

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF APRIL 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 – Hayden Stilwell, an eighth-grade student at Toano Middle School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATION – James City County Volunteer Appreciation Week - April 27-May 3, 2008

Mr. Goodson presented a certificate of recognition to Ms. Carol Schenk, Volunteer Services, on behalf of all of the volunteers for James City County.

E. HIGHWAY MATTERS

Mr. Jim Brewer, Virginia Department of Transportation (VDOT) Williamsburg Residency Administrator, stated this was his last meeting and introduced Mr. Todd Halacy, who will be taking his place.

Mr. Goodson thanked Mr. Brewer for a job well done.

Mr. Kennedy commended Mr. Brewer for his efforts.

Mr. McGlennon thanked Mr. Brewer for his efforts, his care of the community, and willingness to solve problems.

Mr. Goodson stated the rest of the Board concurred and welcomed Todd Halacy.

F. PUBLIC COMMENT

1. Mr. Richard Bradshaw, 99 Bush Springs Road, commented that May 1, 2008, is the due date for Virginia State Income Taxes, Business Personal Property, and Machinery Taxes. Applications for Real Estate Exemption are also due. He also commented that there are some changes to the Real Estate Exemption and the Federal income tax return rebate is still available.

2. Mr. Gary Massey, 8846 Merry Oaks Lane, commented on improving Croaker Road to five lanes.

3. Mr. Ed Oyer, 139 Indian Circle, commented on Mr. Brewer and a job well done; April 18, Route 60 was backed up; the downsize of family by 11 percent; Hampton Roads Transportation Area (HRTA) letters are up to 93 No's and 1 Yes, and the Mayor of Norfolk is also the chairman of HRTA.

4. Mr. Christopher Elmers, 144 Racefield Drive, commented that ditches in Racefield are becoming worse, thus causing more flooding. He requested that something be done to help this flooding situation.

5. Mr. Sasha Digges, 3612 Ironbound Road, commented on the Board and Mr. John Horne by saying they are doing a good job, and asked them to keep up the good work.

G. CONSENT CALENDAR

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

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

1. Minutes – April 8, 2008, Regular Meeting
2. James City County Volunteer Appreciation Week - April 27 - May 3, 2008

RESOLUTION

JAMES CITY COUNTY VOLUNTEER APPRECIATION WEEK – APRIL 27 - MAY 3, 2008

WHEREAS, April 27 – May 3, 2008, has been designed as National Volunteer Appreciation Week; and

WHEREAS, volunteers enhance our quality of life, promote community involvement, generate civic pride, preserve our environment, and support our families; and

WHEREAS, volunteers work in partnership with James City County staff and in 2007 contributed 43,446 hours valued at \$815,047; and

WHEREAS, the citizens of James City County are deserving of recognition for their commitment and hard work to make a real difference in the lives of their fellow citizens.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby designates the week of April 27 – May 3, 2008 as Volunteer Appreciation Week and calls its significance to all of our citizens.

3. Contingency Transfer - Juvenile Detention and Regional Jail - \$180,000

RESOLUTION

CONTINGENCY TRANSFER – JUVENILE DETENTION AND REGIONAL JAIL - \$180,000

WHEREAS, the Board of Supervisors of James City County has been advised that anticipated spending for services in FY 2008 at the Merrimac Center and the Virginia Peninsula Regional Jail will exceed budgeted funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County Virginia, amends the adopted FY 2008 budget as follows:

General Fund Expenditures:

Juvenile Detention	\$120,000
Regional Jail	<u>60,000</u>
Operating Contingency	<u>\$180,000</u>

4. Installation of “Watch for Children Sign” – Powhatan Secondary Subdivision

RESOLUTION

INSTALLATION OF “WATCH FOR CHILDREN” SIGNS –

POWHATAN SECONDARY SUBDIVISION

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation, alerting motorists that children may be at play nearby, upon request by a local governing body; and

WHEREAS, Section 33.1-210.2 further requires that the funding for such signs be from the secondary road system maintenance allocation for the County; and

WHEREAS, residents of the Powhatan Secondary community have requested that “Watch for Children” signs be installed on Powhatan Parkway and Falcon Creek Drive as illustrated on the attached drawing titled “Powhatan Secondary Subdivision ‘Watch for Children Signs’”.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation install and maintain two "Watch for Children" signs as requested with funds from the County's secondary road system maintenance allocation.

H. PUBLIC HEARINGS

Mr. Goodson recognized Planning Commissioner Chris Henderson in the audience.

1. FY 2009-2010 County Budget

Ms. Sue Mellen, Director of Budget and Accounting, stated a brief overview of the County Administrator's proposed FY 2009-2010 budget. She stated that the proposed budget includes the elimination of the stormwater fee, no annual reassessment in FY 09, an increase in recreation fees, an increase in Convenience Center fees, and a reduction in hours of operation. She stated an overview of the proposed FY 09 spending for the County at 31 percent and the Schools at 55 percent, and highlighted the FY 2010 Revenue/Spending Plan.

Ms. Mellen stated that the James City Service Authority is proposing changes in utility rates and service fees.

Ms. Mellen requested to open all Public Hearings.

Ms. Jones asked if the Board should not plan on the increase in the FY 2010 Budget.

Ms. Mellen stated that the increase in budget for FY 2010 is due to the increase in funding for the Schools and will be discussed in the Work Sessions.

Mr. Goodson opened the Public Hearing.

1. Mr. J. H. Willis, Williamsburg Regional Library Board of Trustee Chairman, thanked the Board for their generous support of the library. He stated that he will come back to the Board at a later date to discuss the opening of a third library. Mr. Willis recognized Mr. John Moorman, Director of the Library, and Ms. Tory Gussman and Ms. Sue Mellen, members of the Board of Trustees.

Mr. Goodson thanked Mr. Willis for his comments.

2. Ms. Debra Siebers, 3504 Quail Hollow, Fieldcrest Homeowners Association, stated that the budget shortfall presents a challenge and she has concerns in three areas; stormwater utility fees, greenspace improvements, and storm runoff that causes flooding.

3. Mr. David Jarman, 117 Landsdown, James City County Citizens Budget Advisory Committee, stated that the County budget problems have become worse, and he suggested a neutral third party be brought in to offer suggestions on the budget. He stated that the budget should be simplified for every citizen to understand; the County should compare administrative spending to other schools around the State; and commented on the need to reduce school construction cost.

4. Mr. Christopher Ellmers, 144 Racefield Drive, stated his concerns for the Convenience Center's new proposed hours of operation.

5. Mr. Ray Basley, 4060 South Riverside Drive, stated his concerns on the Convenience Center's new proposed hours of operations. He stated that he picks up trash through Adopt-A-Highway, and that more trash will occur on County roads if hours of operation are shortened and rates are raised.

6. Ms. Deborah Kratter, 113 Long Point, stated that she wants the Board to reject the proposal to eliminate previously adopted separate stormwater utility fee. She stated that the elimination of the stormwater fee will make homeowners pay greater amounts and small businesses will be paying less.

7. Mr. Jack Haldeman, 1597 Founder's Hill North, James City County Coalition Group, stated that the elimination of the stormwater fee has placed an overall strain on the County Budget. He also stated that drainage improvements need to be made in order to prevent flooding in major storm events and the Purchase of Development Rights is critical. He stated that James City County Concerned Citizens (J4C) would like to see the Board be more proactive in land and easement acquisitions.

8. Ms. Karen T. Armstead, 225 Reflection Drive, Williamsburg-James City County Education Association, stated that the schools should be fully funded.

9. Ms. Geri Farrell, 3424 Wexford Run, stated that she is an elementary school teacher, and asked the Board to fully fund the Schools.

10. Mr. Robert Duckett, 760 McGuire Place, Peninsula Housing and Builders Association, stated that he does not understand why the County wants to do their own Best Management Practice (BMP) and stormwater inspections for the storm drainage channels that will be taken over by VDOT in residential areas, or commercial property because it will be maintained by the commercial development.

11. Ms. Peg Boarman, 17 Settlers Lane, James City Clean County Commission, stated that the Convenience Center hours should not be changed, and the County citizens are doing a good job recycling.

12. Ms. Stephanie Smith, Active Williamsburg Alliance, stated that she would like to see more walking and biking trails in the County.

13. Mr. John Laben, 200 Nina Lane, Historic Bicycle Advisory Commission, stated that he wants to ensure bicycles and pedestrians are included in road improvements.

14. Mr. Mike Ludwick, 3012 Mussy Creek Drive, Support Schools Now, stated that he would show data from the Comparative Report for Local Government Expenditures for FY 2007 to compare spending from Williamsburg-James City County Schools and York County.

15. Mr. Robert Richardson, 2786 Lake Powell Road, stated that he resents utility rates being raised due to the contract with Newport News Water Works.

16. Mr. Ed Oyer, 139 Indian Circle, commented on school funding, indexing pay raises for schools, stormwater inspection fees not needed, and funding for new schools.

17. Dr. David Coe, Colonial Services Board Executive Director, thanked the Board for the Colonial Services Board proposed full funding.

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

2. FY 2009-2014 Six-Year Secondary Road Plan (Continued from March 25, 2008)

Mr. Marvin Sowers, Planning Director, stated that VDOT has requested priorities for Secondary Roads and that the County has received more Federal funding. He also commented that staff has come up with a list of nine projects with one added at the Work Session.

Mr. McGlennon commented on the staff report and noted that the criteria for the nine projects also stated that sidewalks and bike improvements are not included on the list due to no funding available, but may be able to get funding from the Congestion Mitigation and Air Quality Improvement Program (CMAQ).

Mr. Goodson opened the Public Hearing.

1. Mr. John Laben, 200 Nina Lane, commented that all road improvements should include bike lanes.
2. Mr. John Heslink, Jr., 8720 Merry Oaks Lane, commented that his street is filled with pot holes and that there is flooding on his street when it rains.

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

The Board deferred action on this item until May 13, 2008.7y

3. Special Use Permits (SUPs): Temporary Classroom Trailers for Schools

- a. SUP-0002-2008. Toano Middle School Temporary Classroom Trailers
- b. SUP-0003-2008. Norge Elementary School Temporary Classroom Trailers

Mr. Jose Riberio, Senior Planner, stated Mr. Bruce Abbott has applied for an SUP on behalf of Williamsburg-James City County Public Schools to extend the SUP of two classroom trailers located at Toano Middle School and two classroom trailers located at Norge Elementary School until July 1, 2010. The applicant requests to extend the SUP for these four existing classroom trailers until the new elementary and middle schools open in September 2010. The properties are Toano Middle School, located at 7817 Richmond Road in the Stonehouse District and Norge Elementary School, located at 7311 Richmond Road in the Stonehouse District. The properties can be further identified as Tax Map/Parcel Nos. 1240100051 for Toano Middle School and 2320100035 for Norge Elementary School. The parcel sizes are 34.1 acres and 20.6 acres respectively and the properties are zoned PL, Public Lands. The Comprehensive Plan designates the properties as Federal, State, and County land.

Mr. Goodson opened the Public Hearing.

Mr. Icenhour commented that both schools are below capacity, and asked for clarification for two trailers that are below capacity.

Mr. Riberio passed Mr. Icenhour's question onto Mr. Ed Montrow, Supervisor of Maintenance for the School Division.

Mr. Montrow stated that capacity studies were done in 2005, and programs have changed which caused decreases in the capacity of the facilities. He stated that he will request the trailers at DJ Montague to be extended when the SUP expires.

Mr. Icenhour requested that the School Board give a revised figure for common point of reference on programming and capacity.

Ms. Jones asked for clarification that the four trailers are not for Pre-Kindergarten and early education, but are for students at the schools.

Mr. McGlennon stated that the Board has a hard time understanding effective capacity when the number relates to students that are Kindergarten through fifth grade, when schools are housing programs such as Pre-Kindergarten.

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

Mr. McGlennon moved the resolution to approve the SUP.

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

RESOLUTION

CASE NO. SUP-0002-2008. TOANO MIDDLE SCHOOL

CASE NO. SUP-0003-2008. NORGE ELEMENTARY SCHOOL

TEMPORARY CLASSROOM TRAILERS

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, 1950, as amended, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case Nos. SUP-0002-2008 and SUP-0003-2008; and

WHEREAS, temporary classroom trailers accessory to an existing school may be permitted upon the issuance of a Special Use Permit (SUP) by the Board of Supervisors; and

WHEREAS, the Williamsburg-James City County School Board has applied for an SUP to extend the permit period for two existing temporary classroom trailers at Toano Middle School on property owned and developed by the applicant located at 7817 Richmond Road and further identified as Parcel No. (1-51) on James City County Real Estate Tax Map No. (12-4); and

WHEREAS, the Williamsburg-James City County School Board has applied for an SUP to extend the permit period for two existing temporary classroom trailers at Norge Elementary School on property owned and developed by the applicant located at 7311 Richmond Road and further identified as Parcel No. (1-35) on James City County Real Estate Tax Map No. (23-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUPs for the placement of temporary classroom trailers as described above and on the attached site location maps with the following conditions:

1. The conditions listed below shall replace and supersede the conditions for approval for the following previously approved temporary classroom trailers for Toano Middle School and Norge Elementary School: SUP-10-05, SUP-10-06, and SUP-14-05

2. At Toano Middle School no more than two classroom trailers shall be permitted on the school site.
3. At Norge Elementary School no more than two classroom trailers shall be permitted on the school site.
4. This SUP shall expire on July 1, 2010.
5. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

I. BOARD CONSIDERATION

1. Water System Waiver – Chieftain’s Village

Mr. Larry Foster, JCSA Manager, stated that Haven Lands has proposed and requested a water system waiver for a seven-lot subdivision, which is proposed to be located off Little Creek Dam Road. Staff recommended approval.

Mr. McGlennon asked if small scale requests for waivers are expected.

Mr. Foster stated that he did not have any request at the time and that there was one larger scale, about 20 lots, 200 acres of land.

Mr. Icenhour asked if he put in a central well then would he have to put in a central facility for the seven lots.

Mr. Foster stated the access issues, which require this development to be considered a major subdivision.

Mr. Icenhour stated that there is one road that would be a public road, but multiple driveways that would have flag lots.

Mr. McGlennon asked if these lots would be eligible for family subdivisions.

Mr. Foster called on Mr. Bill Porter, Acting Development Manager, to answer the question.

Mr. Porter stated that the lots are eligible for family subdivision.

Mr. Goodson asked if he could develop four of the lots and then the other three.

Mr. Foster stated that it is still considered a large subdivision due to the access road and the number of lots.

Mr. Icenhour stated that he is weary of waving a policy in place for central wells, and is concerned with the majority of flag lots.

Mr. Kennedy asked for an estimated cost to maintain a well facility on-site.

Mr. Foster commented on an estimate of \$3,000-\$5,000.

Mr. Goodson commented on doing away with the access road.

Mr. Porter said that four lots is all that could be developed and without a central well system.

Mr. Kennedy asked about the upkeep of a well system for JCSA.

Mr. Foster stated that it would be a losing cost of expenses over revenues.

Mr. McGlennon commented that there is not enough community benefit to support this issue.

No Board action was taken.

J. PUBLIC COMMENT

1. Mr. Kelly Place, 312 Waller Mill Road, commented on a new website set-up by citizens to talk about the quality of life in James City County.
2. Mr. Jeff Suho, 700 Jamestown Road, commented on getting the School budget fully funded.
3. Mr. Ed Oyer, 139 Indian Circle, commented on the Hampton Roads Bridge Tunnel and the potential for a bridge.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner noted that the Comprehensive Plan Community Conversation will take place at the James River Community Center on Thursday, April 24, 2008, from 6:30 – 8:30 p.m. He noted that this is the last Board meeting for Barbara Watson as Acting Assistant County Administrator. He stated that the James City Service Authority meeting would follow, and the Closed Session on the Cable Committee is recommended for deferral until after the Budget Work Session on April 28.

L. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon complimented the Earth Day Event. He noted those involved in the Climate Community event he attended in Washington, D.C., were working with local governments to help achieve energy efficiency.

Mr. Icenhour commented on the workforce development and some Federal monies that may be available and contributions to the schools for summer programs. He also commented on a conversation with Ms. Jones regarding the Prime Outlets. He stated the turn lanes coming off Richmond Road pose a traffic safety hazard. He recommended looking into a solution. He also commented that he would like to have an update on closing off the entrance at Prime Outlets.

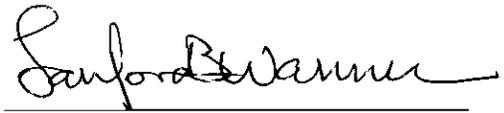
Ms. Jones commented that the B&B looked out of scale. She also stated that the Regional Issues Committee will meet and coordinate issues.

M. ADJOURNMENT to 7 p.m. on April 28, 2008.

Mr. Icenhour made a motion to adjourn.

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

At 10:30 p.m. Mr. Goodson adjourned the Board to April 28, 2008, at 7 p.m.

A handwritten signature in cursive script, reading "Sanford B. Wanner". The signature is written in black ink and is positioned above a horizontal line.

Sanford B. Wanner
Clerk to the Board

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