

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF MAY, 2004, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Bruce C. Goodson, Chairman, Roberts District
Michael J. Brown, Vice Chairman, Powhatan District
Jay T. Harrison, Sr., Berkeley District
John J. McGlennon, Jamestown District
M. Anderson Bradshaw, Stonehouse District

Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Dylan Cheely, a fifth-grade student at D. J. Montague Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. HIGHWAY MATTERS

Mr. Steven Hicks, Williamsburg Resident Engineer, Virginia Department of Transportation (VDOT), stated that the overlay project on 1-64 between Richmond and Newport News has been cancelled; construction will be completed this week along Ironbound Road (Route 615) between Sandy Bay Road (Route 681) and Jamestown Road (Route 31).

Mr. Hicks stated that due to the fiscal impacts of Hurricane Isabel and the reduction in maintenance crews, an outsource service contract has been placed for the mowing of right-of-ways resulting in eight passes on primary road right-of-ways and mowing of secondary road right-of-ways.

Mr. Hicks stated that the Route 199 ramp onto 1-64 East will be renovated and will be closed to traffic during the renovations.

Mr. Hicks provided a brief overview of the status of issues raised by members of the Board since its last meeting on April 27.

Mr. Hicks stated that Section 33.1-351 of the Virginia Code provides the regulations governing outdoor advertisements and that an attorney would need to interpret the Section to clarify the responsibility roles of the local government and VDOT.

Mr. Hicks stated a town meeting will be held on June 30 regarding the Route 199 improvement project.

Mr. Hicks stated that the drainage ditches along Jamestown Road (Route 31) near the Kingswood subdivision have been cleared and that those along Spring Road (Route 1401) and Oxford (Routes 718 and 727) are scheduled to be cleaned.

Mr. Hicks stated that drainage ditch and **repaving** work are scheduled for Lake Powell Road (Route 618) near the Gospel Spreading Church.

Mr. Bradshaw inquired if VDOT was planning on mowing more than just one strip-width of the medians.

Mr. Hicks stated that the right-of-ways will be mowed completely,

Mr. **McGlennon** thanked Mr. Hicks for the reconstruction project of Ironbound Road (Route 615) between Sandy Bay Road (Route 681) and Jamestown Road (Route 31). The reconstruction project has made that portion of road safer with little impact during construction on the residents.

Mr. Hicks reminded drivers that the speed limit on that portion of Ironbound Road (Route 615) is still 25 miles per hour and that a radar will be set up to monitor traffic speed; and police will be present to enforce the speed limit if the monitoring results indicate a need for enforcement.

E. PRESENTATION

Mr. Goodson and the Board members presented Outstanding Service Awards to the following teams: **Computer Training Volunteers:** Heather Bautista, Bill Jameson, Leslie Little, **Bob McKnew**, Stan Rockwell, and David Tabakin; **Hurricane Isabel Debris Removal:** Mark Abbott, Grace Boone, Barbara Creel, Johnny Haislip, Lisa Hile, John Horne, **Craig Nordeman**, Jennifer Privette, Toby Riner, Wes Saunders, Carol Schenk, and Randy Watkins; **National Adoption Day Event:** Judge George Fairbanks, Sarah **Serra**, Romona Vasser, Wayna Brown, Debbie Crickenberger, Michael Drewry, Tracy Evans, Carol **Goheen**, Audra Jeppson, Gwen Mason, Felicia Rock, Julia Sargeant, Tina Sawyer, Iris Street, Susan Thompson, Vivian **VanHolten**, and Bobbie Martin; **Phillip West Memorial Cancer Resource:** Helen Clendenin and Janet Crowther; **Site Plan Review Committee:** Rich Costello, Seth Saunders, Steve Hicks, Steve Romero, Stephanie Ahrendt, Darryl Cook, Leo Rogers, Brian Gordineer, Tony Handy, Jane Townsend, Rona Vrooman, Cheryl **Waldren**, Danny Poe, Gary Randall, Tim Fortune, Brenda Grow, Scott Thomas, Chris Johnson, Allen Murphy, and Patrick Page; **Soccer in Grove:** Al Albert, Richard Butler, Betsy Dunivin, Dan Smith, Matt **Spruill**, and Howard Wallace; to the following individuals: Robert Austin, John Carnifax, Ray Ferrara and William Lent, Vicki Liquori, Michelle Riordan, Elizabeth White, and **Jerry White**; and **Life Saving Awards** to Lt. Charles **Braman** and Steven Moore.

F. PUBLIC COMMENT

1. Mr. Theodore Allen, 5668 Centerville Road, requested staff communicate with the VDOT to ensure mowing along Centerville Road occurs regularly.

2. Mr. Ed Oyer, 139 Indian Circle, stated concern about the tractor trailers on Route 60 East and the unsafe traffic conditions on that road, stated concern that emergency vehicles would not be able to

respond to emergencies due to the poor traffic conditions on Route 60 East, and commented that perhaps the firms working on the Route 199 improvements may be interested in **partnering** to work on the Route 60 East Relocation project.

3. Mr. Lafayette Jones, Jr., 102 Flintlock Road, presented a petition from County citizens in support of the development of the new District Park as a memorial to the "Free Blacks" who worked and lived in the **Hotwater** area to educate visitors about the plight of slaves and free African-Americans in America.

G. CONSENT CALENDAR

Mr. Bradshaw made a motion to adopt the items on the Consent Calendar including the amendment to the May 6, 2004, Budget Work Session set of minutes.

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

1. Minutes
 - a. Avril29.2004 - Budeet Work Session
 - b. Mav 4.2004 - Budget Work Session
 - c. May 6.2004 - Budget Work Session
 - d. Mav 11,2004 - Regular Meeting

H. PUBLIC HEARINGS

1. Case Nos. Z-15-03/MP-13-03/HW-2-03. Stonehouse Station at Norge (Continued from Mav 11, 2004)

Mr. John T. P. Home, Manager or Development Management, stated that this case was continued from the Board's meeting held on May 11, 2004.

Mr. Home stated that the applicant has requested deferral of this item and staff concurred with the deferral request and recommended the item be deferred to June 22, 2004.

Mr. **Goodson** opened the Public Hearing.

As no one wished to speak on this matter, and without objection from the Board, Mr. **Goodson** left the Public Hearing open and continued the item to June 22,2004.

2. Ordinance Amendment – Chapter 20. Taxation. Article X. Tax on Local Telecommunications Service. Section 20-71. Levv: Amount of Tax on Local Telecommunication Service

Mr. John E. McDonald, Manager of Financial and Management Services, presented an ordinance change to increase the **Consumer Utility Tax** (CUT) for telephone service from the existing 10 percent of the first \$12 of the monthly bill to 10 percent of the first \$14.

Mr. **Goodson** opened the Public Hearing.

1. Mr. Ed **Oyer**, 139 Indian Circle, requested justification for the tax increase.

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

Mr. **McGlennon** stated the tax increase is to offset the **cost of Emergency** Telecommunication service that is not covered by the State or existing tax revenues.

Mr. Brown stated that the County switched from a regional cell phone E-911 system to a local area 911 system and that the switch required additional staff and equipment.

Mr. Bradshaw thanked Mr. Brown for the ordinance amendment recommendation to fashion the tax rate.

Mr. Bradshaw made a motion to adopt the ordinance.

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

3. Conveyance of Property at 150 Carriage Road (Continued from May 11, 2004)

Mr. Richard B. Hanson, Housing and Community Development Administrator, presented a resolution to convey by Deed of Gift the parcel known as 150 Carriage Road to the Williamsburg Redevelopment and Housing Authority for the purpose of constructing The Ironbound Square Apartments for the Elderly consisting of 67 units in a three-story elevator building.

The Board and staff held a brief discussion on the proposal

Mr. **Goodson** opened the Public Hearing.

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

Mr. Harrison made a motion to adopt the resolution.

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

RESOLUTION

CONVEYANCE OF PROPERTY LOCATED AT 150 CARRIAGE ROAD

WHEREAS, James City County currently owns a certain parcel containing approximately 2.748 acres located at 150 Carriage Road in the Berkeley District designated as Tax Parcel No. 3910100064; and

WHEREAS, the Board of Supervisors on February 26, 2002, adopted the Ironbound Square Redevelopment Plan ("Redevelopment Plan") to remedy blighted and substandard housing conditions in the Ironbound Square community, and authorized the County Administrator to enter into an agreement with a housing authority to implement the Redevelopment Plan, and on July 25, 2002, James City County entered into an agreement with The **Williamsburg** Redevelopment and Housing Authority to implement the Redevelopment Plan; and

WHEREAS, 150 Carriage Road is identified in the Redevelopment Plan as a parcel within the redevelopment area; and

WHEREAS, the Ironbound Square Redevelopment Land Use Map designates the western portion of 150 Carriage Road for a senior citizens' living facility and the eastern portion of 150 Carriage Road for open space/recreational use; and

WHEREAS, the Board of Supervisors, following a Public Hearing, is of the opinion the County should convey 150 Carriage Road by Deed of Gift to The Williamsburg Redevelopment and Housing Authority to facilitate the land uses proposed in the Redevelopment Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to convey by Deed of Gift the parcel known as 150 Carriage Road, Tax Parcel No. 3910100064, to The Williamsburg Redevelopment and Housing Authority for the purpose of implementing the Ironbound Square Redevelopment Plan.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to execute a deed and any other documents needed to convey by Deed of Gift the parcel known as 150 Carriage Road to The Williamsburg Redevelopment and Housing Authority.

1. BOARD CONSIDERATION

1. Ironbound Square Apartments for the Elderly

Mr. Richard B. Hanson, Housing and Community Development Administrator, presented a resolution endorsing the application by Bay Area Agency on Aging and Peninsula Agency on Aging for Section 202 funding of the Ironbound Square Apartments for the Elderly.

Mr. Harrison made a motion to adopt the resolution.

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

RESOLUTION

IRONBOUND SQUARE APARTMENTS FOR THE ELDERLY

WHEREAS, Bay Aging and Peninsula Agency on Aging are submitting an application to the U.S. Department of Housing and Urban Development (HUD) for a Section 202 Supportive Housing for the Elderly Program grant for the purpose of building and operating apartments for persons 62 years of age and older on a site located in the Ironbound Square neighborhood in James City County, Virginia; and

WHEREAS, studies have substantiated the need for such housing in James City County; and

WHEREAS, housing of this type will have a positive impact on the housing needs of the community; and

WHEREAS, it is a goal of the James City County Board of Supervisors to assure an adequate supply of affordable, appropriate housing for all citizens of the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, endorses the application of Bay Aging and Peninsula Agency on Aging for a HUD Section 202 Supportive Housing for the Elderly Program grant.

J. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on recent *Wall Street Journal* articles regarding home school students.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended the Board recess briefly for the James City Service Authority Board of Directors meeting and a Williamsburg Area Transport Board of Directors meeting, and then reconvene to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the consideration of appointments of individuals to County Boards **and/or** Commissions, following which the Board should adjourn to June 8.

L. BOARD REQUESTS AND DIRECTIVES

Mr. Bradshaw commented on the pleasant opportunities he had over the past two weeks to visit eight elementary classrooms full of well-disciplined and enthusiastic students.

Mr. McGlennon commented that he had attended a recognition ceremony for Williamsburg-James City School Teachers of the Year, and stated that 98 percent of the students are still being educated in **public/private** schools rather than in home-school environments.

Mr. Goodson stated that the County is committed to the realignment of Route 60 East; however Newport News has pushed the project back in its list of priorities, and encouraged the citizens of Newport News to speak with their Council members to reprioritize the corridor improvements.

Mr. Goodson recessed the Board at 7:58 p.m.

Mr. Goodson reconvened the Board at 8:04 p.m.

M. CLOSED SESSION

Mr. Harrison made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the appointment of individuals to County Boards **and/or** Commissions.

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

Mr. Goodson adjourned the Board into Closed Session at 8:04 p.m.

Mr. Goodson reconvened the Board into Open Session at 8:07 p.m.

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

On a roll call vote, the vote was: AYE: Bradshaw, Harrison, Brown, McGlennon, 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)(1), to consider personnel matters, the appointment of individuals to County boards and/or commissions.

Mr. Harrison made a motion to appoint Theodore Allen to a four-year term on the Parks and Recreation Advisory Commission, term to expire on April 12, 2008; and to appoint Casey DuPlantier to the Regional Issues Committee, term to expire on December 31, 2006.

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

N. ADJOURNMENT

Mr. Harrison made a motion to adjourn.

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

At 8:08 p.m. Mr. Goodson adjourned the Board to 7 p.m. on June 8, 2004.


Sanford B. Wanner
Clerk to the Board

ADOPTED

MAY 25 2004

ORDINANCE NO. 107A-44

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE X, TAX ON LOCAL TELECOMMUNICATION SERVICE, SECTION 20-71, LEVY; AMOUNT OF TAX ON LOCAL TELECOMMUNICATION SERVICE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, is hereby amended and reordained by amending Article X, Tax on Local Telecommunication Service, Section 20-71, Levy; Amount of tax on local telecommunication service.

Chapter 20. Taxation

Article X. Levy; Amount of tax on local telecommunication service.

Sec. 20-71. Levy; Amount of tax on local telecommunication service.

(a) There is hereby imposed and levied by the county upon each and every taxable purchase by a consumer of local telecommunication service provided that the consumer's service address is located within the county a tax in the amount of ten percent of the gross charge made by the service provider against the consumer with respect to each and every taxable purchase; provided, however, that:

- (1) In any case, any monthly bill submitted by any service provider for residential, commercial, or industrial service shall exceed ~~\$12.00~~ \$14.00 for a residential consumer, there shall be no tax computed on so much of such bill as shall exceed ~~\$12.00~~ \$14.00; and

- (2) In any case any monthly bill submitted by any service provider to a consumer for mobile local telecommunication service shall exceed ~~\$12.00~~ \$14.00, there shall be no tax computed on so much of such bill as shall exceed ~~\$12.00~~ \$14.00.

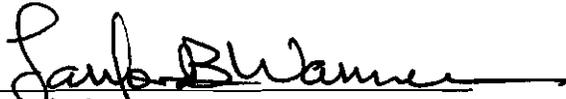
All such taxes shall be computed to the nearest whole cent. Bills shall be considered monthly bills if submitted 12 times per year for periods of approximately one month each,



Bruce C. Goodson
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
BRADSHAW	AYE
HARRISON	AYE
BROWN	AYE
MCLENNON	AYE
GOODSON	AYE

ATTEST:



Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of May, 2004.