

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

January 26, 2010

7:00 P.M.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE – Terrence White, an eleventh-grade student at Warhill High School

D. PUBLIC COMMENT

E. PRESENTATIONS

1. Census 2010 Update
2. Cable Franchise Agreement Update

F. CONSENT CALENDAR

1. Minutes
 - a. January 4, 2010, Organizational Meeting
 - b. January 12, 2010, Regular Meeting
2. Grant Award – Rescue Squad Assistance Fund (RSAF) – \$42,630
Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes

G. PUBLIC HEARING

1. Ordinance to Amend Chapter 13, Motor Vehicles and Traffic, to prohibit the use of roller skates, skateboards, etc., on designated sidewalks or business property, etc.

H. BOARD CONSIDERATIONS

1. Revision to Personnel Policies and Procedures Manual, Chapter 5, Section 5.4E.7 - Leave Without Pay
2. Staff Attrition Incentive Program

I. PUBLIC COMMENT

J. REPORTS OF THE COUNTY ADMINISTRATOR

-CONTINUED-

K. BOARD REQUESTS AND DIRECTIVES

L. CLOSED SESSION

1. Consideration of a personnel matter, the appointment of individuals to County boards and/or commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
 - a. Board of Equalization
 - b. Planning Commission

M. ADJOURN to 7 p.m. on February 9, 2010

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James City County Cox Franchise Renewal

Cable Communications Committee
Board of Supervisors Presentation
January 26, 2010

James City County Cox Franchise Renewal

STEP 1: County entered in to franchise negotiations in 2009.

STEP 2: Survey conducted to assess community needs.
(October – December 2009)

STEP 3: County Attorney negotiates franchise ordinance. (target May 2010)

James City County Cox Franchise Renewal

STEP 2: Survey conducted to assess
community needs.
(October – December 2009)

Survey Conducted by Cable
Communications Committee

- Received 629 responses online and mailed
- Held public input meeting in October 2009

James City County Cox Franchise Renewal

Survey Components

Overall Satisfaction:
picture quality;
channels offered; cost for services

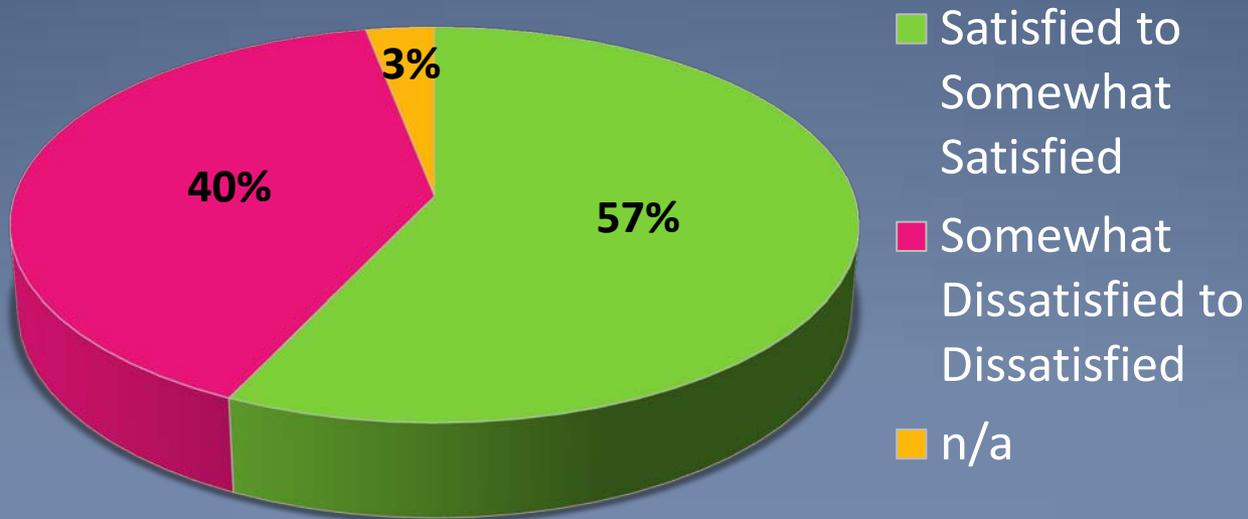
Customer Service:
billing & technical

PEG Channels:
public, educational & government access cable channels
(Ch. 46, 47 & 48)

Other:
programming, packages, future community interests

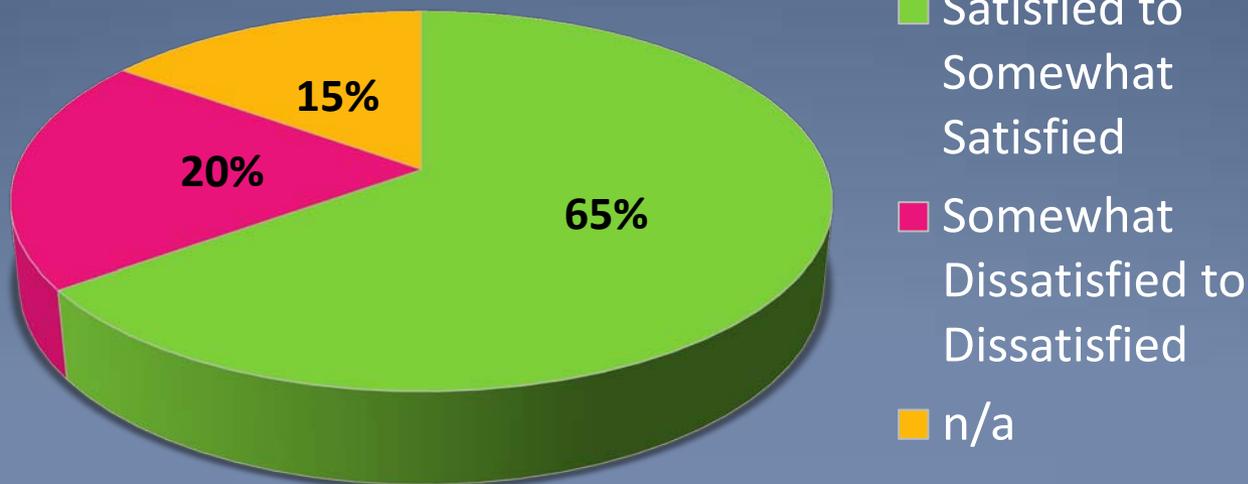
James City County Cox Franchise Renewal

Community Needs Survey Results:
Overall Satisfaction Level



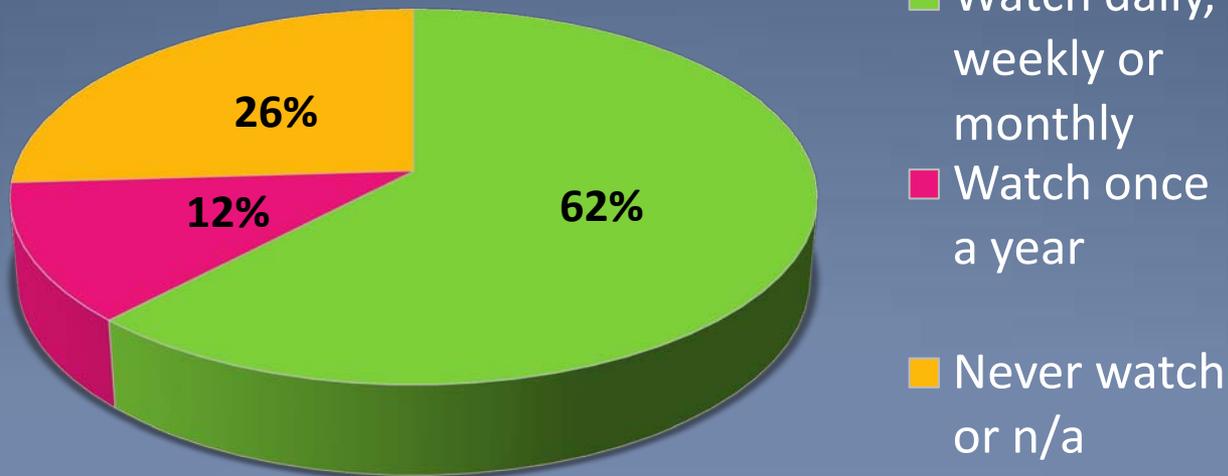
James City County Cox Franchise Renewal

Community Needs Survey Results:
Customer Service: Billing & Technical
Services Support



James City County Cox Franchise Renewal

Community Needs Survey Results:
PEG Channel Viewership



James City County Cox Franchise Renewal

Interest in types of PEG programs.



James City County Cox Franchise Renewal

Other community needs rated Extremely Important to Important (65% & higher):

1. **Respond to future technological developments**
2. **Offer rates that consider seniors, disabled and economically disadvantaged**
3. **Include a high-speed network available and open to all**
4. **Meet advanced telecommunications needs for businesses**
5. **Support PEG channels**
6. **Offer voice, video, and data services to local agencies and institutions**

James City County Cox Franchise Renewal

Survey Comment Trends for Consideration

Customer Service:
Onsite technical and phone assistance

Many customers satisfied; Some desire to talk to a live person; not all phone assistance knowledgeable.

Technician's time and equipment sometimes insufficient; phone menus long.

More negative comments about contractors than Cox employees.

James City County Cox Franchise Renewal

Survey Comment Trends for Consideration

Picture and Sound Quality

Inconsistent
audio levels
between
programs and
commercials.

Audio and video
sometimes out of
sync.

Programs
freezing, HD
signal tiling and
compression
issues.

James City County Cox Franchise Renewal

Survey Comment Trends for Consideration

“Additional Comments”

Concern that Cox is the only service provider; competition needed.

Negative service comments reflect frustration with telephone assistance and unburied cables.

Pricing structure is confusing; 10% of comments indicate pricing is high.

James City County Cox Franchise Renewal

What's Next?

Community and internal survey results compiled for negotiations.	January 2010
Formal franchise negotiations with Cox begin.	January – March 2010
Draft ordinance prepared.	April 2010
Franchise and/or ordinance brought to BOS with required Public Hearing.	May 2010 (tentative)

James City County Cox Franchise Renewal

Your feedback and comments?
Questions?

Survey results may be viewed at
www.jccEgov.com/cablesurvey

AT AN ORGANIZATIONAL MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 4TH DAY OF JANUARY 2010, AT 4:00 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
Mary Jones, Vice Chairman, Berkeley District
James O. Icenhour, Jr., Powhatan District
Bruce C. Goodson, Roberts District
John J. McGlennon, Jamestown District

Sanford B. Wanner, County Administrator
Adam R. Kinsman, Deputy County Attorney

B. ORGANIZATIONAL MEETING

Mr. Goodson nominated Mr. Kennedy to serve as Chairman for 2010.

Mr. Icenhour nominated Mr. McGlennon to serve as Chairman.

Mr. Goodson made a motion to close the nominations.

Mr. Kennedy was elected to serve as Chairman by a voice vote.

Mr. McGlennon nominated Mr. Icenhour to serve as Vice Chairman.

Mr. Goodson nominated Ms. Jones to serve as Vice Chairman.

Mr. Goodson made a motion to close the nominations.

Ms. Jones was nominated as Vice Chairman for 2010 by a voice vote.

Mr. Wanner explained that there was a resolution that set the meeting rules and dates and calendar for 2010.

Mr. Icenhour asked if the Work Session Schedule was part of the adopted meeting schedule.

Mr. Wanner stated that the agenda is set and delivered the Thursday preceding the meeting. He noted the work session subjects were tentative.

Mr. Icenhour stated he hoped to switch the work session schedules for March and October because he felt the stormwater update was more urgent.

Mr. Wanner stated the work session schedule was not being adopted at this time. He noted that it was tentative. He stated the schedule would change during the year.

Mr. McGlennon made a motion to adopt the Organizational Meeting of the Board of Supervisors resolution and the Board of Supervisors calendar as amended.

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

RESOLUTION

ORGANIZATIONAL MEETING OF THE BOARD OF SUPERVISORS

WHEREAS, the Board of Supervisors of James City County, Virginia, is required by State law to organize at the first meeting in January.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following rules shall apply for the Year 2010:

1. Regular meetings of the Board shall be held as shown on the attached 2010 calendar, in the Board Room of the James City County Government Center. The meeting time shall be 7:00 p.m.

Work session meetings of the Board shall be held at 4:00 p.m., Tuesday before the second regular meeting in the Board Room of the James City County Government Center.

2. The Board of Supervisors agrees to follow Robert's Rules of Order, Newly Revised 10th Edition, October 2000, and more specifically, the provisions which pertain to the "Conduct of Business in Boards," at page 469 et. seq., in particular, the "Procedure in Small Boards" as follows:
 - a. Members are not required to obtain the floor before making motions or speaking, which they can do while seated.
 - b. Motions need not be seconded.
 - c. There is no limit to the number of times a member can speak to a question, and motions to close or limit debate generally should not be entertained.
 - d. Informal discussion of a subject is permitted while no motion is pending.
 - e. The Chairman can speak in discussion without rising or leaving the chair; and can make motions and votes on all questions.
3. In addition, the Board agrees to the following:
 - a. A motion to rescind shall not be in order in a land use decision involving a rezoning or a special use permit. A motion to reconsider such a decision must be made at the same meeting the original decision is made by the Board.
 - b. Should it be necessary to cancel an advertised Board of Supervisors meeting due to weather or other conditions, the meeting shall be continued forty-eight hours to the same time and place.

Mr. Wanner stated that the Community Action Agency (CAA) did not object to Mr. McGlennon serving on the CAA if he wished to do so.

Mr. McGlennon stated he understood there was a demographic formula that indicated he was not eligible to serve on the CAA.

Mr. Doug stated that was previously discussed.

Mr. Wanner stated that the opportunity for Mr. McGlennon to serve was offered by the CAA.

Mr. McGlennon stated he was willing to serve in order to represent the interests of the citizens in his district.

Mr. Kennedy requested Mr. Wanner read the Boards, Commissions and Committees and Board members nominations volunteering for the seats.

Mr. Wanner read the following Board's Commissions and Committees and surveyed the Board members to determine who would fill the seats:

Agricultural and Forestal District (AFD) Advisory Committee – **James O. Icenhour, Jr., Alternate – James G. Kennedy**

Community Action Agency Board of Directors – **James O. Icenhour; John J. McGlennon; Mary Jones; Nancy Ellis, Alternate; Bruce C. Goodson; Veda McMullen, Alternate; James G. Kennedy; John Filichko, Alternate**

Community Services Coalition Board of Directors – **James O. Icenhour, Jr.**

Economic Development Authority – Liaison – **Mary Jones**

Farmers Advisory Committee – **James G. Kennedy**

Greater Williamsburg Area Chamber and Tourism Alliance – **John J. McGlennon**

Greater Peninsula Workforce Development Consortium – **James O. Icenhour, Jr.**

Hampton Roads Economic Development Authority (HREDA) – **Bruce C. Goodson**

Hampton Roads Military and Federal Facilities Alliance – **James G. Kennedy**

Hampton Roads Planning District Commission Executive Committee – **Bruce C. Goodson**

Hampton Roads Transportation Planning Organization – **Bruce C. Goodson**

Hampton Roads Planning District Commission - **Sanford B. Wanner - CAO**

High Growth Coalition – **John J. McGlennon**

Historic Triangle Collaborative – **James G. Kennedy**

Local Emergency Preparedness – **Mary Jones**

Local Enterprise Zone Association (LEZA) – **Bruce C. Goodson**

Peninsula Chamber of Commerce – **Bruce C. Goodson**

Peninsula Council for Workforce Development – **James O. Icenhour, Jr.**

Peninsula Public Sports Facility Authority (PPSFA) Board – **Mary Jones**

Regional Issues Committee (RIC) – **Mary Jones**

School Liaison Subcommittee, and an alternate – **James G. Kennedy and Mary Jones, Alternate - James O. Icenhour, Jr.**

Transportation Improvement District Commission – **John J. McGlennon, Bruce C. Goodson, James G. Kennedy, James O. Icenhour, Mary Jones**

Virginia Peninsula Regional Jail Authority – **John J. McGlennon**

Williamsburg Area Destination Marketing Committee (WADMC) – **James G. Kennedy**

Williamsburg Area Medical Assistance Corp. (WAMAC) – **John J. McGlennon**

Williamsburg Land Conservancy – **James O. Icenhour**

Mr. Goodson made a motion to appoint the Board members as stated by Mr. Wanner on a roll call vote.

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

F. ADJOURNMENT

Mr. Goodson made a motion to adjourn.

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

At 4:13 p.m., Mr. Kennedy adjourned the Board until 7:00 p.m. on January 12, 2010.

Sanford B. Wanner
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 12TH DAY OF JANUARY 2010, 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
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
Adam R. Kinsman, Deputy County Attorney

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE – Emily Crawford, a fourth-grade student at Rawls Byrd Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

Mr. Kennedy noted that the second public hearing on the Hospice House Wireless Tower has received a request for a deferral from the applicant. He stated the public hearing would be opened and the public would be allowed to speak, and the public hearing would be continued until the case came forward again.

1. Mr. Jack Fowler, 109 Wilderness Lane, commented on illegal junkyards near Chickahominy Road and Little Creek Dam Road. He stated that little has been done to address the trash situation. He asked that the County rectify the blighted areas.

2. Mr. John Schmerfeld, 172 Red Oak Landing Road, Vice President Friends of Powhatan Creek Watershed Protection, complimented the County on the recent stream restoration workshop. He commented that there was a need for stream restoration all over the County. He asked that the stream restoration needs be considered in the budget process.

3. Ms. Sarah Kadec, 3504 Hunters Ridge, on behalf of the James City County Citizens' Coalition (J4C), reviewed the goals and mission of the J4Cs and commented on the working relationship of the J4Cs with the County. She commented that J4C membership does not condone statements by individuals that do not represent J4C goals. She commented on the importance of public participation in government.

4. Mr. Ed Oyer, 139 Indian Circle, commented on the number of applicants to serve on the School Board and the Planning Commission; and housing sales below assessments.

5. Mr. Robert Richardson, 2786 Lake Powell Road, commented on correspondence with the County Administrator about his decorum at public meetings. He commented on a double standard for speech in public meetings.

E. CONSENT CALENDAR

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

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

- 1. Minutes – December 8, 2009, Regular Meeting
- 2. Grant Award – Citizens Corps Program – \$24,000

RESOLUTION

GRANT AWARD – CITIZENS CORPS PROGRAM – \$24,000

WHEREAS, the James City County Fire Department’s Division of Emergency Management has been awarded a Citizens Corps Program grant in the amount of \$24,000 from the Virginia Department of Emergency Management; and

WHEREAS, the grant requires no match; and

WHEREAS, the funds are to be used in the delivery of preparedness education and training to County citizens by members of the James City County Citizens Corps Program.

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:

Citizens Corps FY 10	<u>\$24,000</u>
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Expenditure:

Citizens Corps FY 10	<u>\$24,000</u>
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3. Grant Award – Local Emergency Management Performance Grant (LEMPG) – \$34,692

RESOLUTION

GRANT AWARD – LOCAL EMERGENCY MANAGEMENT PERFORMANCE

GRANT (LEMPG) – \$34,692

WHEREAS, the Virginia Department of Emergency Management (VDEM) has awarded James City County Fire Department a Local Emergency Management Performance Grant (LEMPG) in the amount of \$34,692; and

WHEREAS, the funds are to be used for enhancing the capability of the James City County Division of Emergency Management to develop and maintain a comprehensive emergency management program; and

WHEREAS, the grant requires a 100 percent in-kind match, which is met through the Division’s normal annual budget.

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

Revenue:

VDEM – LEMPG – FY 10 \$34,692

Expenditure:

VDEM – LEMPG – FY 10 \$34,692

4. Grant Award – Radiological Emergency Preparedness Funds – \$50,000

RESOLUTION

GRANT AWARD – RADIOLOGICAL EMERGENCY PREPAREDNESS FUNDS – \$50,000

WHEREAS, the Virginia Department of Emergency Management (VDEM) has awarded James City County pass-down funds for Radiological Emergency Preparedness in the amount of \$50,000; and

WHEREAS, the funds are to be used for planning and response for public protective actions related to the Surry Nuclear Power Plant; and

WHEREAS, the grant requires no match.

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

Revenue:

Radiological Emergency Preparedness Funds – FY 10 \$50,000

Expenditure:

Radiological Emergency Preparedness Funds – FY 10 \$50,000

5. Grant Appropriations – Clerk of the Circuit Court – \$131,109

RESOLUTION

GRANT APPROPRIATIONS – CLERK OF THE CIRCUIT COURT – \$131,109

WHEREAS, the State Compensation Board and the Library of Virginia (LVA) have awarded the Clerk of the Circuit Court grants totaling \$125,024; and

WHEREAS, there is a local match required for the grants to purchase a high-density filing system for \$6,085.

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:

Revenues from the Commonwealth \$125,024
County Grant Match Account 6,085

Total: \$131,109

Expenditure:

Clerk of The Circuit Court \$131,109

F PUBLIC HEARINGS

1. Pre-Budget Public Hearing

Ms. Sue Mellen, Assistant Manager, Financial and Management Services, stated that the purpose of this public hearing was to provide the first opportunity for public comment on the FY 2011 County Budget. She commented on budget shortfalls that would need to be addressed. She gave a timeline of the budget process: January 23, 2010, would be the Board’s Budget Retreat; Public Hearing in April on the County Administrator’s proposed budget; three work sessions on April 28, 2010, May 5, 2010, and May 6, 2010; and the FY 2011 County Budget was scheduled for adoption in May.

She stated that no action was required on this item.

Mr. Kennedy opened the Public Hearing.

1. Mr. Paul Scott, Williamsburg, Executive Director of Child Development Resources (CDR), thanked the Board for its support in the past. He stated that he understood that budget cuts would result in children's needs being unmet. He noted that CDR has established cost-saving measures to help direct funds to programming. He thanked the County and its employees for participating in the United Way giving campaign.

2. Ms. Judy Ewart, 117 Kingspoint Drive, thanked the Board for its responsiveness to the volunteers at the Hospice House. She commented that Hospice House has served James City County for 27 years, and stated that funding and donations have been reduced due to the current economic situation. She stated that she was shocked to hear that the Hospice House was removed from the budget. She asked on behalf of the volunteers for the Board to include Hospice House in the next budget without a reduction. She commented that the need for Hospice House is constant and increasing.

3. Ms. Carolyn Baker, 6290 Old Mooretown Road, on behalf of the Williamsburg-James City County (WJCC) Community Action Agency (CAA) Board Chair, stated the CAA is a nonprofit service entity that is funded through a tier of government agencies. She thanked the Board for its previous support. She stated the mission for the CAA and reviewed its ten target areas and programming such as the Historic Triangle Substance Abuse Coalition (HTSAC) program, youth development, cars for work, emergency services for utility bills, adult training, Fatherhood program, Feed the Need, Toys for Tots, Thanksgiving dinners, Christmas baskets, Hope program, and the legal outreach program. She commented that the local funding provided housing for individuals, and the Neighborhood Basketball League. She thanked the Board again and asked for consideration in the budget process.

4. Ms. Lisa Thomas, 109 Landsdowne, Deputy Director of Child Development Resources, commented on the services provided to developmentally-delayed children. She commented that over 50 percent of the families served live in James City County and over 50 percent live below the federal poverty level. She commented on the drastic increase of requests and support needs for families due to the current economic conditions. She requested consideration for CDR funding levels in the budget process.

5. Mr. Mark Rickards, 525 Center Street, Executive Director of Williamsburg Area Transit Authority (WATA), commented that WATA has had a good year and there were one million riders in FY 2010. He noted the support of local government to encourage use of public transportation in the County. He stated that fares have not been raised yet, but there were budget constraints. He emphasized the importance of the buses to students and workers in the community.

6. Ms. Reba Bolden, Executive Director for WJCC Community Action Agency (CAA), commented on the difficult economic conditions. She thanked the Board for its previous support. She commented that the local government funding covers the general and support services office space. She stated that no other funding source allows office space to be part of a funding expense. She stated the CAA programs meet the needs of low-income citizens. She stated that all programs and services receive an outstanding satisfaction rate from those served. She commented that her organization received a Federal Seal of Excellence. She commented that the Neighborhood Basketball League program was funded by local government contributions, which fosters a safe and positive atmosphere for youth. She stated that the contributions also provide housing funds to assist citizens. She commented on unemployment and underemployment which has increased demand as a result of current economic conditions. She stated that local government funding cuts may result in programming decreases or elimination of CAA.

7. Ms. Glenice Lawson, 130 Lafayette Boulevard, commented on funding for the CAA. She requested that the CAA funding remain intact. She commented how helpful the programming and services provided are to citizens. She stated that she was a previous Head Start parent, which allowed her to go to work

and helped her son prepare for kindergarten. She highlighted how the Head Start program impacted her life. She commented on various youth programs provided by CAA which help provide a safe and positive place for youth in the community. She also asked that the Head Start program be considered for the space at James Blair Middle School if it is no longer in use.

8. Dr. James Smart, 104 Spyglass, supported the request for funding by Hospice House. He commented on the importance of the Hospice House concept and its necessity in the community. He commented on the difference between lives being lived out in the hospital versus in a hospice house. He stated he was amazed that there was no charge to those who use the Hospice House in James City County. He commented that reduced donations have resulted in financial risk. He requested that the Hospice House be considered in the budget process.

9. Ms. Janice Mitchell, 363 Diamond Street, Chairperson for Prodigy Castle, CAA Head Start, commented on the programs and opportunities that CAA provides to lower-income families. She requested that funding be considered for CAA in the budget process.

10. Mr. Ed Oyer, 139 Indian Circle, commented on increased land values to compensate declining property values and stated it was still a tax increase; any consumption tax is disproportionately to the lowest-income consumers; comments from the Mayor of the City of Richmond regarding the inability to close the budget shortfall gap with taxes; and funds for landscaping at Anderson's Corner.

11. Mr. Robert Richardson, 2786 Lake Powell Road, commented on revenue increases versus pennies increased on the tax rate. He commented that public safety and community services were dependent on raising revenues. He commented on potential staff reductions.

12. Mr. Jack Fowler, 109 Wilderness Lane, commented on those in the community without indoor plumbing. He stated that funding should be used for basic needs such as those who do not have indoor plumbing. He asked for consideration of these individuals in the budget process.

13. Mr. Bill Wallace, 3512 Fieldcrest Court, requested consideration for the Hospice House in the budget process.

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

2. Case No. SUP-0024-2009. Hospice House Wireless Communication Facility (WCF) Tower

Mr. Jason Purse, Senior Planner, stated the applicant has asked for a deferral and staff agreed with that request. He stated he was available for any questions.

Mr. Kennedy opened the Public Hearing.

1. Ms. Gloria Freye, on behalf of the applicant, stated that a 30-day deferral has been requested. She stated that another property has become available and that she would bring the case forward again at a different location.

2. Mr. Robert Richardson, 2786 Lake Powell Road, stated the case was recommended for denial by the Planning Commission and staff recommended denial. He asked why a memorandum was prepared to support the case. He asked who requested a memorandum to approve it. He stated that the Hospice House was a good organization, but it was not in compliance with the County Code.

Mr. Kinsman stated the Planning Commission and staff make recommendations on each case to the Board. He stated that it has always been standard operating procedure to provide a resolution with specific conditions that the Board may adopt if it wished to do so.

As no one else wished to speak to this matter, Mr. Kennedy continued the Public Hearing.

Mr. McGlennon moved that the Board defer this case until February 9, 2010.

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

3. Case No. SO-0001-2009. Subdivision Ordinance Amendment

Mr. Christopher Johnson, Principal Planner, stated that on November 4, 2009, the Planning Commission adopted an initiating resolution directing staff to pursue amending Section 19-26 of the Subdivision Ordinance to extend the term of validity for the preliminary plan to bring the County Code into conformance with the Virginia Code. The County Attorney's office notified staff of an inconsistency between the County Code and the Virginia State Code §15.2 – 2260. The Subdivision Ordinance states that a subdivider shall have no more than one year from the date of approval of the preliminary plan to record a final subdivision plat or seek an extension of preliminary approval for a period of one year from the Subdivision Agent. The State Code states that once a preliminary subdivision plan has been approved, it shall be valid for a period of five years, provided the subdivider submits a final subdivision plat for all or a portion of the property within one year of such approval and diligently pursues approval of the final subdivision plat.

At its December 2, 2009, meeting the Planning Commission voted 7-0 to recommend approval of the ordinance amendment.

Staff recommended that the Board of Supervisors approve this ordinance amendment.

Mr. McGlennon asked when the State Code was adopted in relation to this provision.

Mr. Johnson stated he believed it was adopted in 2002. He stated that it has not been an issue for any applicant, but it was brought to staff's attention in 2009, and has moved through the initiating process to be corrected.

Mr. McGlennon asked for clarification that the Board did not have any discretion in this situation because the ordinance was being brought into conformance with State Code.

Mr. Johnson stated that was correct.

Mr. Kennedy opened the Public Hearing.

1. Mr. Robert Duckett, Director of Public Affairs, Peninsula Housing and Builders Association, stated support of the ordinance amendment. He commended the County Attorney's office for bringing this forward, and stated that this would improve the County's business climate and consistency.

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

Mr. Icenhour made a motion to adopt the ordinance amendment.

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

G. PUBLIC COMMENT

1. Mr. Jack Fowler, 109 Wilderness Lane, commented on Jamestown Campground and the Chickahominy Riverfront Park in relation to various possible gravesites on or near the property. He asked for a thorough investigation to search for human gravesites before construction is done.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner commented on the landscaping project on Anderson's Corner. He stated that the County was locally administering one of the last revenue sharing projects. He stated that the Virginia Department of Transportation (VDOT) has released the funds which allowed for the bid that was in the newspaper. He stated that the Anderson's Corner project was a VDOT project. He stated that when the Board completed its business, it should recess to 8 a.m. on January 23, 2010, for the Board's annual Budget Retreat. He stated that the Board had a closed session on the agenda for the consideration of a personnel matter pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the appointment of individuals to County boards and/or commissions. He stated the next regular meeting of the Board of Supervisors would be on January 26, 2010.

I. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon commented on the possibility of revisiting the WCF policy. He asked that this policy review be expedited due to the number of requests being received at this time. He asked the Board to consider prioritizing that policy for consideration.

Mr. Icenhour agreed that he would like to see that policy considered sooner.

Mr. Wanner stated that staff would need to evaluate that possibility due to the need for outside consultation to determine any associated costs.

Mr. McGlennon commented that the Mayor of the City of Williamsburg, Jeanne Zeidler, would not be seeking re-election and stated appreciation for her role in the region and in the Jamestown 2007 commemoration.

J. CLOSED SESSION

Mr. Goodson made a motion to go into closed session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the appointment of individuals to County boards and/or commissions, specifically the Historical Commission and the Planning Commission.

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

At 8:21 p.m. Mr. Kennedy recessed the Board into Closed Session.

At 8:56 p.m. Mr. Kennedy reconvened the Board.

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

On a roll call vote, the vote was: AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (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)(1) of the Code of Virginia, to consider a personnel matter, the appointment of individuals to County boards and/or commissions.

Mr. McGlennon made a motion to appoint Ms. Stephanie Luton to a one-year term as the Board's liaison to the Historical Commission with a term to expire on December 31, 2010.

No action was taken on the Planning Commission appointments.

K. RECESS to 8 a.m. on January 23, 2010

Mr. Icenhour made a motion to recess.

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

At 8:57 p.m. Mr. Kennedy recessed the Board to 8 a.m. on January 23, 2010.

Sanford B. Wanner
Clerk to the Board

MEMORANDUM

DATE: January 26, 2010
TO: The Board of Supervisors
FROM: William T. Luton, Fire Chief
SUBJECT: Grant Award – Rescue Squad Assistance Fund (RSAF) – \$42,630

The Virginia Department of Health (VDH) Office of Emergency Medical Services (OEMS) has awarded the James City County Fire Department a Rescue Squad Assistance Fund (RSAF) grant in the amount of \$42,630 (\$21,315 RSAF; \$21,315 local match).

The grant funds will be used to purchase extrication equipment. Extrication equipment includes power tools used to cut or push into vehicles to extract patients who may be injured in a vehicle crash. Generically this class of equipment is also referred to as “The Jaws of Life.”

The 50 percent local match will be funded with previously appropriated funds from the Fire Department’s General Fund budget (Account No. 001-071-0420).

Staff recommends adoption of the attached resolution to accept the grant and appropriate funds.


William T. Luton

CONCUR:


Sanford B. Wanner

WTL/nb
GA_RSAF_mem

Attachment

RESOLUTION

GRANT AWARD – RESCUE SQUAD ASSISTANCE FUND – \$42,630

WHEREAS, the Virginia Department of Health (VDH) Office of Emergency Medical Services (OEMS) has awarded the James City County Fire Department a Rescue Squad Assistance Fund (RSAF) grant in the amount of \$42,630 (\$21,315 RSAF; \$21,315 local match); and

WHEREAS, the grant requires a 50 percent match of \$21,315, and those funds are previously appropriated in the Fire Department’s General Fund budget (Account No. 001-071-0420); and

WHEREAS, the grant funds will be used to purchase extrication equipment.

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

Revenues:

RSAF-Extrication Equipment-FY 2010	\$21,315
Transfer from General Fund	<u>21,315</u>
Total	<u>\$42,630</u>

Expenditure:

RSAF-Extrication Equipment-FY 2010	<u>\$42,630</u>
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James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of January, 2010.

GA_RSAF_res

M E M O R A N D U M

DATE: January 26, 2010

TO: The Board of Supervisors

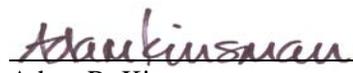
FROM: Adam R. Kinsman, Deputy County Attorney
Emmett H. Harmon, Chief of Police

SUBJECT: Ordinance to Amend Chapter 13, Motor Vehicles and Traffic by Adding Sidewalk Use Regulations

Recently, the New Town Commercial Association asked the County to adopt regulations to prohibit the use of skateboards, bicycles, and similar devices along designated sidewalks in the County. Currently, there are no such prohibitions in the County Code.

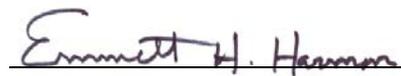
The proposed ordinance basically mirrors the *Code of Virginia* and permits the prohibition of the use of skateboards, bicycles, motorized skateboards or scooters, motorized bicycles, motor-driven cycles, or electric power-assisted bicycles along designated sidewalks in the County. Adoption of this ordinance does not mean that all sidewalks in the County are immediately subject to the prohibition; rather, the County Administrator has the authority to designate those sidewalks upon which any prohibition will apply. As was the case with the secondary street parking prohibitions recently approved by the Board, staff will prepare an Administrative Regulation which will set forth the process by which the County Administrator will consider any such requests and will require that the requestor pay for any required signage.

We recommend that the Board of Supervisors adopt the attached ordinance.



Adam R. Kinsman

CONCUR:



Emmett H. Harmon

ARK/EHH/nb
Ch13Skateboard_mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, BY ADDING SECTION 13-13.1, OPERATION OF BICYCLES, ROLLER SKATES, SKATEBOARDS, MOTORIZED SKATEBOARDS OR SCOOTERS, MOTOR-DRIVEN CYCLES, AND ELECTRIC POWER-ASSISTED BICYCLES ON SIDEWALKS, CROSSWALKS, AND SHARED-USE PATHS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia that Chapter 13, Motor Vehicles and Traffic, is hereby amended and reordained by adding Section 13-13.1, Operation of bicycles, roller skates, skateboards, motorized skateboards or scooters, motor-driven cycles, and electric power-assisted bicycles on sidewalks, crosswalks, and shared-use paths.

Chapter 13. Motor Vehicles and Traffic

Article I. In General.

Section 13-13.1. Operation of bicycles, roller skates, skateboards, motorized skateboards or scooters, motor-driven cycles, and electric power-assisted bicycles on sidewalks, crosswalks, and shared-use paths.

(a) No person shall use or ride roller skates or skateboards, bicycles, motorized skateboards or scooters, motor-driven cycles, or electric power-assisted bicycles on designated sidewalks or crosswalks, including those of any church, school, recreational facility, or any business property open to the public where such activity is prohibited. Signs indicating any prohibition shall be conspicuously posted in

general areas where use of roller skates and skateboards, and/or bicycle, motorized skateboards or scooters, motor-driven cycles, or electric power-assisted bicycle riding is prohibited.

(b) A person riding a bicycle, motorized skateboard or scooter, motor-driven cycle, or an electric power-assisted bicycle on a sidewalk, shared-use path, or across a roadway on a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing any pedestrian.

(c) No person shall ride a bicycle, motorized skateboard or scooter, motor-driven cycle, or an electric power-assisted bicycle on a sidewalk, or across a roadway on a crosswalk, where such use of bicycles, motorized skateboards or scooters, motor-driven cycles, or electric power-assisted bicycles is prohibited by official traffic control devices.

(d) A person riding a bicycle, motorized skateboard or scooter, motor-driven cycle, or an electric power-assisted bicycle on a sidewalk, shared-use path, or across a roadway on a crosswalk, shall have all the rights and duties of a pedestrian under the same circumstances.

(e) Upon application, the county administrator or his designee may designate those public sidewalks in the county upon which all or any part of such prohibition shall apply.

(f) A violation of any ordinance adopted pursuant to this section shall be punishable by a civil penalty of \$50.

State law reference – Prohibits the use of roller skates and skateboards, etc., on designated sidewalks or business property, etc., Code of Va., § 46.2-904.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of January, 2010.

Ch13Skateboard_ord

MEMORANDUM

DATE: January 26, 2010
TO: The Board of Supervisors
FROM: Carol M. Luckam, Human Resource Manager
SUBJECT: Revision to Personnel Policies and Procedures Manual, Chapter 5, Section 5.4E.7 - Leave Without Pay

At the recent budget retreat, the Board authorized us to bring forward a change to the County's Leave Without Pay Policy to include furloughs.

The County is considering a variety of strategies to close the current and projected budget gap. A furlough is one potential strategy. The attached change to the Leave Without Pay policy gives the County Administrator the authority to implement a furlough, should it become necessary.

Since we are updating the Leave Without Pay policy, we have also referenced unpaid suspensions. While suspension without pay is addressed in Chapter 7, Section 7.5 C3, Standards of Conduct, we propose adding it to the Leave Without Pay Policy as well.

Staff recommends approval of the attached resolution.

Carol M. Luckam

CONCUR:


Sanford B. Wanner

CML/gb
RevLWOP_mem

Attachments

RESOLUTION

REVISION TO PERSONNEL POLICIES AND PROCEDURES MANUAL,

CHAPTER 5, SECTION 5.4E.7 - LEAVE WITHOUT PAY

WHEREAS, the County is considering a variety of strategies to close the current and projected budget gap; and

WHEREAS, a furlough is one potential strategy; and

WHEREAS, the current Leave Without Pay Policy does not address furloughs; and

WHEREAS, the revised policy would allow the organization flexibility to implement a furlough should one be needed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the attached revision to Chapter 5, Employee Benefits, of the James City County Personnel Policies and Procedures Manual.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of January, 2010.

RevLWOP_res

D. Types of Leave –

The County offers the following types of leave. A brief summary of purposes for which leave may be used is listed below. For more details, see individual subsections.

Annual Leave	Any purpose.
Sick Leave	Personal doctor appointment, illness, or short-term disability. Immediate family member doctor appointment or illness.
Funeral Leave	Death of immediate family member.
Civil Leave	Serving on a jury. Attending court as a witness under subpoena.
Military Leave	Paid absences for employees covered by USERRA for training or deployment.
School Leave	Meet with teachers, attend school functions, or do volunteer work in any public or private school grades K-12 or a licensed preschool or daycare center.
Leave Without Pay	Unpaid absences from work.

5.4D.7. Leave Without Pay - may be used by an employee to provide unpaid absences for a variety of reasons outlined below including any mutually agreeable reason.

- a. Purpose - An employee shall be on leave without pay under the following circumstances:
- 1) Approved absence for which the employee has insufficient accrued leave, or for which the employee elects, with the concurrence of the department manager, not to use accrued leave;
 - 2) Absences authorized as a condition of employment; ~~or~~
 - 3) Unapproved absence from the job during a scheduled work period;
 - 4) Suspension without pay as defined in Section 7.5C; or
 - 5) Furlough, or required unpaid time off for a defined group of employees, directed by the County Administrator due to fiscal constraints.

M E M O R A N D U M

DATE: January 26, 2010
TO: The Board of Supervisors
FROM: Carol M. Luckam, Human Resource Manager
SUBJECT: Staff Attrition Incentive Program

Attached for your consideration is a resolution authorizing the County Administrator to implement a Staff Attrition Incentive Program for County employees. As indicated at the Board's recent Budget Retreat, the County will need to eliminate 38.5 positions in order to meet the fiscal constraints of the FY 2011 budget. So far this fiscal year, the County Administrator has targeted 18.5 positions to not be filled. That leaves 20 additional General Fund positions, currently filled by employees, that the County will need to eliminate. The resolution sets up a procedure whereby all County employees and employees of Constitutional Officers, except for any employees who are in agencies governed by separate boards, can apply for the Staff Attrition Incentive Program. The County Administrator will then decide if the employee's position can be eliminated with the reduction of at least one half of a position.

For employees who offer to leave employment by February 28, 2010, the County will make a lump sum payment equal to 10 percent of the employee's salary and COBRA eligible employees would receive up to 15 months of stimulus-funded healthcare coverage for which the employee would pay 35 percent of the monthly premium rather than the normal COBRA rate of 102 percent. Employees who volunteer and are accepted to have their position reduced to part-time beginning March 1 will also be eligible for the one-time lump sum payment equal to 10 percent of the employee's salary. The employee may be eligible for COBRA; however, since that employee has not terminated employment, he or she would not be eligible for stimulus funding.

Hopefully, eligible employees will apply to be considered for the Staff Attrition Incentive Program in order to reduce or eliminate the involuntary termination of 20 employees.

Staff recommends approval of the attached resolution.


Carol M. Luckam

CONCUR:


Sanford B. Wanner

CML/gb
AttritionPro_mem

Attachment

RESOLUTION

STAFF ATTRITION INCENTIVE PROGRAM

WHEREAS, James City County, along with other localities and the Commonwealth of Virginia, has and is projected to experience a budget shortfall which requires a reduction in workforce; and

WHEREAS, the County has tried to reduce its workforce voluntarily by eliminating positions when employees retire or otherwise leave employment with the County; and

WHEREAS, the County needs to reduce its workforce by 38.5 positions for Fiscal Year 2011; and

WHEREAS, the County has already reduced its current workforce by 18.5 positions but will need to eliminate 20 more positions which are currently filled by employees; and

WHEREAS, the Board of Supervisors desires to provide certain incentives for employees who volunteer to leave employment through the Staff Attrition Incentive Program reducing or eliminating the need to involuntarily terminate employees.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized and directed to offer the following Staff Attrition Incentive Program for employees who agree to leave employment by February 28, 2010:

1. On or before February 8, 2010, employees may apply to be considered by the County Administrator for the Staff Attrition Incentive Program;
2. The County Administrator will consider whether the employee's position can be eliminated without impacting the mission critical function of the County or if the position can be filled by another employee so that a net loss of at least one half of a position will result;
3. The County Administrator shall notify each employee whether his/her application has been approved or denied on February 11, 2010;
4. Approved employees confirm their decision by February 16;
5. For each employee whose application has been approved, the County shall make a lump sum payment equal to 10 percent of the employee's salary; and
6. The employee's last day of employment or last day in a full-time position must be February 28, 2010.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of
January, 2010.

AttritionPro_res