

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 13TH DAY OF MAY 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** – RayQuan Williams, a seventh-grade student at James Blair Middle School, led the Board and citizens in the Pledge of Allegiance.

Mr. Wanner recognized Boy Scouts from Troop 155 attending the meeting as part of the requirements to obtain a Communications merit badge.

Mr. Goodson indicated that Consent Calendar Item No. 2, Endorsement of the FY 2009 Strategic Management Plan, would be deferred for consideration with the budget. He stated that a public hearing would be opened for Case No. Z-0012-2007/MP-0010-2007/SUP-0033-2007. Williamsburg Auto Group-Honda Expansion, continued from April 8, 2008, in order to close the public hearing, but the application had been withdrawn by the applicant and any new application would require a formal review to include the Planning Commission. He noted that all the items relating to the County Budget were being deferred also.

**D. PUBLIC COMMENT**

1. Mr. John Laben, 200 Nina Lane, on behalf of the Historic Triangle Bicycle Advisory Committee, requested room for bicycle and pedestrian access on County roads.

2. Mr. Robert Richardson, 2786 Lake Powell Road, commented on the County's Project Development Agreement with Newport News Water Works in relation to the budget and stated his opposition to the agreement.

3. Mr. Ed Oyer, 139 Indian Circle, commented on County greenspace purchases; traffic on Route 60 East; congratulations to Williamsburg City Councilperson Judy Knudson; disapproval of the Hampton Roads Transportation Authority; neglected property at 101 Indian Circle; housing market decline; and accountability of public officials to the constituents.

4. Mr. Chris Henderson, 101 Keystone, commented on personnel spending issues and stated that the government needed to follow the suit of private businesses by cutting personnel expenses.

5. Mr. Craig Morris, 108 Gate House Boulevard, commented on cuts to the school budget and stated his disapproval.

**E. CONSENT CALENDAR**

Mr. McGlennon asked why Item No. 2 was pulled.

Mr. Wanner indicated that it was related to the budget.

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

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

1. Minutes –
  - a. April 28, 2008, Budget Work Session
3. Appointment - 2008 County Fair Committee

**RESOLUTION**

**APPOINTMENT - 2008 COUNTY FAIR COMMITTEE**

WHEREAS, annually the Board of Supervisors appoints the James City County Fair Committee; and

WHEREAS, the 2008 County Fair will be held Thursday, June 19, to Saturday, June 21.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby appoint the attached list of volunteers to the 2008 James City County Fair Committee for the term of June 19, 2008, through June 21, 2008.

4. Peninsula Emergency Medical Service Council, Inc. - Grant Award - \$5,313

**RESOLUTION**

**PENINSULA EMERGENCY MEDICAL SERVICE COUNCIL, INC. -**

**GRANT AWARD - \$5,313**

WHEREAS, the Peninsula Emergency Medical Service Council, Inc. (PEMS) was awarded a grant from the Williamsburg Community Health Foundation, in which the James City County Fire Department was a sub-recipient of \$5,313; and



6. Virginia Department of Historic Resources Grant Award - \$5,000

**RESOLUTION**

**VIRGINIA DEPARTMENT OF HISTORIC RESOURCES GRANT AWARD - \$5,000**

WHEREAS, James City County has received grants from the Virginia Department of Historic Resources totaling \$5,000; and

WHEREAS, the grant will allow for the creation and installation of the first of three statues to be erected at the Courthouse Circle; 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 acceptance of the grant and the following budget amendments and changes in appropriations to the Special Projects/Grants Fund:

Revenue:

Virginia Department of Historic Resources	<u>\$5,000</u>
Courthouse Statues 024-309-5904	

Expenditure:

Courthouse Circle	<u>\$5,000</u>
Courthouse Statues 024-176-5904	

7. Grant Appropriation - Litter Prevention and Recycling Grant - \$2,718

**RESOLUTION**

**GRANT APPROPRIATION - LITTER PREVENTION AND RECYCLING GRANT - \$2,718**

WHEREAS, the Department of Environmental Quality has awarded James City County a Litter Prevention and Recycling grant in the amount of \$13,139; and

WHEREAS, the grant was originally appropriated for \$10,421.

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

Revenue:

Litter Control Grant	<u>\$2,718</u>
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Expenditure:

Litter Control Grant                      \$2,718

8.     Homeless Intervention Program Application FY 09

**RESOLUTION**

**FY 09 HOMELESS INTERVENTION PROGRAM APPLICATION**

WHEREAS, the Virginia Department of Housing and Community Development has issued a notice of funding availability and has requested applications under the Homeless Intervention Program (HIP) for Fiscal Year 2009; and

WHEREAS, assistance is needed to effectively and adequately address the housing and supportive service needs of persons at risk of becoming homeless, including families and individuals from James City County, the City of Williamsburg, and York County with a Williamsburg address; and

WHEREAS, an HIP application for Fiscal Year 2009 funding in the amount of \$170,260 has been prepared; and

WHEREAS, James City County Office of Housing and Community Development (OHCD) agrees that if an award is received, OHCD is to provide coordination of supportive services to persons at risk of becoming homeless in conformance with the regulations and guidelines of the HIP; and

WHEREAS, the County Administrator can act on behalf of James City County and will sign all necessary documents required to complete the grant transaction.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to apply for and accept the grant and enter into a grant agreement with the Virginia Department of Housing and Community Development and perform any and all actions and responsibilities in relation to such Agreement.

**F.     PUBLIC HEARINGS**

1.     Special Use Permit-0008-2008. Aadahl Family Subdivision

Mr. Luke Vinciguerra, Planner, stated that Mr. Edwin Aadahl has applied for a Special Use Permit (SUP) to allow a family subdivision generating one lot less than three acres in size in an A-1, General Agricultural District, located at 4405 Centerville Road. The proposed subdivision would create one new 1.0-acre parcel to be conveyed to the owner's daughter who currently lives in the trailer as shown on the proposed plat. The parent lot would be reduced in size from about 6.5 acres to 5.5 acres. The applicant has lived on the property for over 30 years.

Staff found the proposal to be generally consistent with the surrounding development and Section 19-17 of the James City County Subdivision Ordinance.

Staff recommended approval of the application.

Mr. Goodson opened the Public Hearing.

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

Mr. Icenhour made a motion to adopt the resolution.

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

### **RESOLUTION**

#### **CASE NO. SUP-0008-2008. AADAHL FAMILY SUBDIVISION**

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, the applicant has requested an SUP to allow for a family subdivision in an A-1, General Agricultural, District, located at 4405 Centerville Road, further identified as Parcel No. 3620100029 on the James City County Real Estate Tax Map; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing was held on Case No. SUP-0008-2008; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that the SUP to allow for the above-mentioned family subdivision should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP No. 0008-2008 as described herein with the following conditions:

1. This SUP is valid for a family subdivision for the creation of one new lot of 1.0 acres or larger with one parent lot of approximately 5.563 acres remaining, generally as shown on the preliminary subdivision plat submitted with this application.
2. Final subdivision approval must be received from the County within 12 months from the issuance of this SUP or the permit shall become void.
3. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Case No. Z-0012-2007/MP-0010-2007/SUP-0033-2007. Williamsburg Auto Group-Honda Expansion (continued from April 8, 2008).

Mr. Goodson indicated that the application has been withdrawn and no action was required of the Board for this application.

Mr. Goodson opened the Public Hearing.

1. Mr. John Laben, 200 Nina Lane, stated that buffers between commercial and residential zoning should be maintained to protect property owners.

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

No Board action was taken.

Ms. Jones asked for clarification that if the application came forward again, it would need to go through the entire approval process again.

Mr. Goodson indicated that was correct.

## **G. BOARD CONSIDERATIONS**

### **1. FY 2009-2014 Secondary System Six-Year Program**

Mr. Marvin Sowers, Planning Director, gave an overview of the FY 2009-2014 Secondary System Six-Year Program priorities with adjustments recommended by the Board. Staff recommended approval of the resolution.

Mr. McGlennon commented on the priorities for non-vehicular transportation projects, specifically pedestrian and bike trails.

Mr. McGlennon made a motion to adopt the resolution.

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

## **RESOLUTION**

### **FY 2009-2014 SIX-YEAR SECONDARY SYSTEM ROADS PROGRAM**

WHEREAS, Sections 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary System Six-Year Construction Program; and

WHEREAS, the James City County Board of Supervisors had previously agreed to assist in the preparation of the Program, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Construction Priority List (2009) on April 22, 2008, after being duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Priority List; and

WHEREAS, James W. Brewer, Residency Administrator, Virginia Department of Transportation, appeared before the Board of Supervisors and recommended approval of the Secondary System Six-Year Program (2009 through 2014) Construction Priority List (2009) for James City County; and

WHEREAS, the Commonwealth has reduced State funding for transportation to the point where it no longer meets the needs of the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that although Six-Year Plan for Secondary Roads and the Construction Priority List for James City County ranks James City County's priorities in the proper order, the Plan lacks the funding required to complete the projects in a timely manner and thus does not meet the needs of the Secondary Road System in James City County or of its citizens.

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County, Virginia, that since said Program improves the Secondary Road System in James City County, said Secondary System Six-Year Program (2009 through 2014) Construction Priority List (2009) is hereby approved as presented at the public hearing.

Mr. Goodson stated Item Nos. 2-6 were being deferred until after another budget work session.

2. Chesapeake Bay Preservation Ordinance - Proposal for Fee Changes - Deferred
3. Ordinance to amend Chapter 18A, Stormwater Management, by amending Section 18A-5, Structure of fees and charges; to eliminate the stormwater service fee - Deferred
4. Ordinance to amend Chapter 19, Subdivisions, by amending Section 19-2, Definitions; Section 19-15, Fees; Section 19-62, Inspection of public water and sewer system; to define the Stormwater Division; to establish a stormwater inspection fee for new construction; and to establish the inspection of new stormwater system installations - Deferred
5. Ordinance to amend Chapter 24, Zoning, by amending Section 24-7, Administrative fees; Section 24-159, Compliance with site plan required; to establish stormwater inspection fees; and the inspection of new stormwater system installations - Deferred
6. Budget FY 2009-2010 - Deferred
7. Resolution of Appropriation - Williamsburg-James City County School Budget

Mr. John McDonald, Financial and Management Services Manager, stated this item addressed the budget proposed for the County's contribution to Williamsburg-James City County Public Schools and that the item comes forward at this time due to a Virginia Code requirement to approve the education budget on or before 30 days after the State has released its figures. He indicated that the Code does not require an appropriation, but staff recommended that the appropriation be made to allow for teacher contracts to be renewed for the following school year. He stated that the appropriation resolution reflected changes the Board has made during the work sessions. Staff recommended adoption of the resolution.

Mr. Goodson asked how much lower the recommended appropriation amount was than the amount requested.

Mr. McDonald stated the amount requested was \$800,000 more than the recommendation for funding, and the original proposed budget included a reduction of \$300,000 in the operating budget.

Mr. Goodson stated that staff's recommendation is to put \$800,000 into a future capital budget for the schools.

Mr. McDonald stated the funds would go into debt service for the monies to be used for opening the two new schools in August 2010.

Ms. Jones made a motion to adopt the resolution.

Mr. McGlennon stated that he felt this was a bad precedent for the Board to set. He stated his concern that the budget guidance that the Board gave to the School Board was changed repeatedly and that he stated he did not feel the Board treated the School Board with the proper respect. He said the funding reduction would likely not cause critical damage to the schools, but the additional State funds were intended to expand. He stated he could not support the resolution in process or content.

Ms. Jones thanked Mr. Fuentes and Mr. Nickols for their attendance and the other School Board members for their participation. She indicated that she understood that money had not previously been set aside for the new schools and did not want to raise taxes for the school construction. She stated the reductions and investments were to avoid raising the tax rate and that she clarified that teacher salaries were set by the School Board. She indicated that there was still an increase in funding over the previous year and stated that she supported the reduction in the increase of the allocation to the School Board.

Mr. Goodson stated his disappointment with the process, but that there should have been more dialogue as information was released. He indicated that State funding and other figures were very different from the guidance that was provided before the budget process and indicated that the reductions were preemptive measures to avoid significant tax increases, due to the opening of the new schools in FY 2011. He indicated that the County Budget was also reduced and that the money being cut was being put towards school debt service and would still contribute to education in the County. He indicated that for the next budget process, communication would be more open and the process would begin earlier. He stated his support for the resolution.

Mr. Icenhour stated his concern for how the Board and School Board worked together on the budget process and that the School Board stayed within the guidance even though budget cuts were not brought up until the budget work sessions. He stated that if the stormwater fee was collected as a fee or tax, the budget would be fiscally possible without raising the tax rate to open the schools in FY 2011 and stated his opposition to the resolution.

On a roll call vote, the vote was: AYE: Jones, Kennedy, Goodson (3). NAY: Icenhour, McGlennon (2).

**RESOLUTION**

**RESOLUTION OF APPROPRIATION**

WHEREAS, Section 22.1-93 of the Code of Virginia requires County approval of an annual budget for educational purposes; and

WHEREAS, James City County anticipates approving a James City County General Fund budget in accordance with Section 15.2-2503 of the Code of Virginia.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that:

1. The following amounts are hereby appropriated from the FY 2009 General Fund for educational purposes.

Contribution to WJCC Schools	\$74,844,700
Debt Service/Other	\$18,600,826

2. The following amount is hereby appropriated from the FY 2009 Capital Projects Fund for educational purposes.

Capital Projects	\$69,939,382
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**H. PUBLIC COMMENTS**

1. Mr. Ed Oyer, 139 Indian Circle, commented on the School Budget and excessive funds for particular line items; water withdrawals of private domestic wells in the County; and stated money was not the answer to education needs.

2. Mr. Robert Richardson, 2786 Lake Powell Road, stated his support for the stormwater management fee rather than increasing taxes.

3. Mr. Kelly Place, 213 Waller Mill Road, commented that stormwater management should have a dedicated fund and stated his disapproval of the County's Project Development Agreement with Newport News Water Works.

**I. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner stated that when the Board completed the Board Requests and Directives, it should take a 15-minute recess to set up the work session room. He stated that there would then be a budget work session followed by a meeting of the James City Service Authority. He said the Board would then come back into session. He stated that a Closed Session would need to be held for consideration of appointments to the Parks and Recreation Advisory Committee and that when the Board completed its business, it should adjourn to 4 p.m. on May 27, 2008.

Mr. Goodson asked if the JCSA meeting would be after the Board work session.

Mr. Wanner stated that was correct and indicated that the JCSA salaries were paid with the County salaries and that staff wanted to make sure the budget was solidified before action was taken on these items.

## **J. BOARD REQUESTS AND DIRECTIVES**

Mr. Goodson stated that he represented the Board on the Hampton Roads Economic Development Alliance (HREDA) and at its meeting on April 24, 2008, Busch Brewery was appointed to its Board of Directors. He noted that Jones Hooks, long-time HREDA President, would be leaving to go to Gentle Island, Georgia. He stated that he attended the recent meeting on the Hampton Roads Mayors and Chairs Caucus, and participated in discussion on regional transportation issues. He indicated that the Caucus asked Governor Kaine to eliminate the grantor's tax from the fee package. He stated that he also participated in a strategic planning off-site session for the Hampton Roads Military and Federal Facilities Alliance (HRMFFA).

Mr. Icenhour stated that he attended a meeting of the Peninsula Council for Workforce Development to discuss the creation of a Youth Career Café in the Williamsburg area. He stated that on May 21, 2008, representatives from York County and Williamsburg-James City County Schools, as well as staff representatives, and members of the Council would tour the Youth Career Café at Patrick Henry Mall. He stated that the group would later meet to put together aspects of the site's location and programs for this project.

Mr. Icenhour stated that he had asked about a special speed zone on a portion of Powhatan Parkway and that representatives from the Police Department were here for an update on this item.

Sergeant William McMichael and Major Stephen Rubino gave an overview of the traffic study done by the Police Department at 3912 Powhatan Parkway, 3900 Powhatan Parkway, and 3937 Powhatan Parkway. He indicated that about four percent of the vehicles in the study were exceeding the speed of 25 mph.

Mr. Wanner stated that the concern would be staffing this zone. He indicated that other methods should be considered and felt there were other methods to calm the traffic. He asked Mr. Sowers to speak to some of the other alternatives.

Mr. Goodson asked if a mobile radar trailer was used in the area.

Major Rubino stated it was.

Mr. Goodson asked if it has been successful in areas where it is used.

Sergeant McMichael stated the radar trailer had been on Powhatan Parkway a week prior to the study.

Mr. Icenhour asked for clarification that the intersection of Powhatan Parkway and West Providence was previously a four way stop which was changed by VDOT.

Major Rubino stated that was correct.

Mr. Icenhour stated that there has been major concern over the amount of traffic on this residential street.

Sergeant McMichael stated that there was a great deal of traffic.

Mr. Icenhour asked if the connection to West Providence was a major contributor to the traffic.

Sergeant McMichael stated that was correct.

Mr. Icenhour stated that there have been many complaints and that any effective measure would be acceptable and that the citizens in this area needed assistance with this. He thanked the officers for the study.

Mr. Sowers stated that there were two processes for traffic calming and that private streets could be reviewed internally and staff would work with the property owner to accomplish this through a site plan process. He stated public roads would fall under VDOT's process, including speed humps, raised medians, raised crosswalks, and other features. He stated that if a neighborhood is interested, the County would contact VDOT to evaluate the neighborhood and discuss various alternatives and request a petition from the neighborhood. He stated VDOT would then come to the Board of Supervisors for a resolution of support to begin the process and that there was a possibility of the use of State funds for this type of project.

Mr. Icenhour stated the homeowners association president and the committee should meet with VDOT and County staff.

Mr. Sowers stated this was correct.

Mr. Icenhour asked the timeframe of completing the process.

Mr. Sowers stated that he was not aware, but VDOT could be contacted to get an idea.

Mr. Hicks stated that depending on funding, the process would take approximately eight to twelve months for design requirements.

Mr. Icenhour indicated that he would contact the homeowners association to get the process started as soon as possible.

Ms. Jones stated that there has been some work on this and it should not be redone.

Mr. Icenhour stated that if the Board should need to, weigh in to expedite the process.

Mr. Sowers stated that VDOT has been very helpful in the past and that staff would be happy to start the process.

Mr. Icenhour stated that he understood it was only a few blocks that require attention.

Mr. McGlennon stated that there may be some other candidates for this solution and asked if there was a policy to determine where the funds should be used for these projects.

Mr. Wanner stated that there was none at this time.

Mr. McGlennon stated that he would like to see specific criteria for these measures.

Mr. Wanner stated that he would ask Mr. Hicks to work with Mr. Porter and Mr. Sowers, and that the Police Department would work on the specifics for Powhatan Parkway.

At 8:15 p.m. Mr. Goodson recessed the Board for a break followed by a work session.

At 9:34 p.m. Mr. Goodson reconvened the Board.

**K. CLOSED SESSION**

Mr. McGlennon made a motion to go into closed session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the consideration of a personnel matter, the appointment of individuals to County boards and/or commissions.

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

At 9:37 p.m. Mr. Goodson recessed the Board into Closed Session.

At 9:46 p.m. Mr. Goodson reconvened the Board.

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

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

**RESOLUTION**

**CERTIFICATION OF CLOSED MEETING**

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1), to consider personnel matters, the appointment of individuals to County boards and/or commissions.

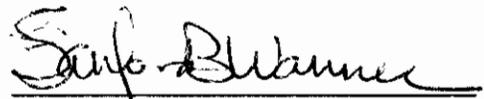
Mr. Icenhour made a motion to appoint Mr. Michael Hand and Mr. Craig Metcalfe to four-year terms on the Parks and Recreation Advisory Committee, terms to expire on May 31, 2012.

**L. ADJOURNMENT - May 27, 2008, at 4:00 p.m.**

Mr. McGlennon made a motion to adjourn.

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

At 9:47 p.m. Mr. Goodson adjourned the Board to 4 p.m. on May 27, 2008.



Sanford B. Wanner  
Clerk to the Board

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