AGENDA ITEM NO. __H-1b_____

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27TH DAY OF NOVEMBER 2007, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

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

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE - Jasmine Nicole Martin, a seventh-grade student at James Blair Middle School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATIONS

1. Resolution of Appreciation – Mr. Robert E. Gilley

Mr. McGlennon presented a resolution of appreciation for the outstanding contributions of the late Mr. Robert E. Gilley to his family.

2. Employee and Volunteer Outstanding Service Awards

Mr. McGlennon, assisted by the other Board members, presented outstanding service awards to the following individuals: Rita Davis, Dave Potter, Joel Schwartz, and Joseph Montgomery for volunteer services to the community; Timothy Cleary, Robert Cosby, Sean Fisher, Shereen Hughes, Ellen Cook, Terry Costello, Jose Ribeiro, and Michael Woolson for service on the Better Site Design Implementation Committee; Jason Purse, and Leanne Reidenbach for assistance in the creation of the Public Lands Zoning District; Patrick Murray and Stan Stout for solving a crime that led to an indictment on a 1993 murder investigation; Alan Robertson, Bernie Farmer, Danny Poe, John Horne, John McDonald, Leo Rogers, Scott Thomas, Stephanie Ahrendt, Wayland Bass, and William Porter for the Warhill Site Development; Alicia Lamm, Kelly Cross, and William Gibbs for a successful larceny investigation; Arlana Fauntleroy, Carla Brittle, John Carnifax, Nancy Ellis, Phil Mease, Scott Marshall, Stephanie Deal, and Veda McMullen for work on the Virginia Recreation and Parks Annual Conference; Gwen Mason for serving the interests of children; and William “Buddy” Stewart for alterative fuels.

E. HIGHWAY MATTERS

Mr. Jim Brewer, Virginia Department of Transportation (VDOT) Residency Administrator, asked the Board to watch for potholes and inform him when they occur and gave an update on the shoulder-widening project on Route 199.

Mr. Icenhour thanked Mr. Brewer for having signs put up for the Black Friday parking at Chisel Run. He asked about the yield signs or stop signs at Forest Glen and No Parking signs near the play lot. He stated that the speed guide he received will be passed on to the residents.

Mr. Harrison asked Mr. Brewer to reevaluate a speed study on Ironbound Road across from Mid-County Park with regard to pedestrian traffic.

Mr. McGlennon noted erosion on the shoulder at the intersection of Lake Powell Road and Rolling Woods Drive and asked that it be investigated.

F. PUBLIC COMMENT

1. Mr. Michael Richardson, 2701 Jolly Pond Road, commented on poor construction of affordable housing units in the County.

2. Mr. Ed Oyer, 139 Indian Circle, commented on a decrease in government spending.

3. Ms. Donna Windsor Smith, 1858 Berrow Drive, commented on air pollution in the County, the speed limit on Route 199, and development.

G. CONSENT CALENDAR

Mr. Bradshaw asked to pull Item No. 7 for separate consideration.

Mr. Harrison made a motion to adopt the remaining items.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

1. Minutes -
   a. October 23, 2007, Work Session
   b. November 13, 2007, Regular Meeting

2. Resolution of Appreciation – Mr. Robert E. Gilley

RESOLUTION OF APPRECIATION

MR. ROBERT E. GILLEY

WHEREAS, Mr. Robert E. Gilley served the citizens of James City County until his untimely passing in 2007; and

WHEREAS, Mr. Gilley served as a member of the James City County Agricultural & Forestal District (AFD) Advisory Committee members from July 1986 to September 2007; and

WHEREAS, Mr. Gilley was elected Chairman by the AFD Advisory Committee members and served in this capacity for his entire term on the Committee; and

WHEREAS, Mr. Gilley demonstrated a deep and lasting concern for the development, management, and administration of AFDs throughout James City County; and

WHEREAS, Mr. Gilley, by his actions, helped preserve Agricultural and Forestal lands for future generations of James City County citizens.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby extend its appreciation and gratitude to the family of

MR. ROBERT E. GILLEY

in recognition of his 21 years of dedicated service to the citizens of James City County.

3. Williamsburg Community Health Foundation Grant Award - $16,195

R E S O L U T I O N

WILLIAMSBURG COMMUNITY HEALTH FOUNDATION GRANT AWARD - $16,195

WHEREAS, the Williamsburg Community Health Foundation has awarded the James City County Fire Department a grant in the amount of $16,195; and

WHEREAS, the funds will be used to for the purchase of EMS Software; and

WHEREAS, there are no matching funds required of this grant.

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:

WCHF – EMS Software	$16,195

Expenditures:

WCHF – EMS Software	$16,195

4. Award of Contract – Ambulance Purchase

R E S O L U T I O N

AWARD OF CONTRACT - AMBULANCE PURCHASE

WHEREAS, funds are available in the FY 2008 Capital Improvements Program budget for purchase of a replacement ambulance; and

WHEREAS, cooperative purchasing action is authorized by Chapter 1, Section 5 of the James City County Purchasing Policy, and the Virginia Public Procurement Act, and the City of Newport News issued a cooperative purchasing contract to DPC Emergency Equipment as a result of a competitive sealed Request for Proposals; and

WHEREAS, Fire Department and Purchasing staff determined the contract specifications met the County's performance requirements for a medium-duty ambulance and negotiated a price of $200,210 with DPC Emergency Equipment for a 2008 Freightliner M2/American LaFrance Type I Medium-Duty Ambulance unit.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute a contract with DPC Emergency Equipment for a medium-duty ambulance in the amount of $200,210.

5. Award of Contract – Mobile Data Terminals

R E S O L U T I O N

CONTRACT AWARD - MOBILE DATA TERMINALS

WHEREAS, it has been determined by the Police and Fire Departments staff, in consultation with the Purchasing Office, that Motorola is the only source practicably available to provide mobile data terminals with guaranteed compatibility with the existing 800-MHz public safety communications radio system as required by the County; and

WHEREAS, the proposed rates have been determined to be reasonable.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute the contract in the amount of $430,661 for 67 mobile data terminals to Motorola.

6. Local Contribution – Circuit Court Mediation Program – $6,000

R E S O L U T I O N

LOCAL CONTRIBUTION - CIRCUIT COURT MEDIATION PROGRAM - $6,000

WHEREAS, James City County Division of Social Services will provide one-time funding of $6,000 from the Undesignated Local Match line item to provide funds to the Circuit Court for the Mediation Program; and

WHEREAS, the funds will attach the mediation administration to the Circuit Court Mediation Program; and

WHEREAS, specifications have been prepared by the Circuit Court staff; and

WHEREAS, James City County will no longer administer the Mediation Program through Social Services.

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

Revenue:

Undesignated Local Match (007-083-0336)	$6,000

Expenditure:

Circuit Court Mediation Fund	$6,000

7. Water Conservation Guidelines Revision

Mr. Foster stated that some revisions have been made to the document and the changes had been distributed to the Board – change to 5,000 square feet.

Mr. McGlennon stated that nonresidential development changes, restore those items – may need to encourage water efficiency.

Mr. Foster stated this could be revised.

Mr. Bradshaw made a motion to adopt Item No. 7 as amended.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

R E S O L U T I O N

WATER CONSERVATION GUIDELINES REVISION

WHEREAS, rezoning and special use permit applications include proffers or conditions to address water conservation practices to be incorporated into the proposed development to reduce water consumption; and

WHEREAS, the water conservation guidelines have been revised by staff and the Water Conservation Committee to emphasize reducing reliance on the James City Service Authority public water supply and encourage the use of other water sources for irrigation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, endorses the attached revisions to the Water Conservation Guidelines.

H. PUBLIC HEARINGS

1. Devolution of Secondary Road System

Mr. Steven Hicks, General Services Manager, stated the County participated with VDOT in a study to take over the secondary road system. He stated the matter was discussed at the Board's retreat in January as well as in the October work session. He also stated the agreement with VDOT would allow the County to take over the construction and maintenance programs for secondary roads. He further stated staff is asking for a deferral of the resolution which allows the County Administrator to execute the agreement to enter into negotiations.

Mr. McGlennon stated the public could speak to this matter, but the Board would not act at this time. He stated the adoption would mean that the County would enter into negotiations to develop a plan and cost for taking over maintenance and construction projects for the secondary road system.

Mr. Hicks stated that the resolution authorized the County Administrator to enter into the agreement and authorized the County to enter into negotiations. He stated the actual costs would come before the Board before a decision would be made on actually taking over the construction and maintenance projects.

Mr. McGlennon opened the public hearing.

1. Mr. Michael Richardson, 2701 Jolly Pond Road, stated the expense to start the program was too high; asked how can they do better than VDOT, through workforce?; stated they are not in the business of subcontracting; and that he did not support this item.

2. Mr. Donny Martin, 7196 Canal Street, stated the cost was too much to take on the program when the State is currently administering it, and he commented on poor workmanship with contract work at his home.

3. Mr. Ed Oyer, 139 Indian Circle, commented on the public hearing advertisement for the devolution of the secondary roads; warned of lack of support from the State in the long term; and stated $5 million is too high for a start-up cost.

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

Mr. McGlennon asked Mr. Hicks about prior public discussion.

Mr. Hicks stated that there have been several instances where this information has been made available to the public.

Mr. McGlennon stated this was not a new issue and asked if $5million was the price of taking over all operations.

Mr. Hicks stated this was correct and that $5 million was not the start-up cost. He stated the figure was based on a model developed by VDOT to start from scratch with a large public works project. He indicated that the General Services Department has a large portion of the equipment and facilities suggested in the model. He stated there were also discussions about what VDOT would provide to move this devolution process through and that the recommendation through the work session was to take incremental steps. He stated the agreement would allow the County to work with those contractors that work for VDOT, and the County would not take over systems until at least 2010, which would allow the County time to see if the arrangement was working.

Mr. McGlennon stated that what the State provides can also be taken away. He noted that cities in Virginia are given the responsibility to take care of the secondary roads as well as the County of Henrico.

Mr. Hicks stated this was correct and noted that Henrico County gets a large contribution toward its Secondary Road Program from the State. He noted that this initiative was only for roads numbered 600 and above and not all roads in the County. He stated that State funds have been cut for construction, but this initiative would allow the County to prioritize how to use the funds received.

Mr. McGlennon stated that the resolution authorizes negotiations with VDOT. He stated that the $5 million would only be required if the County took on all programs of construction, maintenance, and operations; used none of its own resources; and received no reimbursement from the State.

Mr. Hicks stated this was correct.

Mr. McGlennon deferred this item for action at a later date.

2. Ordinance to Amend James City County Code Chapter 18A - Stormwater Management

Ms, Ann Davis, Treasurer, stated it was the intention of staff to implement consistency and equity between real estate taxes and stormwater fees. She indicated that due to an oversight, the current County Code provides for interest on stormwater management fees rather than interest and penalty as it does with real estate taxes. She stated the intention of the ordinance amendment was to treat delinquencies of both fees equally so the fees would all be administered using the same business rules. She recommended adoption of the ordinance amendment.

Mr. McGlennon opened the public hearing.

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

Mr. Harrison made a motion to adopt the ordinance.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

I. BOARD CONSIDERATION

1. Approving the County's 2008 Legislative Program

Mr. Rogers stated the resolution adopted the County's Legislative Program with the amendments discussed at the work session with the members of the General Assembly. He recommended approval of the resolution.

Mr. Bradshaw made a motion to adopt the Legislative Program with the amendments discussed at the work session.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

R E S O L U T I O N

APPROVING THE COUNTY'S 2008 LEGISLATIVE PROGRAM

WHEREAS, James City County has developed a Legislative Program for the consideration of the 2008 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 interests 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 2008 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 2008 Legislative Program be forwarded to the County's elected representatives to the General Assembly.

J. PUBLIC COMMENT

1. Mr. Michael Richardson, 2701 Jolly Pond Road, commented on the devolution of secondary roads and stated that $5 million was not enough to start the program. He commented on the dangers of students walking to Warhill High School in poor lighting with no sidewalk on one side of Centerville Road.

2. Mr. Donnie Martin, 7196 Canal Street, commented on the costs of the devolution of the secondary roads and other projects.

3. Mr. Ed Oyer, 139 Indian Circle, asked whether or not the housing units at Pocahontas Square were sold out.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated the Board had completed its business and it should adjourn to December 11, 2007, at 7 p.m. He noted that this would be the only meeting in December. He said that a meeting of the James City Service Authority Board of Directors needed to be held. He indicated to Mr. Richardson that he would provide him a copy of the VDOT study that gave the cost analysis of the devolution program.

L. BOARD REQUESTS AND DIRECTIVES

Mr. Bradshaw stated there was an initiating resolution for the zoning ordinance to offer regulation for payday lenders in the County by defining and creating a zoning category. He clarified that the resolution did not establish this zoning category, but rather starts the process of changing the ordinance. Mr. Bradshaw stated this required action because payday lenders are a different kind of facility from banks and other financial institutions in land use and other characteristics. He stated he would like to start the process so the next Board can define this zoning for payday lender facilities.

Mr. McGlennon stated this resolution starts the process for evaluating this type of business in accordance with the zoning ordinance and would propose amendments.

Mr. Bradshaw made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

R E S O L U T I O N

INITIATING CONSIDERATION OF AMENDMENTS

TO THE ZONING ORDINANCE

WHEREAS, the Board of Supervisors of James City County, Virginia, is authorized by Va. Code §15.2-2286, to initiate amendments to the zoning ordinance and changes to the zoning map; and

WHEREAS, on August 12, 2003, the Board of Supervisors adopted the Comprehensive Plan and desires to consider the adoption of zoning ordinance amendments to assist in achieving the goals which have been established in that Plan; and

WHEREAS, the Board of Supervisors is of the opinion that the public necessity, convenience, general welfare or good zoning practice warrant the consideration of the proposed zoning ordinance amendments.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate consideration of amendments to the James City County Zoning Ordinance in order to add a definition of “payday lenders” to James City County Code Section 24-2 and to consider whether payday lenders should be a permitted or specially permitted use in the various zoning districts in Chapter 24, Zoning, of the James City County Code. The Planning Commission shall hold at least one public hearing on the amendments of the Zoning Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with the law.

M. ADJOURNMENT – to December 11, 2007, at 7 p.m.

Mr. Harrison made a motion to adjourn.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

At 8:04 p.m. Mr. McGlennon adjourned the Board to December 11, 2007, at 7 p.m.

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Sanford B. Wanner
Clerk to the Board

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