
NAY: (0).

At 7:32 p.m. Mr. Goodson adjourned the Board to 7:00 p.m. on October 10, 2006.

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Sanford B. Wanner  
Clerk to the Board