

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 12TH DAY OF NOVEMBER 2008, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

Bruce C. Goodson, Chairman, Roberts District
James G. Kennedy, Vice Chairman, Stonehouse District
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District
Mary Jones, Berkeley District

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

C. PLEDGE OF ALLEGIANCE – Madalyn Campbell, a fourth-grade student at Clara Byrd Baker Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. RECOGNITION – Employee and Volunteer Outstanding Service Awards

Mr. Goodson, assisted by the other Board members, presented Outstanding Service Awards to the following groups and individuals: the Comprehensive Plan Community Participation Team, consisting of Burton Baker, Jay Everson, Thomas Fitzpatrick, Susan Gaston, Jack Haldeman, Shereen Hughes, Charlotte Jones, Robert Keith, Richard Krapf, Anthony Obadal, Reese Peck, Lynda Poller, Vaughn Poller, Joseph Sell, William Spaller, Susan Sullivan-Tubach, and Marilyn Taylor; the Water Quality and Conservation Group, consisting of Carol Fryer, Beth Fugate, Art Gustafsen, Barbara Gustafsen, Judy Hansen, Libby Hedstrom, Sue Liddell, Linda Lucas, Anne Nielsen, Rudy Roberts, and Rich Strenkowski; the Inmate Mentors, consisting of David Benedict, John Greenman, Rhodalesia Holland, Rose King, Patty Kipps, Rachel Koob, Jim Mitchell, Jan Puggenburger, Eleanor Warren, and Harry Warren; the Olde Towne Immunization Clinic participants, including Faith Amorosa, Marsha Amory, Carolyn Beckhoff, Angela Burgess, Marilyn Deihl, Peggy Doerr, Bobbie Fairchild, Cynthia Frezek, Carol Friaze, Ruth Fraser, Margaret Kwiakowski, Mary Ann Markus, Genevieve Mastaler, Carol Mistler, Dorothea Neiman, Joan Porter, Hanni Sherman, Mary Jo Smith, Jean Taylor, and Ann Yankovich.

Awards were also presented to outstanding employee teams and individuals: the James City Service Authority Teammates of the Year, including Nancy Abbott, Darlene Dozier, Karen Haefka, Louise Hibbard, Kathy Kennington, Terri Salnoske, and Karen Williamson; the Innovative Repair Initiative Team, consisting of Brett Ancell and Timmy Chappell; Bart Johnson for Working Toward Wellness; Officer David Rochard for Service Above and Beyond; Tina Sawyer for Coordinating to Best Serve Children; and Lifesaving Awards for Chief Emmett Harmon, Major Steve Rubino, Sergeant Jeff Vellines, and Lieutenant Eric Peterson.

E. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on an increase in voter participation; Veterans Day ceremonies; increased enrollment in private schools; improvements on Route 60 East; and property tax increases and reassessments.

F. CONSENT CALENDAR

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

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

- 1. Minutes –
 - a. October 28, 2008, Work Session
 - b. October 28, 2008, Regular Meeting
- 2. Grant Award – Kiwanis Club of Williamsburg – \$350

RESOLUTION

GRANT AWARD – KIWANIS CLUB OF WILLIAMSBURG – \$350

WHEREAS, the James City County Fire Department has been awarded a grant in the amount of \$350 from the Kiwanis Club of Williamsburg; and

WHEREAS, the grant requires no match; and

WHEREAS, the funds are to be used for the purchase of *The Great Escape* DVD Series, which will augment the Department’s fire education programs.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and the following appropriation amendment to the Special Projects/Grants Fund:

Revenue:

Kiwanis Grant – <i>The Great Escape</i> DVD Series	<u>\$350</u>
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Expenditure:

Kiwanis Grant – <i>The Great Escape</i> DVD Series	<u>\$350</u>
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3. Grant Award – State Homeland Security Program – \$50,000

RESOLUTION

GRANT AWARD – STATE HOMELAND SECURITY PROGRAM - \$50,000

WHEREAS, the Virginia Department of Emergency Management (VDEM) has awarded the James City County Fire Department State Homeland Security Program funds in the amount of \$50,000; and

WHEREAS, the funds will be used to purchase a Citizen Alert Subscription System as a component of its Emergency Alert System.

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:

Revenue:

State Homeland Security Program Funds	<u>\$50,000</u>
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Expenditure:

State Homeland Security Program Funds	<u>\$50,000</u>
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4. Award of Bid – James City County Library Roof Replacement – \$217,827

RESOLUTION

AWARD OF BID – JAMES CITY COUNTY LIBRARY ROOF REPLACEMENT – \$217,827

WHEREAS, plans and specifications have been advertised and competitively bid for replacement of the James City County Library roof; and

WHEREAS, eight firms submitted bids, ranging from \$217,827 to \$330,800 with AAR of North Carolina submitting the lowest, responsive, and responsible bid at \$217,827; and

WHEREAS, funds are available in the Fiscal Year 2009 Capital Improvements Program budget for this project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract to AAR of North Carolina in the amount of \$217,827.

G. PUBLIC HEARING

Mr. Goodson recognized Planning Commissioner Chris Henderson in attendance.

1. Adjustments to the Fiscal Year 2009 Adopted Budget

Mr. John McDonald, Financial and Management Services Manager, stated that staff has created a memorandum and resolutions following the Board’s work session on October 28, 2008, that reflect the reductions discussed. He stated the expenditure reductions would occur across every department, including personnel and operating spending, specifically in Personnel Contingency, Operating Contingency, Local Grants Match, Innovation, Non-Departmental, Capital Projects, Outside Agencies, and Schools.

Mr. McDonald stated that this item was required to have a public hearing because the amount exceeds one-percent of the adopted budget. Staff recommended approval.

Mr. Goodson opened the Public Hearing.

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

Mr. Kennedy made a motion to approve the resolution.

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

RESOLUTION

ADJUSTMENTS TO THE FISCAL YEAR 2009 ADOPTED BUDGET

WHEREAS, in a work session on October 28, 2008, the Board of Supervisors of James City County, Virginia, agreed to consider a \$3,000,000 reduction in the FY 2009 budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, shall adopt the following revisions to the FY 2008 budget and amend appropriations as follows:

<u>General Fund Revenues:</u>	
General Property Taxes	(\$ 650,000)
Other Local Taxes	(1,820,000)
Licenses, Permits and Fees	(380,000)
Revenue from the Commonwealth	<u>(150,000)</u>
	(\$3,000,000)
 <u>General Fund Expenditures:</u>	
Non-Departmental	(\$1,395,000)
Capital Projects	(1,205,000)
Schools	(150,000)
Outside Agencies	<u>(250,000)</u>
	(\$3,000,000)

Capital Budget Revenues:
Contribution – General Fund (\$1,205,000)

Capital Budget Expenditures:
Warhill Community Gymnasium (\$1,205,000)

BE IT FURTHER RESOLVED that the County Administrator be authorized to reduce operating budgets as needed to transfer to the Non-Departmental category to meet the targeted spending reductions.

Mr. McDonald advised Mr. Goodson that there was an additional resolution that did not require a public hearing which provided guidance to the schools on the FY 2010 budget reductions and communicated the financial situation as requested.

Mr. Goodson thanked Mr. McDonald for providing the resolution and noted how important this communication would be.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

FISCAL YEAR 2010 BUDGET PLANNING

WHEREAS, the Board of Supervisors of James City County, in a work session on October 28, 2008, determined that revised revenue projections for the fiscal year ended June 30, 2010 (FY 2010) were insufficient to generate an increase in the County's contribution to the operating budget of the Williamsburg-James City County Public Schools.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, wishes to formally communicate to the Superintendent and the School Board that the FY 2010 contribution of County funds to the FY 2010 School budget will be approximately the same as the funding provided by the County in FY 2009 and that the budget planning for FY 2010 should be based on that assumption.

H. BOARD CONSIDERATION

1. Acceptance of Offer to Sell a Conservation Easement under the Purchase of Development Rights (PDR) Program

Mr. Ed Overton, PDR Administrator, provided a brief overview and presentation of an offer from Sylvia and Cragg to sell property at 8000 Diascund Road to the County for a conservation easement. He stated that the appraisal report prepared by Simerlein Appraisals, Ltd. concludes that the conservation easement which consisted of 103.26 acres would be valued at \$495,000, or \$4,793.72 per acre. He stated that staff and the PDR Committee recommended approval.

Mr. Kennedy asked if this was the first PDR case to come forward to have a buffer for timbering.

Mr. Overton stated that the property owners have offered a timber buffer around all the property boundaries beyond what the Resource Protection Area (RPA) requires as a voluntary measure.

Mr. Kennedy asked if the property has been timbered before.

Mr. Overton said that it had.

Mr. Icenhour asked how wide the timber buffer was in addition to the RPA.

Mr. Overton stated that the buffer was 100 feet.

Mr. McGlennon made a motion to adopt the resolution and stated his appreciation for the support of this program by the Cragg and other families in the County.

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

RESOLUTION

ACCEPTANCE OF OFFER TO SELL A CONSERVATION EASEMENT UNDER

THE PDR PROGRAM

WHEREAS, the County has received an offer to sell a conservation easement under the Purchase of Development Rights (PDR) Program from the owners of the property known as 8000 Diascund Road, on James City County Real Estate Tax Map Parcel No. 1040100003; and

WHEREAS, the owners offered to sell a conservation easement on the property for an appraised value of \$495,000, subject to the conditions set forth in the proposed deed of easement enclosed with the County's invitation of offer.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the offer to sell a conservation easement described above, or as modified by the County Attorney, and authorizes the County Administrator to execute all documents necessary for completing the acquisition.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby directs the PDR Administrator to send a copy of this resolution to the owners of the property identified herein.

I. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on school reform in Washington, D.C.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that the Board needed to hold a Closed Session and when the Board completed its business, it should adjourn to 4 p.m. on November 25, 2008, for a work session prior to the regular meeting. He stated that there was a Reading File item related to 110 Jameswood. Mr. Wanner stated that some of the local schools had Veteran's Day ceremonies, including Stonehouse Elementary School, on November 11, 2008.

K. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson stated that he and Mr. Icenhour accepted an award on behalf of the County at the Virginia Association of Counties (VACo) Annual Conference for the County's Succession Management program. He stated that Mr. Wanner made a presentation on the County's 800-MHz program. He stated that he received a letter from the Jamestown-Yorktown Foundation recognizing the County's financial contributions.

Mr. McGlennon thanked staff for the report on the property at 110 Jameswood and stated that there were cases highlighting the importance of finding ways to address derelict properties. He asked that some legislative remedies be sought in the upcoming Legislative Program discussion with General Assembly members. He stated that he has asked Mr. Leo Rogers for information on providing a no-wake zone on Powhatan Creek. He noted the passing of Jean Waltrip, an active County citizen.

Ms. Jones gave an update on the Comprehensive Plan Steering Committee and stated that the committee would be meeting from 3 to 6 p.m. on Monday, November 17, 2008, for a discussion on population needs. She stated that public comment was encouraged and emails and blogging were encouraged. She recognized the Jamestown High School track team for their performance.

L. CLOSED SESSION

Mr. Kennedy made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia for the consideration of the disposition of parcel(s) of public property.

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

At 7:44 p.m. Mr. Goodson recessed the Board into Closed Session.

At 7:57 p.m. Mr. Goodson reconvened the Board.

Mr. McGlennon made a motion to adopt the Closed Session resolution.

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(3), to consider the disposition of parcel(s) of public property.

M. ADJOURNMENT to 4 p.m. on November 25, 2008

Mr.McGlennon made a motion to adjourn.

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

At 7:58 p.m. Mr. Goodson adjourned the Board to 4 p.m. on November 25, 2008.

Sanford B. Wanner
Clerk to the Board