

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 13TH DAY OF OCTOBER 2009, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

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

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE – Abby Crabtree, a fifth-grade student at D.J. Montague Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATIONS

1. Influenza Update – Dr. David Trump, Director, Peninsula Health District, Virginia Department of Health

Dr. David Trump, Director of the Peninsula Health District of the Virginia Department of Health, gave a brief update on the H1N1 flu and seasonal flu viruses. He reviewed higher risks as a result of the H1N1 flu. He outlined measures that could be taken to prevent the spread of the flu and vaccinations for seasonal flu and H1N1. He reviewed local options for receiving the H1N1 vaccines at Williamsburg-James City County (W-JCC) Public Schools, physicians' offices, the Health Department, and other locations. He explained that there was no cost for the student vaccinations through W-JCC Public Schools. He recommended contacting the Virginia Department of Health, the Center for Disease Control, and the Peninsula Health District for more information.

Mr. Goodson asked if the H1N1 vaccine would be available at no cost when it was available.

Dr. Trump stated the vaccine itself would be free and the administration of the vaccine would be free if done through the Health Department. He stated other providers may charge an administration fee that would likely be covered by insurance.

Mr. McGlennon thanked Dr. Trump for his work with the schools in prevention of the H1N1 virus. He asked about the need to get the seasonal flu vaccine as well as the H1N1 vaccine.

Dr. Trump stated that the seasonal flu vaccine was recommended and the H1N1 vaccine was recommended for those in the higher-risk age group. He stated timing of administration of the vaccines was not a concern.

Mr. McGlennon asked which flu was apparent at this time.

Dr. Trump stated that at this point the only flu virus being isolated for testing at this time was H1N1, though not every case was tested.

Ms. Jones asked about the difference between the nasal vaccine option and the injection.

Dr. Trump responded that the injection was a dead version of the virus and the nasal spray was a form of the virus that was alive, but did not multiply in higher temperatures, so the symptoms were not apparent.

2. Measuring Progress: FY 2009 – Rona Vrooman, Training and Quality Performance

Ms. Rona Vrooman, Training and Quality Performance Coordinator, reviewed performance measures for FY 2009. She stated there were two performance measures used, one from the International City/County Management Association (ICMA) and the other developed by the County. She commented on the annual Strategic Management Plan (SMP) as a tool used to evaluate trends during the fiscal year. She highlighted the James City County Progress Report which explains the County's progress over a fiscal year, available on the County website. She noted that the FY 2010 SMP was adopted with the budget.

Mr. McGlennon commented that the evaluation of Board action on the SMPs may not be the best way to evaluate some items, such as environmental violations.

Ms. Jones recognized Mr. Rich Krapf, Planning Commission Chairman, in attendance.

E. PUBLIC COMMENT

1. Mr. Jack Fowler, 109 Wilderness Lane, commented on blight in the County and numerous inoperable vehicles on lots.

F. CONSENT CALENDAR

Ms. Jones pulled Item No. 4 from the Consent Calendar.

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

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

- 1. Minutes –
 - a. September 22, 2009, Work Session
 - b. September 22, 2009, Regular Meeting
- 2. Grant Award – Justice Assistance Grant – \$13,446

RESOLUTION

GRANT AWARD – JUSTICE ASSISTANCE – \$13,446

WHEREAS, the James City County Police Department has been awarded a Justice Assistance Grant (JAG) in the amount of \$13,446; and

WHEREAS, the funds are to be used to purchase a Child ID computer system and various other materials and supplies for several of the crime prevention programs sponsored by the Department’s Community Services Unit; and

WHEREAS, there is no match required of this grant.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following budget appropriation to the Special Projects/Grants fund:

Revenue:

JAG – FY 2010	\$ <u>13,446</u>
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Expenditure:

JAG – FY 2010	\$ <u>13,446</u>
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- 3. Grant Award – American Recovery and Reinvestment Act: Port Security Grant Program – \$61,300

RESOLUTION

GRANT AWARD – AMERICAN RECOVERY AND REINVESTMENT ACT:

PORT SECURITY GRANT PROGRAM – \$61,300

WHEREAS, the James City County Police Department has been awarded an American Recovery and Reinvestment Act: Port Security Grant Program (ARRA: PSGP) for \$61,300; and

WHEREAS, the funds are to be used toward the purchase of personal protective equipment for personnel using the zodiac-style boats funded through the 2007 Port Security Grant Program (funded in FY 2010); 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 budget appropriation to the Special Projects/Grants fund:

Revenue:

ARRA: PSGP \$61,300

Expenditure:

ARRA: PSGP \$61,300

- 5. Budget Transfer – Palmer Lane Office Improvements – \$47,300

RESOLUTION

BUDGET TRANSFER – PALMER LANE OFFICE IMPROVEMENTS – \$47,300

WHEREAS, the Board of Supervisors wishes to replace the windows and doors at the County offices on Palmer Lane; and

WHEREAS, the replacement will support significant energy savings and security improvements at the facilities; and

WHEREAS, funds for the program need to be transferred from Operating Contingency to Capital Improvements Plan (CIP), Facility Improvements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby transfers funds for this program as follows:

From:

Operating Contingency \$47,300

To:

CIP, Facilities Improvements \$47,300

- 4. Budget Transfer – Curbside Leaf Collection – \$19,400

Ms. Jones stated that she did not support the resolution during the current economic situation.

Mr. McGlennon made a motion to adopt the resolution.

Mr. Goodson stated he supported this item because he felt this was an important service of the County for citizens and stated his support for including leaf collection in next year’s budget.

Mr. McGlennon stated he agreed and that if the leaves were not picked up, they may end up in culverts and drainage ditches and cause drainage and environmental problems.

Ms. Jones stated she felt it was not a priority at this time.

On a roll call vote, the vote was AYE: Goodson, McGlennon, Icenhour, (3). NAY: Jones (1).

RESOLUTION

BUDGET TRANSFER - CURBSIDE LEAF COLLECTION - \$19,400

WHEREAS, the Board of Supervisors has indicated its desire to conduct a curbside leaf collection program in Fiscal Year 2010 consisting of one round of collection; and

WHEREAS, funds for the program need to be transferred from the Operating Contingency budget to the Refuse Disposal budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby transfers funds for this program as follows:

From:

Operating Contingency \$19,400

To:

Refuse Disposal- Leaf collection Program \$19,400

G. PUBLIC HEARINGS

1. Case No. SUP-0013-2009. Cardinal Acres Two-Family Dwelling

Ms. Sarah Propst, Planner, stated Mr. Michael Putt of First Investments of Virginia has applied for a Special Use Permit (SUP) to allow for the construction of one two-family dwelling (hereafter referred to as a “duplex”) on the property located at 114 Cardinal Acres Drive. The subject property is zoned R-2, General Residential, and is designated Moderate Density Residential on the James City County 2003 Comprehensive Plan Map. The .34-acre site is located in the Cardinal Acres subdivision east of the Foxfield subdivision, south of The Pointe at Jamestown subdivision, and west of the Jamestown 1607 subdivision. The property can further be identified as (46-4)(4-06a). The parcel is generally level and cleared, although there are some trees and bushes throughout the site. A gravel driveway exists on the southern border of the lot to provide access to the James City Service Authority (JCSA) lot. A 25-foot JCSA easement runs along the back/northeastern border of the parcel; no permanent structures are planned within the easement.

Ms. Propst noted that an SUP and rezoning were previously approved for this site. The rezoning (Z-0012-2004) changed the zoning from R-8, Rural Residential, to R-2, General Residential, with Proffers. The subject parcel was subdivided from the adjacent JCSA well lot. The SUP (SUP-0029-2004) was approved on January 11, 2005, for a duplex of the same size and scale as the current SUP application request. That SUP expired in January 2008.

Staff found the proposal generally consistent with the Comprehensive Plan Land Use Map designation for the subject parcel and with the surrounding development.

At its meeting on September 9, 2009, the Planning Commission recommended approval of the application by a vote of 7-0.

Staff recommended approval of the application with the recommended conditions.

Mr. Icenhour asked if the original SUP proposed by the same owner.

Ms. Propst stated that was correct.

Mr. Icenhour asked if the expiration was due to financial constraints.

Ms. Propst stated that was correct.

Ms. Jones asked if the applicant can currently build the same footprint without an SUP, but not a duplex.

Ms. Propst stated that was correct.

Ms. Jones commented on runoff and impacts on Jamestown 1607 as a result of this development. She asked if Mr. Scott Thomas, Environmental Director, would comment on the provisions made in this application.

Mr. Thomas stated that the Environmental Division was aware of the potential drainage issues in Jamestown 1607. He stated that the conditions crafted in the SUP were very important and staff has worked with the applicant to mitigate the issues.

Ms. Jones opened the Public Hearing.

1. Mr. Mike Putt, applicant, First Investments of Virginia, stated that he was unaware of the time limit on the original SUP. He stated there would be less runoff with a structure on the property. He stated that the lawns were maintained by his company for minimum runoff and noted that affordable housing would be offered with the new duplex.

Mr. Icenhour asked how many surrounding duplexes he owned.

Mr. Putt stated he owned three duplexes in the area and one in Jamestown 1607 as well.

2. Ms. Mary Smallwood, 1102 London Company Way, commented on flooding concerns in Jamestown 1607 and the potential impact of development on drainage in the subdivision.

As no one else wished to speak to this matter, Ms. Jones closed the Public Hearing.

Mr. Icenhour asked Mr. Thomas if a by-right single-family home was built on this lot, there would not be the opportunity to evaluate stormwater management through the building permit process.

Mr. Thomas stated that was correct and that no stormwater management would apply to this lot through by-right development.

Mr. Icenhour asked if it was correct that the stormwater runoff from the duplex would have less effect on the surrounding community than if it were developed as a single-family home.

Mr. Thomas stated that was the goal. He stated that at this point there was a significant amount of runoff from the site.

Mr. Icenhour stated that due to the current condition, if the development moves forward under the current conditions, there will be better control of the runoff on the site.

Mr. Thomas stated that was correct. He stated that a comprehensive package was developed to reduce runoff from the site.

Mr. McGlennon asked if there were measures that could be taken in the vicinity that would further mitigate runoff problems.

Mr. Thomas stated that retro-fitting was always an option in older communities and that Jamestown 1607 was subject to biofiltration and bio-retention strips to reduce runoff. He stated that Foxfield was part of stormwater management as well. He stated the best venue was through Community Conservation Partnership.

Ms. Jones stated that she and Mr. Thomas had worked with the Soil and Water Conservation District to map out potential stormwater management improvements in the community.

Mr. Goodson commented that in this case, there was an opportunity to provide two affordable homes with the impervious cover equivalent to one home. He stated that Jamestown 1607 was built in a floodplain, which was unfortunate, but development was limited in this area due to environmental and flooding issues. He stated his support for this item.

Mr. McGlennon made a motion to adopt the resolution. He echoed Mr. Goodson's comments and stated that he had a clear understanding in this case of how approving the development would be better than the alternative.

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

RESOLUTION

CASE NO. SUP-0013-2009. CARDINAL ACRES TWO-FAMILY DWELLING

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. Michael Putt has applied on behalf of First Investments of Virginia for an SUP to allow for the construction of a two-family dwelling on a parcel of land zoned R-2, General Residential with Proffers; and

WHEREAS, the proposed development is shown on a plan prepared by LandTech Resources, Inc, with a final revision date of September 2, 2009 (the "Master Plan") and entitled "SUP Drawing for Remnant Lot – Cardinal Acres Subdivision (A Duplex Community)"; and

WHEREAS, the property is located at 114 Cardinal Acres Drive and can be further identified as James City County Real Estate Tax Map Parcel No. 4640400006A; and

WHEREAS, the Planning Commission, following its public hearing on September 9, 2009, voted 7-0 to recommend approval of this application; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2003 Comprehensive Plan Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0013-2009 as described herein with the following conditions:

1. Terms of Validity: Construction shall commence on the Project within 36 months from the date of approval of this SUP by the Board of Supervisors, or the SUP shall become void. For purposes of this SUP condition, "construction" shall be defined as having obtained building permits for, and passed inspection of, footings and/or foundation.
2. Water Conservation Standards: The owner/developer shall be responsible for developing and enforcing water conservation standards, which shall be submitted to and approved by the James City Service Authority (JCSA) prior to final site plan approval. The standards shall include, but not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-resistant native and other adopted low-water-use landscaping materials and warm-season turf where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
3. Stormwater Runoff: Stormwater management/runoff reduction measures will be applied to the development of this parcel, subject to the approval of the Environmental Division Director, to mitigate the increased post-development runoff from this site and provide a safe mode of bypass for less-frequent, higher-intensity storms. Runoff reduction measures may include, but are not limited to, pervious pavers, rain barrels, soil amendments, lot-scale rain gardens, or biofiltration strips with landscaping. A site plan, detailing the stormwater management/runoff reduction measures, shall be approved prior to the issuance of a building permit.
4. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Sale of Property – 4001 Rochambeau Drive

Mr. Rick Hanson, Director of the Office of Housing and Community Development stated the resolution requested authorization of the sale of a single-family home located at 4001 Rochambeau Drive consisting of 10.746 acres. He stated the single-family residence on the property was a donation from the former Branch property on Forge Road, which was moved to this location as a condition of the donation. He stated the site was purchased by the County in the 1980s, previously known as Joshua's Glen designated for the Ware Creek Reservoir Project. He stated that the lot lines of the former subdivision were vacated and that the parcel provided a location for the donated home. He stated this was an opportunity to dispose of surplus

property, which was being listed for sale. He stated conditions in the deed prohibit future subdivision of the property.

Ms. Jones opened the Public Hearing.

As no one wished to speak to this matter, Ms. Jones closed the Public Hearing.

Mr. Goodson made a motion to adopt the resolution.

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

RESOLUTION

SALE OF PROPERTY - 4001 ROCHAMBEAU DRIVE

WHEREAS, a single-family home was donated to the County contingent on it being moved from its location on Forge Road; and

WHEREAS, the County owns a 10.746-acre parcel located at 4001 Rochambeau Drive identified as Parcel No. 1330100017 on the James City County Real Estate Tax Map which has been determined to be surplus property and to be a suitable location for relocation of the donated home; and

WHEREAS, the donated home has been moved to 4001 Rochambeau Drive, the home has been rehabilitated, and necessary improvements to the property have been made to enable sale of the land and home located on Parcel No.1330100017 (“the Property”); and

WHEREAS, a public hearing was conducted on October 13, 2009, by the Board of Supervisors to receive public comment on the sale of the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the property to be offered for sale and marketed by a local licensed real estate broker and directs the County Administrator to execute a deed and such other documents as may be necessary to sell the Property at its fair market value.

Mr. Wanner noted that various staff worked very diligently to move the home and help to work toward increasing affordable housing.

H. PUBLIC COMMENT - None

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner noted that a press release was sent out to solicit community feedback in relation to the current non-exclusive franchise agreement negotiations with Cox Communications. He noted the survey was

available on the County's website and in various County buildings and citizens did not have to be Cox customers to participate. He stated the new franchise agreement would be considered by the Board of Supervisors in May 2010.

Mr. Wanner stated a potential reappointment for the Peninsula Agency on Aging could be handled in open session if the Board wished to do so.

Mr. Wanner commented on the reallocation of the American Recovery and Reinvestment Act (ARRA) funding for the Route 60 shoulder and drainage improvements due to the schedule to obligate the funds. He stated the County was not going to be able to meet the Federal guidelines of obligating the money by March 1, 2010, due to late receipt of the funds. He stated that staff intends to transfer the funds to be used for a variety of resurfacing projects in the County. He stated no actions have been taken by the Hampton Roads Transportation Planning Organization (HRTPO) or the State at this time.

Mr. Wanner stated that when the Board completed its business, it should adjourn to 3 p.m. on October 27, 2009, for an Open Session with Williamsburg Christian Academy regarding a possible stoplight near its property. He noted that Mr. Todd Halacy, Virginia Department of Transportation (VDOT) Residency Administrator, would be in attendance. He also noted that interviews for executive search firms for the next County Administrator would also be held that afternoon.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson made a motion to reappoint Mr. Robert W. Spencer to a three-year term on the Peninsula Agency on Aging.

Mr. Goodson stated he attended the Army Corps of Engineers briefing on munitions in Camp Wallace at the Kingsmill Marriott earlier in the evening, which addressed the disposal of any unspent ordinance on the site. He stated there was a second public information session regarding Camp Wallace on October 14 at 6 p.m. at the Kingsmill Marriott.

Mr. McGlennon stated he had the opportunity to attend the Citizens Emergency Response Team (CERT) Graduation with Mr. Wanner and Mr. Icenhour, and stated his appreciation for those citizens.

K. ADJOURNMENT to 3 p.m. on October 27, 2009.

Mr. McGlennon made a motion to adjourn.

At 8:12 p.m. Ms. Jones adjourned the Board to 3 p.m. on October 27, 2009.

Sanford B. Wanner
Clerk to the Board