

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF NOVEMBER 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

Larry M. Foster, Acting Assistant 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 – Kevin Tripp, a second-grade student at James River Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATIONS

1. Fiscal Year 2005-2006 Planning Commission Annual Report

Mr. Jack Fraley, Planning Commission Chair, gave an overview of the Planning Commission Annual Report for Fiscal Year 2005-2006. Mr. Fraley explained that of the 36 cases recommended for approval by the Planning Commission, all cases were approved but one. Mr. Fraley stated this case was recommended for approval by a 4-3 vote by the Planning Commission, but was denied by the Board by a 3-2 vote, which indicated to him that the Planning Commission and Board were closely aligned. Mr. Fraley stated major projects included Rural Lands Study, Toano Area Study, Better Sight Design, Norge Depot Relocation, GIS Layer, Historical Structures, Virginia Capital Trail design and construction, and landscaping enhancements on community character corridors. Mr. Fraley highlighted training and seminars attended by County staff, Planning Commissioners, and a Board member, Mr. Icenhour. Mr. Fraley outlined steps that facilitate a more efficient site review process to decrease deferrals and efforts to better evaluate traffic impacts. Mr. Fraley outlined four issues that he felt needed to be more carefully addressed in relation to Planning Commission activities, including: 1) a revamping of the adequate public facility policy; 2) incremental development impact on infrastructure needs to measure the cumulative impact; 3) identification and documentation of environmentally sensitive land to be protected; and 4) development of a water quality monitoring system. Mr. Fraley recognized builders, Planning Commissioners, staff, development industry representatives, citizens, and the Board for their input and work with the Planning Commission activities during the year.

Mr. Goodson thanked Mr. Fraley and recognized Planning Commissioner Billups who was in attendance.

2. 2007 James City County Calendar

Ms. Renee Dallman, Communications Specialist, presented the James City County Calendar, and explained the purposes of providing information about the upcoming 400-year commemoration events and County services, emergency information, and various contact information. She announced that the calendar would be sent to all James City County households beginning this week and would be available by request if a citizen did not receive a copy by December 15. Ms. Dallman introduced other members of the Calendar Committee, Ms. Beth Davis, JCSA, and Ms. Jennifer Privette, Recycling Coordinator.

Mr. Goodson recognized the 2007 James City County Calendar Committee and thanked them for their efforts in this matter.

E. HIGHWAY MATTERS

Mr. Mike Cade, Virginia Department of Transportation (VDOT) Assistant Resident Administrator, mentioned that the completion and dedication of the Capital Trail at the Greensprings section was a success. Mr. Cade stated that he had spoken with Mr. Icenhour about conducting a speed study on Mooretown Road to address citizens' concerns.

F. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on school financing; development in the Norge area with individual wells for the Uncle's Neck project; and on-street parking ordinance.

G. CONSENT CALENDAR

Mr. Icenhour asked to pull Items 3 and 5 to be highlighted.

Mr. McGlennon made a motion to adopt Items 1, 2, and 4, along with the amendments to the minutes.

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

1. Minutes – November 14, 2006, Regular Meeting

2. Dedication of a Street in Marl Hills, Section 2

RESOLUTION

DEDICATION OF A STREET IN MARL HILLS, SECTION 2

WHEREAS, the street described on the attached Additions Form AM-4.3, fully incorporated herein by reference, is shown on a plat recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation advised the Board that the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on July 1, 2004, for comprehensive stormwater detention which applies to this request for addition.

WHEREAS, the County guarantees the necessary surety amount of \$2,000 to provide for all loss, cost, damage, or expense incurred to correct faulty workmanship or materials, associated with the construction of the street and/or related drainage facilities. The effective period of this surety obligation will last one calendar year from the day the street is added to the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the street described on the attached Additions Form AM-4.3 to the secondary system of State highways, pursuant to §33.1-229 of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage.

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

4. Contingency Transfer – Peninsula Health District

RESOLUTION

CONTINGENCY TRANSFER – PENINSULA HEALTH DISTRICT

WHEREAS, the Board of Supervisors of James City County has received an amendment to the local agreement between the County and the Peninsula Health District that requires an additional local match; and

WHEREAS, the match is a requirement that was only realized with the release of the final State budget in late September.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute the amendment to the local agreement and hereby transfers \$11,335 from Operating Contingency to the Peninsula Health Department budget to meet the local match requirements.

3. Revisions to Section 5.4, Employee Benefits – Leave (Military Leave) of the James City County Personnel Policies and Procedures Manual

Mr. Icenhour highlighted the County's support of employees through military leave compensation as well as sick leave provisions that allow employees to take sick leave to care for members of their immediate families.

Mr. Icenhour made a motion to adopt the resolution for Item 3.

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

RESOLUTION

**REVISIONS TO SECTION 5.4, EMPLOYEE BENEFITS LEAVE (MILITARY LEAVE) OF THE
JAMES CITY COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL**

WHEREAS, it is the practice of the County to periodically review its personnel policies for conformance to laws and alignment with the County's values; and

WHEREAS, the Military section of the Employee Benefits–Leave Policy was revised by adding other groups now covered by the law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that revisions to the Personnel Policies and Procedures Manual listed above are adopted effective November 28, 2006.

5. Appointment of Assistant Fire Marshal, Authorization of Fire Prevention Powers and Authorization of Police Powers

Chief Tal Luton introduced Arthur Kenny Lamm and indicated that he has completed all requirements to be appointed as Assistant Fire Marshall. Chief Luton stated that the position must be authorized by the Board and recommended approval of the resolution approving Mr. Lamm's appointment.

Mr. Icenhour made a motion to adopt the resolution for Item 5.

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

RESOLUTION

APPOINTMENT OF ASSISTANT FIRE MARSHAL, AUTHORIZATION OF FIRE

PREVENTION POWERS, AND AUTHORIZATION OF POLICE POWERS

WHEREAS, Section 27-34.2 of the Code of Virginia, 1950, as amended provides that James City County may authorize the local Fire Marshal to arrest, to procure and serve warrants of arrest and to issue summons in the manner authorized by general law for violation of local fire prevention and fire safety and related ordinances; and

WHEREAS, Section 27-34.2:1 of the Code of Virginia, 1950, as amended provides that James City County may authorize the local fire marshal to have the same law enforcement powers as a police officer for the purpose of investigation and prosecution of all offenses involving fires, fire bombings, attempts to commit such offenses, false alarms relating to such offenses, and the possession and manufacture of explosive devices, substances and fire bombs; and

WHEREAS, Section 27-34.2:1 of the Code of Virginia, 1950, as amended provides that James City County may authorize the local fire marshal to exercise the powers authorized by the Fire Prevention Code; and

WHEREAS, Section 27-34.2:1 of the Code of Virginia, 1950, as amended provides that James City County may appoint Assistant Fire Marshals, who, in the absence of the Fire Marshal, shall have the powers and perform the duties of the Fire Marshal; and

WHEREAS, Arthur K. Lamm has completed all minimum training and certification requirements of the Department of Criminal Justice Services and the Department of the Department of Fire Programs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Arthur K. Lamm as a James City County Assistant Fire Marshal with all such police powers and authority as provided in Virginia Code Sections 27.30 et. seq.

Mr. Goodson congratulated Mr. Lamm on his appointment.

H. PUBLIC HEARING

1. Ordinance to authorize issuance of Employer Assisted Home Ownership Program grants

Ms. Carol Luckam, Human Resource Manager, stated five 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 five ordinances granting funds to employees applying for the Employer Assisted Home Ownership Program.

Mr. Harrison asked how the grant process worked if an employee received the grant and employment was discontinued.

Ms. Luckam stated the balance of the grant between the end of employment and a five-year service requirement would need to be repaid.

Mr. Goodson opened the public hearing.

As no one wished to speak to this matter, Mr. Goodson closed the public hearing.

Mr. McGlennon made a motion to adopt the five ordinances simultaneously.

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

I. BOARD CONSIDERATION

1. Acquisition of Property – Jamestown Campground and Yacht Basin

Mr. John Horne, Development Manager, stated that the resolution authorized the County Administrator to spend the necessary funds up to \$9.55 million and execute all documentation required to close on the property. Mr. Horne gave a brief history of the property and stated many years ago this property was noted as a priority for acquisition and through a variety of partners, including the Trust for Public Land, the County was able to work with the land owner to complete the property purchase in December 2006 to preserve the property as open space with a wide variety of assets. Mr. Horne indicated that the County staff anticipated significant refunds for its expenditure for the parcel within a calendar year, including funding from Federal and State programs. Staff recommended approval of the resolution.

Mr. Goodson thanked Mr. Horne and Development Management staff, as well as the Financial Management Services Department and County Attorney's staff for making this acquisition possible.

Mr. McGlennon stated the Trust for Public Land has played a very important role in this process and indicated this parcel was located in the Jamestown District.

Mr. McGlennon made a motion to approve the resolution.

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

RESOLUTION

AUTHORIZING ACQUISITION OF PROPERTY – JAMESTOWN CAMPGROUND AND

YACHT BASIN TAX PARCEL NOS. 4630100005, 4630100006, 4630100008, 4630100009,

4630100013, 4630100014, 4640100009, 4640100010, 4640100012, 4640100013, 4640100014,

AND 4640100015

WHEREAS, on April 25, 2005, the Trust for Public Land (TPL) entered into an option purchase contract with Ambler/Jamestown Campsite LLC and Jamestown Yacht Basin, LLC to acquire 202+/- acres of land commonly known as Jamestown Campground and Yacht Basin; and

WHEREAS, on December 13, 2005, James City County entered into an agreement with TPL to participate in the planning for and acquire the residual interest in this property upon closing; and

WHEREAS, the County's acquisition of the property will preserve the historic, recreational, environmental, and aesthetic values of the property and the area surrounding Jamestown Settlement and Historic Jamestowne; and

WHEREAS, the total purchase price of the property is \$12,500,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to expend up to \$9,550,000 from the FY 2007 Capital Budget and to execute any and all documents as may be necessary to acquire the property, pursuant to the above agreements.

Mr. Goodson and Mr. McGlennon recognized members of the Sharpe Community Scholars Program student group from the College of William and Mary and the Boy Scout troop in the audience.

J. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on an article related to traffic problems in the County.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Foster stated the 2007 Legacy Hall was nearing completion, and there were two invitation-only events for the dedication of the building and dedication of the public artwork. Mr. Foster stated that there was no need for a Closed Session as indicated on the agenda. Mr. Foster stated there needed to be a brief James City Service Authority Board of Directors meeting and when the Board completed its business, it may adjourn until December 12, 2006, at 7 p.m.

L. BOARD REQUESTS AND DIRECTIVES

Mr. Bradshaw responded to Mr. Oyer's comment and indicated that attention to the Chickahominy-Piney Point Aquifer was noted in the minutes. Mr. Bradshaw stated he felt the Board did fully address the consequences of this application on the aquifer.

Mr. Foster stated that a withdrawal for an independent facility servicing only 35 lots did not require a permit from the Department of Environmental Quality.

Mr. McGlennon stated that Mr. Oyer was featured in the Local section of the Daily Press in a front-page story and thanked him for his services rendered over the years.

M. CLOSED SESSION - None

N. 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 7:45 p.m., Mr. Goodson adjourned the Board until 7 p.m. on Tuesday, December 12, 2006.

Sanford B. Wanner
Clerk to the Board

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