

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27TH 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** – Misheal Bryant, a sixth-grade student at Toano Middle School, led the Board and citizens in the Pledge of Allegiance.

**D. PRESENTATIONS**

1. Recognition - Frances Ann Huckstep Hamilton

Mr. Goodson presented a resolution of recognition to Sherry McKown and Dick Hamilton, children of the late Frances Ann Huckstep Hamilton, demonstrating the County's appreciation for her community service and enrichment of the village of Norge.

Mr. Hamilton stated that he and his sister were honored to be able to accept the award for their mother.

2. Recognition - James "Jim" W. Brewer, Virginia Department of Transportation

Mr. Goodson presented a resolution of recognition to Mr. Jim Brewer as a token of appreciation for over 40 years of service with the Virginia Department of Transportation (VDOT).

Mr. Brewer stated his appreciation for the recognition and thanked his colleagues at VDOT.

3. May is Bike Month

Mr. Goodson presented a resolution declaring May as Bike Month to Dennis Manske and the Williamsburg Area Bicyclists, and recognized their efforts to create a healthy, active community by promoting bicycling in the Williamsburg area.

Mr. Manske presented a proclamation from the Governor of Virginia declaring May as Bike Month to the Board of Supervisors. He distributed t-shirts to the Board members.

4. State Board of Elections Presentation for James City County Security Plan

Secretary Nancy Rodriguez, of the State Board of Elections, presented an award recognizing the certification of James City County's Election Security Plan to the Electoral Board. The award was received by Electoral Board Chairman, Stan Gorrell, members Jack Edwards and Paul Bankit, and General Registrar A. J. Cole.

**E. HIGHWAY MATTERS**

Mr. Todd Halacy, Interim VDOT Residency Administrator, gave an overview of the completed portions of the summer asphalt overlay schedule and stated that the first cycle of mowing for all secondary and primary was completed, and the next round would begin by next week. He stated that a construction project in James City County and York County to restore slopes was completed 30 days ahead of schedule and under budget.

Mr. Icenhour asked Mr. Halacy to evaluate a large ditch at the apartment complex across from Williamsburg West to see if it could be stabilized. He stated the medians on Monticello Avenue near the construction at Route 199 had tall grass and asked that it be mowed.

Mr. Kennedy thanked Mr. Halacy for his responses regarding questions about Camp Drive, Racefield Drive, and Old Stage Road.

**F. PUBLIC COMMENT**

1. Mr. Robert Richardson, 2786 Lake Powell Road, commented on the James City Service Authority (JCSA) Project Development Agreement with Newport News Water Works and stated his disapproval based on difficulty in funding the agreement.

2. Mr. Don Messmer, 28 Ensigne Spence, stated his disapproval of the Board's Consent Calendar resolution in support of the Doctor's Hospital of Williamsburg project and requested denial of the resolution.

3. Mr. Bob Graves, 105 George Perry, Administrator of Sentara Williamsburg Regional Medical Center, commented on the Board's Consent Calendar resolution in support of the Doctor's Hospital of Williamsburg project, and requested denial of the resolution..

4. Ms. Deborah Kratter, 113 Long Point, spoke in support of the Board's resolution of support for the Doctor's Hospital of Williamsburg project. She commented that the school budget should be fully funded.

5. Mr. Randy O'Neill, 109 Sheffield Road, commented on parks and recreation availability to special needs students. He stated that he has not had the opportunity to work with James City County Parks and Recreation.

6. Mr. Robert Duckett, Public Affairs Director, Peninsula Housing and Builders Association, stated that Best Management Practices (BMPs) are monitored to be built as designed by geotechnical engineers, and noted that the County receives surveys after construction. He said storm drains and channels are done in VDOT right-of-way. He stated he could support the fees if the County would drop the requirement for surveys and inspection by contractors.

7. Mr. Ed Oyer, 139 Indian Circle, commented on the Memorial Day services on May 26, 2008; school budget and personnel; traffic on Route 60 East; support for the application for the Doctor's Hospital of

Williamsburg project. He stated that new schools were not necessary based on student influx and alternative education funds come from the State Board of Education.

8. Mr. David Tate, on behalf of Riverside Health System, stated competition would benefit citizens with access now and in the future.

**G. CONSENT CALENDAR**

Mr. Goodson requested to pull Item No. 7.

Mr. McGlennon asked to pull Item No. 5.

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 22, 2008, Work Session
- b. April 22, 2008, Regular Meeting
- c. April 30, 2008, Budget Work Session
- d. May 6, 2008, Budget Work Session
- e. May 8, 2008, Budget Work Session
- f. May 13, 2008, Regular Meeting
- g. May 13, 2008, Budget Work Session

2. Frances Ann Huckstep Hamilton Recognition

**RESOLUTION**

**FRANCES ANN HUCKSTEP HAMILTON RECOGNITION**

WHEREAS, Frances Ann Huckstep Hamilton was a native of the village of Norge, Virginia, and a descendant of Mr. and Mrs. Halvor H. Anderson, one of the Norwegian farming families settling the village in the early 1900s; and

WHEREAS, Frances Ann Huckstep Hamilton was a descendant of founders of the early businesses in Norge, including H.H. Anderson, who established a grocery store, and I.W. Huckstep, who established a tea room and a frog farm; and

WHEREAS, Frances Ann Huckstep Hamilton was a descendant of those providing public services to the community of Norge, including postmaster Ellen Anderson Huckstep and its railway telegrapher, I.W. Huckstep; and

WHEREAS, except for a short residence in Toano, Frances Ann Huckstep Hamilton resided most of her life in the village of Norge; and

WHEREAS, Frances Ann Huckstep Hamilton honored this heritage by serving and promoting the people,

history, and buildings of Norge, including:

- Collecting and displaying photographs documenting the history of Norge;
- Co-authoring Velkommen til Norge, a pictorial history of Norge, for which she received the James City County Historical Commission Historic Preservation Award in 1990;
- Inspiring and organizing the relocation and restoration of the Norge Depot;
- Organizing and leading the Norge Civic League;
- Leading the Norge Community Club, and its preservation and use of the Norge Hall;
- Serving on the James City County Historical Commission; and

WHEREAS, her efforts benefitted the citizens of James City County by fostering an interest in its distinctive history, preserving several of its historically and architecturally significant buildings, and developing a unique sense of identity and community; and

WHEREAS, the James City County Historical Commission recognized the contributions of Frances Ann Huckstep Hamilton to the community.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby express its gratitude and admiration for Frances Ann Huckstep Hamilton and her passion to serve, preserve, and promote the people, buildings, and heritage of the distinctive rural James City County village of Norge.

3. Resolution of Recognition - James "Jim" W. Brewer, Virginia Department of Transportation

**RESOLUTION**

**RECOGNITION PRESENTED TO MR. JAMES "JIM" W. BREWER**

WHEREAS, Jim Brewer began his career in 1964 as an Inspector Trainee in the Hampton Roads District with the Virginia Department of Highways, later known as the Virginia Department of Transportation (VDOT); and

WHEREAS, Jim Brewer is known for his knowledge of construction and maintenance, and due to this proficiency was named Williamsburg Maintenance Operation Manager in 1974, Assistant Williamsburg Resident Engineer in 1995, and Williamsburg Resident Administrator in 2005; and

WHEREAS, Jim Brewer has been involved with numerous emergency operations and projects in the Williamsburg Residency, including the 1998 Ice Storm on Christmas Eve, 1999 Hurricane Floyd and the Jamestown Road emergency repair, 2003 Hurricane Isabel, as well as numerous projects including the extension of Monticello Avenue, Route 199 project, and the Virginia Capital Trail; and

WHEREAS, Jim Brewer sustained excellent and outstanding service to James City County citizens, civic groups, committees, and boards which afforded them great satisfaction and confidence with VDOT; and

WHEREAS, Jim Brewer retired from the Williamsburg Residency on May 23, 2008, after more than 40 years.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, on behalf of all residents of James City County, does hereby recognize the exceptional public service and more than 40 years of honorable service by Jim Brewer to the residents of Virginia and James City County.

4. May is Bike Month

**RESOLUTION**

**MAY IS BIKE MONTH**

WHEREAS, the bicycle is a viable and environmentally sound form of transportation and an excellent form of recreation; and

WHEREAS, today, millions of Americans will experience the joys of bicycling during the month of May through educational programs, commuting events, or just getting out and going for a ride; and

WHEREAS, James City County offers many bicycling opportunities for transportation, recreation, and exercise through beautiful scenery, trails, and parks.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, does hereby recognize May 2008 as Bike Month in James City County, Virginia, and call this observance to the attention of its citizens.

6. Contract Award - Community Video Center and Board Room Communications Equipment - \$111,955

**RESOLUTION**

**CONTRACT AWARD – COMMUNITY VIDEO CENTER AND**

**BOARD ROOM COMMUNICATIONS EQUIPMENT - \$111,955**

WHEREAS, a Request for Proposals (RFP) to furnish, design, and install new communications equipment at the Video Center and the Board Room in Building F in order to enhance the current operations and begin the process to comply with Federal Communications Commission (FCC) requirements that analog television broadcasting switch to high-definition by February 2009 was publicly advertised, and staff reviewed a proposal from The Whitlock Group; and

WHEREAS, upon evaluating the proposal, staff determined that The Whitlock Group was fully qualified and submitted a proposal that fully satisfied the County's needs as presented in the RFP, and staff negotiated a fair and reasonable price for the required equipment and related services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, awards the contract in the amount of \$111,955 for this project to The Whitlock Group.

5. Erosion and Sediment Control Ordinance Violation - Civil Charge - Prime Retail LP

Mr. Scott Thomas, Environmental Director, and Joe Buchite, Inspector, stated this item was a civil charge based on the violation of the County's Erosion and Sediment Control ordinance. They stated the division encountered the violation during regular monitoring of the site, displayed maps noting the location of the violation, explained that the violation involved disturbance of land outside the approved limits of work, and showed photographs of the nature of the violation. They stated that the owner of Prime Retail has agreed to accept a civil charge of \$2,000 and to restore and stabilize the area, which has been completed.

Mr. McGlennon stated that the disturbed area seemed like a large portion of the site. He asked why the agent for the owner did not get permission to do this.

Mr. Thomas stated that he did not know.

Mr. McGlennon asked if it was an out-of-town agent.

Mr. Thomas stated that the contractor was local, but it was felt best by the agent to move forward with the work and accept the civil charge to avoid slowing the progress, disrupting citizens, and causing traffic on Olde Towne Road.

Mr. McGlennon asked if permission would have been given if the contractor had asked.

Mr. Thomas stated that he believed it would have been.

Mr. McGlennon asked if they knew they were required to have a permit.

Mr. Thomas stated that they acquired a permit for the authorized portion of the limits of work.

Mr. McGlennon asked if there were significant trees that were taken down.

Mr. Thomas stated that he believed that there was previous disturbance, and the tree parts in the photograph may be construction debris.

Mr. McGlennon asked if relandscaping was required.

Mr. Thomas stated that it was not part of the agreement.

Mr. McGlennon asked if this kind of violation was frequent.

Mr. Thomas stated that this was very infrequent. He stated that he believed the most recent incident was in December 2007.

Mr. McGlennon asked whether the recent violation at Settler's Market was an Erosion and Sediment Control violation.

Mr. Thomas stated that was a Chesapeake Bay Preservation Ordinance violation.

Mr. McGlennon asked how the County became aware of these types of incidents.

Mr. Thomas stated that it was done through regular inspection and noted this expansion was very fast-paced.

Mr. McGlennon stated that when projects are moving quickly, it is important to keep up with them to make sure that they are meeting requirements.

Mr. Thomas agreed.

Mr. McGlennon asked if there was confidence that this disturbance does not endanger off-site waterways.

Mr. Thomas stated that was correct and indicated that staff felt that the best course of action at the time was to move forward with the civil charge process rather than stop construction.

Mr. McGlennon stated that fast-tracked construction projects should be kept in mind to meet environmental requirements and processes set forth by the Code.

Mr. Goodson stated that no trees were removed from the site.

Mr. Kennedy stated there were some trees on the lot and that in addition to these matters, there were concerns from citizens when power and phone lines were cut during construction. He stated that these fines had become a cost of doing business.

Mr. Goodson stated that the soil that was stored on the site was a violation against the ordinance.

Mr. Thomas stated the soil stockpile would have been allowed within the approved limits.

Mr. Goodson stated the storage of the soil would have been the violation.

Mr. McGlennon stated that the storage of the soil was part of the violation since there was no permit.

Mr. Goodson stated that he was evaluating the damage done. He noted that there was no excavating, but the landowner gave permission to the contractor to drive across the area and soil was stored on the site.

Mr. Thomas showed a photo that demonstrated the extent of the damage and noted that it was unknown if the limitations in place could handle it.

Mr. Icenhour stated it seemed that the area was cleared and dirt was removed as part of this disturbance and that the contractor would likely have been given permission to extend the limits of work. He stated that in this case the penalty was not severe enough and there was no deterrent, and asked how to make this more enforceable.

Mr. Thomas stated that \$2,000 was the maximum allowable fine for this type of civil charge, but the Board could give guidance to evaluate this. He stated that several years ago, a civil penalty procedure was brought before the Board, wherein violation charges could be written administratively at the time of the violation.

Mr. Icenhour stated that he would like to see other alternatives and his discomfort with the process.

Mr. Thomas stated the violation was composed of 1.8 percent of the development site and four percent of the disturbed site. He stated that Prime Retail was very receptive to mitigating the damages and paying the fine.

Mr. McGlennon made a motion to adopt the resolution. He asked staff to bring forward additional options on what can be done to improve this process.

Mr. Rogers stated that the State Code limits the County's ability to regulate this and the Legislative Program could be a tool to seek additional authority.

Mr. McGlennon stated that he would like to see options under current authority.

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

## **RESOLUTION**

### **EROSION AND SEDIMENT CONTROL ORDINANCE VIOLATION**

#### **CIVIL CHARGE – PRIME RETAIL, L.P.**

WHEREAS, on or about April, 3, 2008, Prime Retail, L.P., Owner, violated or caused a violation of the County's Erosion and Sediment Control Ordinance by disturbing land without a permit and outside the limits of work as reflected in the approved plan of development, SP-025-06, and subsequent amendment, SP-16-08, for Prime Outlets Retail Expansion Phase 7 at the property

commonly known as J.W. Crossing in Williamsburg, Virginia, identified by James City County Real Estate Tax Map No. 3330100002D within the James City County Real Estate System, and hereinafter referred to as the "Property"; and

WHEREAS, Prime Retail, L.P. has abated the violation at the Property; and

WHEREAS, Prime Retail, L.P. has agreed to pay \$2,000 to the County as a civil charge under the County's Erosion and Sediment Control Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the civil charge in full settlement of the Erosion and Sediment Control Ordinance violation, in accordance with Section 8-7(f) of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$2,000 civil charge from Prime Retail, L.P. as full settlement of the Erosion and Sediment Control Ordinance violation at the Property.

#### 7. Support for Doctors' Hospital of Williamsburg

Mr. Wanner stated this resolution demonstrates support for the Doctor's Hospital of Williamsburg project for increased competition in medical facilities and convenience and availability to citizens. He noted that the Board has adopted similar resolutions twice before in 2005 and 2006. He stated that the Board has indicated that it would like more choice for its citizens.

Mr. Goodson stated that this item reflects the requests of the citizens and that it is supported by two local governments in the region.

Mr. McGlennon stated that he knew that there was a long-term benefit to the investment that is being made and the financial advisors have come to the conclusion of this project's necessity. He stated that he supports the concept of competition, that he would like to respond to previous comments, that the County was

willing to work with Sentara during its plans to build in the County, and that it devoted enormous effort and staff time to a project in New Town. He stated that without notice, Sentara announced that its facilities were being located in York County, and that it was unfair to assert that the County's requirements and approval process played a role in that relocation.

Mr. Kennedy stated that in 2005 and 2006, he and Ms. Jones were not on the Board and were unable to see the rationale of this item.

Ms. Jones stated her support provided that the location provided competition in its services.

Mr. Goodson stated that parts of the Roberts District were closer to Mary Immaculate Hospital than this project, but he stated his support based on a long-term investment.

Ms. Jones 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**

### **SUPPORT FOR DOCTORS' HOSPITAL OF WILLIAMSBURG**

WHEREAS, Riverside Health System is reapplying for permission to site a hospital at Route 199 and Route 60; and

WHEREAS, the James City County Board of Supervisors desires to continue to improve accessibility to health care services for its residents and to make them available and affordable to all citizens of the County; and

WHEREAS, with the significant increase in tourism in James City County and the business expansion in the eastern end of James City County and that Doctors' Hospital of Williamsburg will help EMS provide better access to services through closer hospital services; and

WHEREAS, with rapid population growth, it is desirable that our citizens have a distinct choice in the scope and quality of care they receive, in staff that provides that care, and in the facilities where that care is available; and

WHEREAS, the Board of Supervisors believes that this goal can be achieved by competition among health care providers through the establishment of an alternative to the present sole provider of hospital services; and

WHEREAS, Riverside Health System has historically made significant investments in health care facilities in the Greater Williamsburg Area, including dialysis, diagnostic services, primary and specialty medical care, retirement services, assisted living, and convalescent care; and

WHEREAS, Riverside Health System has already received a Certificate of Public Need (COPN) from the State Health Commissioner to locate a long-term care facility on the property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby continues to support the plans of the Riverside Health System to establish an acute care

facility within the City premises rezoned on April 14, 2005, and further, establish this hospital granting access to all citizens of the area without regard to ability to pay.

BE IT FURTHER RESOLVED, that the Board of Supervisors of James City County, Virginia, continues to endorse the proposed COPN for the Doctors' Hospital of Williamsburg to be submitted by the Riverside Health System on June 30, 2008, to establish an acute care hospital on the site known as "Quarterpath" in the City of Williamsburg, Virginia.

## H. BOARD CONSIDERATIONS

Mr. Goodson asked to consider the fees individually and have discussion on the budget.

Mr. McGlennon stated that he proposed a change to the budget based on the stormwater fees and that he would like to have it considered.

### 1. Chesapeake Bay Preservation Ordinance - Proposal for Fee Changes

Ms. Sue Mellen, Assistant Manager of Financial Management Services, gave an overview of the proposal for fee changes to the Chesapeake Bay Preservation Ordinance.

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

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

### 2. Ordinance to amend Chapter 18A, Stormwater Management, by amending Section 18A-5, Structure of fees and charges; to eliminate the stormwater service fee

Ms. Mellen stated the second item was to amend Section 18-A to eliminate the stormwater service fee.

Mr. McGlennon made a proposition not to eliminate the fee, but to reduce it to \$2.45 per month to adopt a consensus budget and that the County could not undertake many expenses without the level of revenue provided by this fee. He stated that he understood the Board's majority felt it important to eliminate the stormwater fee, but to maintain the services supported by the fees. He stated there was a reduction in funding for the schools; a decline in spending for greenspace; and stormwater management and drainage funding was reduced to maintain a flat tax rate until the opening of the schools, but without consideration on how to maintain the tax rate once the schools were opened. He stated that assessments were flat and the tax rate was not anticipated to be changed and indicated that his proposal was to distribute the fee over two years to recognize the decline in revenue, to recognize the shift in priorities, and to develop a long-term plan. He stated his proposal to retain the utility fee at half the rate in order to generate approximately \$1.4 million to be allocated for stormwater and drainage in order to free up money for other projects.

Mr. McGlennon proposed to put \$600,000 into drainage projects, provide an additional \$250,000 contribution to Williamsburg-James City County schools for technology projects removed from the budget, utilize \$50,000 to eliminate the field use fee for league play on County fields, and put \$500,000 into reserve for the opening of the new schools to reduce future impact on County budgets.

Mr. McGlennon stated that citizens have generally not come forward to complain about the tax rate, but rather their input was usually defending the current level of spending or advocating increased spending on certain projects. He stated that rather than eliminating the stormwater fee this year, the Board should halve it this year and eliminate it next year to create revenue to support services.

Mr. McGlennon made a motion to amend the ordinance change to indicate a fee of \$2.45 for FY 2009 and \$0 for FY 2010.

Ms. Jones stated she would like to reevaluate the \$10 per participant field use fee, and that alternative funding was needed for this. She stated that the Board has been successful in funding the Stormwater Division without additional revenue and noted that next year's budget had a better projection for funding of drainage and stormwater issues. She stated that drainage concerns were an important issue for health and safety, and stated that she did not support maintaining the stormwater fee.

Mr. Goodson stated that this ordinance did not have an appropriate credit program and the stormwater utility fee would have to be reworked considerably to gain his support and that he could not support the recommendation.

Mr. McGlennon stated that a previous Board endorsed the stormwater utility that though there is some funding for drainage, this could significantly increase that funding.

Ms. Jones stated that the schools still received an increase in funding and that money was reallocated to fund debt service for the two new schools. She stated that the Board should look at prioritizing specific projects for FY 2010.

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

The motion failed.

Ms. Jones made a motion to adopt the original ordinance amendment to eliminate the stormwater fee.

Mr. McGlennon stated that stormwater management has been identified as a priority, but not funding it as a priority.

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

3. Subdivisions - 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

4. Site Plan - 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

Ms. Mellen, gave an overview on two sections of the Code that establish a stormwater inspection fee for subdivisions and site plans. She asked that the Board consider these items together.

Mr. Goodson stated he did not understand the term, "per practice."

Ms. Fran Geissler, Stormwater Division Director, stated that it indicated each item installed, so the fee would be for each Best Management Practice (BMP).

Mr. Goodson asked if it would apply to a feature.

Ms. Geissler stated that it would be \$0.90 per linear foot for each channel or storm drain.

Mr. Kennedy asked about duplicating inspections of BMPs.

Ms. Geissler stated that the current inspection was done by the Environmental Division to prevent erosion and sedimentation. She stated that the Environmental Division is looking at construction based on the surface, but in the County there are problems that are not seen until several years later after many rainstorms and that the Stormwater Division would look at compaction as the lifts are being built.

Mr. Icenhour asked what remedies were available if developments were not in compliance.

Ms. Geissler stated that the current non-compliance process would be used since that is part of each of the ordinances.

Mr. Icenhour asked what would be involved in the non-compliance process, and what methods were in place to get the project done correctly.

Mr. Goodson stated that the property would still incur an Erosion and Sediment Control violation.

Mr. Rogers stated that this would go forward during the development phase, and the plans, bonding, and financing would be in place. He stated that the County would be able to get the project corrected and could issue an injunction to stop work completely.

Mr. Icenhour stated that the projects were bonded so there was protection in that respect.

Mr. Rogers stated that there was surety that the County could use to complete any work.

Ms. Jones made a motion to adopt the ordinance amendments simultaneously.

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

5. County Budget FY 2009-2010

Mr. Goodson asked if the sports field usage fee was part of the budget.

Ms. Mellen stated that it was.

Mr. Goodson stated the adoption of the budget would be endorsing this fee.

Ms. Mellen stated that the budget and the errata sheet indicate where this fee was included.

Mr. Goodson asked if the budget could be passed with the elimination of the fee.

Mr. Wanner stated that he believed it could, noted that the fee was administratively charged, and recommended that it be included in the budget, effective July 1 and at a later date find a way to absorb it or assess it. He stated that this was to offset the operating cost for the fields.

Mr. Goodson stated that due to the public sensitivity of the fee, he would like to see it removed.

Mr. McGlennon made a motion to remove the fee from the FY 2009 budget.

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

Mr. Wanner asked what expenditure should be changed to reflect this decrease in revenue.

Ms. Jones stated she would like to evaluate funds in the two percent salary adjustment, Contingency Fund, and Outside Agencies to find money to replace the fee.

Mr. Wanner recommended reduction of the contingency.

Ms. Mellen noted that over the past few weeks there were concerns over Outside Agency contributions to eliminate the name listed in the budget book and replace it to indicate the funds would go towards homelessness and then later determine to which agency the funds should be contributed.

Ms. Jones made a motion to adopt the resolution with the adjustment to the Outside Agency name, the reduction in contingency, and the elimination of the sports field fee.

Mr. Kennedy stated that he had discussed the Outside Agencies with Mr. Powell and that there should be a work session and look at each of the agencies to determine where the money should be contributed.

Mr. Doug Powell, Community Services Manager, stated that could be done in a work session.

Mr. Wanner stated that each agency that comes before the allocation review team provides an audit.

Mr. McGlennon stated the proposal supports particular projects.

Mr. Powell stated that the budgets are submitted based on a program budget.

Mr. McGlennon stated that if money is given to a particular agency for a worthy project, it is likely the agency is doing multiple projects with multiple sources of revenue.

Mr. Powell stated that is often the case.

Mr. Wanner stated that all agencies that contribute money to agencies that provide health and human services receive the same form and all funders require audits.

Mr. Icenhour stated that the Special Projects and Grants fund had a significant amount of money removed based on uncertainty of revenue from the sale of County property. He stated that \$3 million worth of projects, including Ironbound Road underground utilities, Ironbound Road bikeway, drainage improvements, and road improvements, was not in the budget due to a lack of revenue. He asked what the status was of these projects and what methods were available to fund these.

Mr. McDonald stated that the Ironbound Road underground utilities and the bike trail matching were multiyear projects that required periodic payments to VDOT, a contractor, or the Federal government. He said it would be preferred to find money where possible over a two-year period rather than redirecting money from the sale of property from the greenspace fund.

Mr. Icenhour stated that there were options to find other forms of funding these projects.

Mr. McDonald stated that was correct and if needed, staff would come before the Board with options.

Mr. Icenhour confirmed that \$741,000 worth of draining projects was funded with the stormwater utility fee, but was not included in this budget.

Mr. McDonald stated that was correct.

Mr. Kennedy asked if there were stormwater projects already in place for those funds.

Mr. McDonald stated that there were, but there were conditions for permitting, easements, and engineering studies.

Mr. Kennedy asked if there was permission from the property owners to do these projects.

Mr. McDonald stated there was not at this time, but staff was working on this.

Mr. McGlennon stated that it was difficult to begin projects without the money to support them.

Ms. Geissler stated that if the money were available, the projects would move forward this year.

Mr. Icenhour commented that many of the problems were self-inflicted and noted that provision of some services was mandated by the Federal government. He stated that the cost of the stormwater projects in a long-term projection would be \$20 million that the elimination of the stormwater utility would reduce the tax rate by two cents for most citizens and that without revenue, services could not be provided as it was last year. He said that there was no drainage money for 2009, and in FY 2009-2010 there was no money for flood mitigation. He stated that the \$2.4 million allocated to Purchase of Development Rights (PDR) and greenspace was used to pay for these projects. He noted other budget cuts and delayed projects that will cost more in the future or may not be completed.

Mr. McGlennon stated his disappointment with the budget, that he felt it shortchanged the citizens through reductions to schools, environmental protection, and open space protection; and that the Board was issued a bond for PDR and greenspace, and it promised the voters to protect open space. He stated that the County can keep the tax rate flat through the opening of the schools, but not beyond and said the County needed to pay for capital projects that have been delayed. He expressed his disappointment with the budget and the process due to fraying of relationships with partners, including the School Board, and damage to the idea that the community can have its wishes taken into account. He stated there were promises made to achieve efficiencies, but also to have a competitive school system and that the budget process has betrayed value of careful consideration of policies and priorities as the Board moved forward. He stated the value of the January Budget Retreat was negated over five budget work sessions and that he did not support the budget.

Mr. Kennedy stated that he did not agree with some of the cuts, and stated the need for PDR/Greenspace funds needed to be in place since there was currently nothing to purchase. He said that if the need arose, the money would be found, stated that he was not in favor of the school budget, but Williamsburg-James City County has the highest paid teachers in the region, and that there was talk of a layoff in the schools. He stated that there were questions raised about funding last year, but schools came in short of students projected and indicated that he did not support increasing staffing when layoffs may occur. He noted that he never supported the stormwater fee and felt that it should be absorbed into the General Fund. He commented on the level of funding for the Williamsburg Area Destination Marketing Committee and that there were proposed changes to services and fees for the disposal of trash. He noted that there were State cuts and indicated his disappointment with representation in Richmond. He stated that he has had difficulty obtaining information on Stormwater and the Commissioner of Revenue's reports and that many PDR and greenspace projects were not funded because there was no permission from private land owners. He commented that priorities should be identified with the dramatic increases in property assessments in recent years. He stated that the reduction in fees and taxes was supporting citizens and helping relieve economic stress. He stated that there are future effects to be felt based on the current recession, that this budget did not plan for the future, and that the problem of excessive spending should be addressed in the budget.

Mr. Goodson stated that he did not agree with everything in the budget, that there was little flexibility for the next fiscal year, that he felt it was important to maintain the pay for performance for employees, and that if revenues stay the same, the County may not be able to maintain that next year, that he voted in favor of the budget last year though he did not support the stormwater fee. He stated that he was part of the process, and that he could vote for this proposed budget.

Ms. Jones stated that it was important to point out high revenues in the last five years and now a reduction of nearly \$5 million. She stated that there was nothing set aside, and it was important to look out for the interests of the tax payer in the current economic climate. She stated her support for controlling spending and being fiscally responsible for next year.

On a roll call vote, the vote was: AYE: Jones, Goodson (2). NAY: Kennedy (1). ABSTAIN: Icenhour, McGlennon (2).

**RESOLUTION**

**RESOLUTION OF APPROPRIATION**

WHEREAS, the County Administrator has prepared a two-year Proposed Budget for the fiscal year beginning July 1, 2008, and ending June 30, 2009, along with the fiscal year beginning July 1, 2009, and ending June 30, 2010, and a five-year Capital Improvements Program, four years of which are for information and fiscal planning purposes only; and

WHEREAS, it is now necessary to appropriate funds to carry out the activities proposed therein for the fiscal year beginning July 1, 2008, and ending June 30, 2009, and to set tax rates on real estate, tangible personal property, and machinery and tools, to provide certain revenue in support of those appropriations; and

WHEREAS, the Board wishes to adopt the second year of the operating and capital budgets for planning purposes, beginning July 1, 2009, and ending June 30, 2010.

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

1. The following amounts are hereby appropriated in the FY 2009 General Fund for the offices and activities in the amounts as shown below:

**GENERAL FUND REVENUES**

	<u>FY 2009</u>
General Property Taxes	\$107,754,387
Other Local Taxes	22,030,000
Licenses, Permits and Fees	8,345,000
Fines and Forfeitures	375,000
Revenue from Use of Money and Property	1,315,000
Revenue from the Commonwealth	25,433,233
Revenue from the Federal Government	5,868
Charges for Current Services	4,678,036
Miscellaneous Revenues	<u>170,500</u>
<b>TOTAL REVENUES</b>	<b><u>\$170,107,024</u></b>

GENERAL FUND EXPENDITURES

	<u>FY 2009</u>
Administrative	\$ 1,316,186
Elections	347,090
Human Resources	1,367,379
Financial Administration	4,261,325
General Services	7,795,843
Information Resource Management	2,073,878
Development Management	4,629,568
Judicial	2,347,787
Public Safety	21,684,003
Community Services	6,759,715
Contributions - Other	3,573,683
Library and Arts Center	4,492,457
Health Services	1,662,869
Other Regional Entities	2,568,222
Nondepartmental	4,698,588
Contribution - Capital Projects Fund	4,200,000
Contributions - Other Funds	<u>2,882,905</u>
<b>TOTAL EXPENDITURES</b>	<b><u>\$76,661,498</u></b>

The appropriation for education of \$93,445,526 was executed on May 13, 2008.

Year-End Fund Balance	\$1,038,689
Contribution to Capital Projects Budget	\$1,038,689

2. That the property tax rates be set for the amounts shown below and revenues appropriated in the following classifications:

TAX RATES

Real Estate on each \$100 assessed value	\$0.77
Tangible Personal Property on each \$100 assessed value	\$4.00
Machinery and tools on each \$100 assessed value	\$4.00

3. That the following amounts are hereby appropriated in other budgets in FY 2008 for the activities in the amounts as shown below:

CAPITAL PROJECTS BUDGET

Revenues:

Debt Proceeds	\$66,852,605
Contribution from General Fund	5,238,689
Proffer Revenue	900,000
Other Revenue	<u>2,114,000</u>
	<b><u>\$75,105,294</u></b>

Expenditures:

The School appropriation of \$69,939,382 was executed on May 13, 2008.

County Capital Projects	<u>\$5,165,912</u>
	<u>\$5,165,912</u>

DEBT SERVICE BUDGET

From General Fund - Schools	\$18,570,000
From General Fund - Other	3,260,000
Fund Balance	195,126
Other Revenue	<u>3,100,000</u>

Total Debt Service Fund Revenues \$25,125,126

Current Year Expenditures \$25,125,126

Debt Service Fund Disbursements \$25,125,126

VIRGINIA PUBLIC ASSISTANCE FUND

Revenues:

From the Federal Government/Commonwealth	\$4,279,107
From the General Fund	1,693,029
Other	<u>461,778</u>

Total Virginia Public Assistance  
Fund Revenues \$6,433,914

Expenditures:

Administration and Assistance \$6,433,914

Total Virginia Public Assistance  
Fund Expenditures \$6,379,395

COMMUNITY DEVELOPMENT FUND

Revenues:

General Fund	\$ 691,292
Grants	1,525,924
Generated Program Income	200,000
Other	<u>100,000</u>

Total Community Development  
Fund Revenues & Fund Balance \$2,517,216

Expenditures:

Administration and Programs	\$ 665,258
Housing & Community Development Programs	<u>1,851,958</u>
Total Community Development Fund Expenditures	<u>\$2,517,216</u>

SPECIAL PROJECTS/GRANTS FUND

Revenues:

From the School Division	\$ 12,000
Transfer from General Fund	217,426
Revenues from the Commonwealth	<u>275,850</u>
	<u>\$605,276</u>

Expenditures:

Comprehensive Services Act	<u>\$605,276</u>
	<u>\$605,276</u>

4. The County Administrator be authorized to transfer funds and personnel from time to time within and between the offices and activities delineated in this resolution as he may deem in the best interest of the County in order to carry out the work of the County as approved by the Board of Supervisors during the coming fiscal year.
5. The County Administrator be authorized to administer the County's Personnel Policy and Pay Plan as previously adopted by the Board of Supervisors. There will be a salary increase included on the employee's salary with variable increases based on performance and funded at an average of three percent.
6. The County Administrator be authorized to transfer funds to and from the Personnel Contingency account and divisional personnel line items in order to capture turnover savings at a divisional level.
7. All outstanding encumbrances in all County funds on June 30, 2008, shall be an amendment to the FY 2009 budget and appropriated to the FY 2009 budget to the same department and account for which they were encumbered in the previous year.
8. The County Administrator be authorized to make expenditures from the Donation Trust Fund for the specified reasons for which the fund was established. In no case shall the expenditure exceed the available balance in the fund as verified by the Treasurer.
9. The Board of Supervisors of James City County, Virginia, hereby adopts the following budgets for the purposes of future financial and operational planning only:

FY 2010

General Fund	\$176,070,756
Capital Budget	36,991,325
Debt Service	27,568,235
Public Assistance	6,533,255
Community Development	2,393,788
Special Projects/Grants	605,276

6. Endorsement of the FY 2009 Strategic Management Plan

Ms. Rona Vrooman, Training and Quality Performance Coordinator, stated that each year with the budget, the Board adopts the Strategic Management Plan and recommended adoption of the Plan.

Mr. McGlennon asked Ms. Vrooman to highlight some of the changes in this Plan.

Ms. Vrooman stated that the Plan is basically a continuation of previous years, with the addition of matters relating to the County's acquisition of the Jamestown Beach Campground and Yacht Basin, and reducing the County's carbon footprint.

Mr. McGlennon made a motion to adopt the resolution.

Mr. Goodson stated that he supported the adoption of this item.

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

**RESOLUTION**

ENDORSEMENT OF THE FY 2009 COUNTY'S STRATEGIC MANAGEMENT PLAN

WHEREAS, the County's Strategic Management Plan was developed collaboratively and serves as a framework for achieving the County's mission of working in partnership with all citizens to achieve a quality community; and

WHEREAS, the Strategic Management Plan charts the County's future direction by setting forth long-range Strategic Directions that describe our needs, priorities, aspirations, and outlines Pathways or key initiatives that will move us forward in the right direction; and

WHEREAS, it is important to re-affirm the County's Strategic Directions principles.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses the FY 2009 Strategic Management Plan.

7. Business Climate Task Force Report

Mr. Goodson stated that Mike Mathews, who is part of the Business Climate Task Force (BCTF), was in attendance and asked the Board to allow him to speak, as he was not here during the public comment segment.

Mr. Wanner stated that the work session was requested by a Board member after the BCTF made its initial report, that the resolution adopts the Business Climate Task Force's recommendations, and that during the budget process, current staff was nominated to fill the position of Business Facilitator.

Mr. Mathews stated that the report followed the SMP and asked to adopt this and move forward with the Comprehensive Plan to implement some of the changes.

Ms. Jones made a motion to adopt the resolution.

Mr. McGlennon thanked the BCTF members for their time and efforts, and the consultant's report. He stated that it was clear in pointing out strengths of the County, but did not compare current practices against other communities. He highlighted a comment from the report endorsed by the Task Force: "The most important thing to attract and maintain business in James City County was to maintain the quality of life." He stated that there was a process by the Economic Development Authority (EDA) for the public to come forward and ask questions, but the Board never had a public forum. He indicated that he wanted the public input process to take place before adoption of this report and expressed concern about the language for responsible parties to act within a timeline since this charged entities to act over which there was no authority to enforce action. He noted that the section which proposed to provide appropriate resources to parties was violated by eliminating the Business Facilitator position recommended by the BCTF from the budget and stated that he was wary of adopting a statement to commit actions of the Board without knowing the implications or the costs.

Mr. Icenhour stated that he had sent an email earlier today based on concern from a citizen that there had not been adequate time for the public to hear what was involved and the citizen input was minimal. He stated that work sessions were available to the public and there were opportunities for others to be involved, and so the majority of the Board did not see the need for additional citizen input to this process. He said it was assumed that this could be handled after the fact through the Comprehensive Plan process. He expressed his preference to allow the citizens the time to comment and compared this issue to the watershed plans. He stated that through the entire process, there were citizens who felt they did not receive adequate notification so the County went out of its way to allow for this input and that he would like to have seen this courtesy in this case.

Mr. Kennedy stated that in December 2007, two Board members and citizens requested deferral and it was denied. He indicated that there was precedent set, the previous Board created this, and the encouragement of input was present. He stated that the public comment segment of the Board meeting allowed the opportunity for anyone to come forward and speak to any matter, and this did not come forward in the second work session.

Mr. Wanner stated that the last two resolve statements were incorporated in the adoption of the recommendations and can be removed in an amendment.

Mr. McGlennon stated that was a good suggestion and that the language before that indicating the resolve statement recommending adoption of the recommendation of the BCTF report calls for the Business Facilitator, which was removed from the budget.

Ms. Jones stated that it was not fiscally responsible to approve this position, but a staff person was being tasked with those responsibilities.

Mr. McGlennon stated that it was an example of how a clear-cut statement was being refuted and that the language could be changed to support the recommendations rather than adopting it.

Mr. Goodson stated that the resolution did not adopt the recommendations.

Mr. McGlennon stated that the resolved statement indicates that the recommendations are adopted and asked if that is now the official policy.

Mr. Wanner asked if a better wording could be used, such as “accepts” or “supports.”

Mr. McGlennon stated that it should.

Mr. Kennedy stated that the resolution should incorporate the amendments at the April 2008 work session meeting.

Mr. McGlennon stated that this was correct, but the implications were not yet understood. He recommended that the language be changed to support the recommendations.

Mr. Goodson stated that he was comfortable with the current language.

Mr. Icenhour stated that he supported the resolution with the language to read “accepts” rather than “adopts.”

Mr. McGlennon stated that it should incorporate the amendments pointed out by Mr. Kennedy.

Mr. Kennedy asked the members of the BCTF present to comment on the language.

Mr. Tingle stated that the language that indicates the Board accepts or supports the recommendations with amendments would be acceptable. He stated that the intention of the Task Force was to move the process forward with the Comprehensive Plan and the guidelines will become recommendations as the Comprehensive Plan update moves forward.

Ms. Jones made a motion to adopt the resolution with amendments to change the language from “adopts” to “supports,” to incorporate the amendments from the work session and to remove the last two resolve statements.

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

## **RESOLUTION**

### **BUSINESS CLIMATE TASK FORCE REPORT**

WHEREAS, the Board of Supervisors adopted the Economic Development Administration request to form a Business Climate Task Force (BCTF) to review and recommend ways the County can be more of a value added partner to business; and

WHEREAS, the Board of Supervisors appointed BCTF members in a manner to include public officials, County staff, and business representatives to ensure a complete and thorough assessment of the County’s business climate; and

WHEREAS, the BCTF adopted a Mission Statement to identify qualities, characteristics, and categories of businesses preferred in James City County and propose policies, programs, and ordinance changes that will attract, retain, and expand those businesses; and

WHEREAS, the BCTF has analyzed, assessed, researched and reviewed James City County and peer communities' Economic Development practices.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, acknowledge and concentrate economic development resources on recruiting and retaining businesses with attributes noted in BCTF report.

BE IT FURTHER RESOLVED that the Board of Supervisors supports the BCTF recommendations found within the BCTF Final Report dated January 2008, as amended on April 22, 2008.

#### **I. PUBLIC COMMENT**

1. Mr. Jay Everson, 103 Branscome Boulevard, stated that when someone on the Planning Commission wanted to abstain from a vote, he or she was required to provide a reason for the abstention.

Mr. McGlennon stated that this may be due to conflict of interest.

Mr. Rogers stated that the Planning Commission by-laws require the explanation and the Board did not require this.

2. Ms. Debra Siebers, 3504 Quail Hollow, stated that the citizens step up to do what they feel is the right thing to do, things may be hard to fund, citizens will do what they can, but the Board is the leadership. She expressed disappointment with the budget.

3. Mr. Howard Smith, 101 Dogwood Drive, stated that on May 1, 2006, his father's house burned down and that it has now been rebuilt. He thanked the Board for consideration and concerns.

4. Mr. Chris Henderson, 101 Keystone, commented that Warren Buffett predicted a continued economic downturn and asked the Board to save taxpayer money and work with the citizens to be fiscally responsible.

#### **J. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner stated that the Board should recess for a brief meeting of the JCSA and then hold a Closed Session for the consideration of the disposition of parcels of public property pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, and for consideration of the acquisition of a parcel(s) of property for public use; pursuant to Section 2.2-3711(A)(3) of the Code of Virginia. He stated that when the Board completed its business, it should adjourn to 7 p.m. on June 10, 2008. He recommended making the scheduled Board appointments during the Board Requests and Directives segment.

#### **K. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon made a motion to appoint Mr. Ray Basley to a four-year term on the Clean County Commission, term to expire May 31, 2012; Mr. Julian Lipscomb to a four-year term on the Parks and Recreation Advisory Commission, term to expire May 31, 2012; and Ms. Katherine Preston to a three-year term on the Historic Triangle Bicycle Advisory Committee, term to expire on May 31, 2011.

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

Mr. McGlennon commented on the Memorial Day ceremony and thanked Mr. Bill Porter who served as Master of Ceremonies. He commented on the issue of abstention and noted that he had made clear his opposition to the budget, but the County needed to have action on the budget at this time. He stated that abstention allowed the process to move forward.

Mr. Icenhour stated that he received an email from the Community Action Agency regarding basketball camp in July and noted that some families that wanted to participate but were not financially able to do so. He stated that he made a donation to provide for these fees and recommended that each of the Board members do the same. He commented on correspondence that he received related to Jolly Pond Road. He noted that there needed to be a one-year lease with the property owner to reopen the road last year and since the lease was almost up, the County needed to develop a safety plan to keep the road open. He stated that the exemption legislation in the General Assembly was not successful and that he had been debating with the State about what actions could be taken to keep the road open. He stated that there was a proposal negotiated to allow a study by the Timmons Group and provide it to the Department of Conservation and Recreation (DCR) Dam Safety Division to recommend a solution. He asked for support from the Board to have the study done. He asked Mr. Hicks to provide further information.

Mr. Hicks stated that the agreement between the County and VDOT to keep the road open ends on June 30, 2008, and that in meeting with the DCR Dam Safety Division, it was looking to the County to do more studies to see what options are available and to develop a monitoring plan to meet overall regulations. He stated that until there was a better understanding of the costs and concerns related to the dam, it would be closed effective June 30, 2008. He said that the DCR expected the County to evaluate the necessary requirements and to make decisions on the future of Jolly Pond Road and that there was a variety of issues and strategies that could be utilized, but a study was needed to know what was available. Staff recommended doing the engineering study and coming before the Board for the next steps of the process.

Mr. Wanner stated that if the Board is in favor, there would need to be a vote authorizing moving funds from Contingency to complete the study.

Mr. Icenhour made a motion to pursue the engineering study.

Mr. Goodson asked if this was similar to what was done for Lake Powell Dam.

Mr. Wanner stated that this was correct and it was not a precedent.

Mr. Goodson stated that in this case it was a public road, which created a significant impact.

Mr. Wanner stated that the DCR Dam Safety Division needed to see a good-faith effort to keep the road open for citizens since it is a public road over a private, historic dam.

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

Mr. Icenhour commented on the resolution for the BCTF and stated it was late to involve public once the comprehensive plan process was incorporated. He stated he would like to see BCTF and staff to have a public education forum.

Mr. Goodson stated that he attended the Hampton Roads Planning District Commission (HRPDC) Executive Committee meeting and that the Selection Committee for the new HRPDC executive director recommended Mr. Dwight Farmer to fill the post.

Mr. McGlennon asked about the status of the restructuring of the Metropolitan Planning Organization (MPO) relative to the HRPDC and the search for an executive director of the organization.

Mr. Goodson stated that there is a subcommittee evaluating the process at this time, there was an agreement between the Federal Highway Administrator and the committee on how to move forward, and at this point the organizations will remain under the same executive director.

Mr. Wanner stated that the HRPDC and MPO will act separately, he noted that the MPO will have separate meetings prior to the HRPDC meetings, and that the HRPDC would no longer ratify MPO actions.

At 9:50 p.m. Mr. Goodson recessed the Board for a meeting of the JCSA.

At 9:53 p.m. Mr. Goodson reconvened the Board.

#### **L. CLOSED SESSION**

Mr. Kennedy made a motion to go into closed session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia for consideration of the acquisition of a parcel(s) of property for public use and Section 2.2-3711(A)(3) of the Code of Virginia for the consideration of the disposition of parcels of public property.

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

At 9: 54 p.m. Mr. Goodson recessed the Board into Closed Session.

At 10:08 p.m. Mr. Goodson reconvened the Board.

Mr.10:13 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)(3), to consider the disposition of parcels of public property; and Section 2.2-3711(A)(3), to consider the acquisition of a parcel(s) of property for public use.

Mr. Icenhour made a motion to adjourn.

At 10:17 p.m. Mr. Goodson adjourned the Board until 7 p.m. on June 10, 2008.

  
Sanford B. Wanner  
Clerk to the Board

052708bos\_min

ADOPTED

MAY 27 2008

ORDINANCE NO. 183A-6

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 23, CHESAPEAKE BAY PRESERVATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 23-15, APPLICATIONS FOR EXCEPTIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 23, Chesapeake Bay Preservation, is hereby amended and reordained by amending Section 23-15, Applications for exceptions.

Chapter 23. Chesapeake Bay Preservation

**Sec. 23-15. Applications for exceptions.**

Applications for exceptions shall be made in writing to the board or the manager as appropriate in accordance with sections 23-14(a) and (e), and shall include the following:

- (1) Name and address of applicant and property owner;
- (2) Legal description of the property and type of proposed use and development;
- (3) A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, the RPA, slopes greater than 25 percent and all wetlands;
- (4) Location and description of any existing private water supply or sewage system;
- (5) A water quality impact assessment completed in accordance with section 23-11 of this chapter and guidelines established by the manager; ~~and~~

- (6) For exceptions that must be granted by the Chesapeake Bay Board, a nonrefundable processing fee of ~~\$100~~ \$125 shall accompany each application to cover the cost of processing. ~~and~~
- (7) *For exceptions that must be granted by the manager, a nonrefundable processing fee of \$25 shall accompany each application to cover the cost of processing. This fee shall be collected for any administrative approval, waiver, exception, exemption, variance and buffer modification which may be necessary through the plan of development process as outlined in sections 23-5, 23-7(a), 23-7(c), 23-9, 23-10, 23-12, 23-13, and 23-14(e).*

This ordinance shall become effective July 1, 2008.



Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

SUPERVISOR	VOTE
ICENHOUR	AYE
MCGLENNON	AYE
JONES	AYE
KENNEDY	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, on this 27th day of May, 2008.

ADOPTED

MAY 27 2008

ORDINANCE NO. 208A-3

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18A, STORMWATER MANAGEMENT, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 18A-5, STRUCTURE OF FEES AND CHARGES.

BE IT ORDAINED, by the Board of Supervisors of the County of James City, Virginia, that Chapter 18A, Stormwater Management is hereby amended and reordained by amending Section 18A-5, Structure of fees and charges.

Chapter 18A. Stormwater Management

Article I. In General.

**Section 18A-5. Structure of fees and charges.**

(a) *Stormwater service fee and charges.* The stormwater service fee per month shall be ~~\$4.90~~ \$0.00 per ERU. Such stormwater service fee and charges set out in this section shall apply to all properties within the county except as altered by credits or specifically excluded under applicable state law.

This ordinance shall become effective July 1, 2008.



Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

SUPERVISOR	VOTE
ICENHOUR	NAY
MCGLENNON	NAY
JONES	AYE
KENNEDY	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, on this 27th day of May, 2008.

ADOPTED

MAY 27 2008

ORDINANCE NO. 30A-35

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, GENERAL PROVISIONS, SECTION 19-2, DEFINITIONS, SECTION 19-15, FEES; AND ARTICLE III, REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS, SECTION 19-62, INSPECTION OF PUBLIC WATER AND SEWER SYSTEM.

BE IT ORDAINED, by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions is hereby amended and reordained by amending Section 19-2, Definitions, Section 19-15, Fees; and Section 19-62, Inspection of public water and sewer system.

Chapter 19. Subdivisions  
Article I. General Provisions

**Section 19-2. Definitions**

The following definitions shall apply in the interpretation and enforcement of this chapter.

*Stormwater division. The director of the James City County stormwater division or his designee.*

**Section 19-15. Fees.**

Fees shall be charged to offset the cost of reviewing plats and plans, making inspections and other expenses incident to the administration of this chapter. The following fees shall be charged and collected as provided below:

- (1) *General plan review.* There shall be a fee for the examination of every plan reviewed by the agent or commission. For all subdivisions that do not require public improvements, the fee for a major or minor subdivision shall be \$200.00 per plan plus \$70.00 per lot for each lot over two lots in the subdivision plat. For all subdivisions that require public improvements, the fee for a major or minor subdivision shall be \$250.00 per plan plus \$70.00 per lot for each lot over two lots in the subdivision plat. The fee for townhouse or condominium subdivisions which have undergone site plan review shall be \$50.00. The fee shall be submitted to the agent at the time of filing the plat for

review. Any check shall be payable to the James City County treasurer. An additional fee of \$250.00 shall be collected for any review after the second re-submission not to include resubmittals that are the result of substantial redesign due to additional agency comments.

- (2) *Inspection fee for water and sewer lines.* There shall be a fee for the inspection by the service authority of public water and sewer system installations. Such fee shall be \$1.43 per foot for every foot of sewer main or water main constructed and shall be submitted as specified by the service authority regulations.
- (3) *There shall be a fee for the inspection by the stormwater division of public stormwater installations and private stormwater installations required in accordance with section 23-10(4). Such fee shall be \$900 per practice for each best management practice constructed and \$.90 per foot for every foot of stormwater drain or channel constructed and shall be submitted at the time of filing an application for a land disturbance permit.*

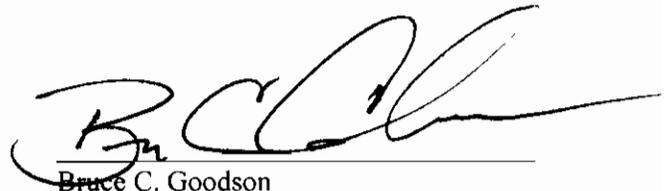
### Article III. Requirements for Design and Minimum Improvements

#### **Section 19-62. Inspection of public water, ~~and sewer,~~ and stormwater system.**

(a) Inspection of public water or sewer system installations shall be the responsibility of the service authority. Any subdivider of a subdivision shall obtain a certificate to construct sewer or water lines and facilities from the James City Service Authority (JCSA) prior to either extending existing facilities or building new facilities. Certificates to construct shall not be issued until the subdivider has paid the JCSA inspection fees in accord with section 19-15 of this chapter. A certificate to construct shall be required prior to final approval of the subdivision plat.

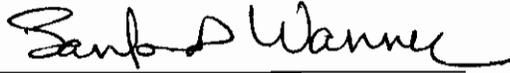
(b) *Inspection of public stormwater system installations shall be the responsibility of the stormwater division. Surety provided in accordance with section 19-72 shall not be released until approved by the stormwater division in accord with section 19-72 (b).*

This ordinance shall become effective July 1, 2008.



Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
ICENHOUR	AYE
MCGLENNON	AYE
JONES	AYE
KENNEDY	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, on this 27th day of May, 2008.

chp19upd\_ord

ADOPTED

MAY 27 2008

ORDINANCE NO. 31A-235

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-7, ADMINISTRATIVE FEES; ARTICLE III, SITE PLAN, SECTION 24-159, COMPLIANCE WITH SITE PLAN REQUIRED.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Section 24-7, Administrative fees; and Section 24-159, Compliance with site plan required.

Chapter 24. Zoning

Article I. In General

**Section 24-7. Administrative fees.**

Fees shall be charged at the time of application to offset the cost of making inspections, issuing permits, advertising notices and other expenses incident to the administration of this chapter or the filing or processing of any appeal or amendment thereto. The following fees shall be charged and collected at the time of application:

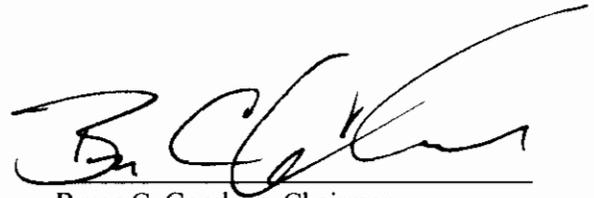
*(12) Stormwater inspection fees: There shall be a fee for the inspection of public stormwater installations and private stormwater installations required in accordance with section 23-10(4). Such fee shall be \$900 per practice for each best management practice constructed and \$.90 per foot for every foot of stormwater drain or channel constructed and shall be submitted at the time of filing an application for a land disturbance permit.*

Article III. Site Plan

**Section 24-159. Compliance with site plan required.**

- (a) *Inspection and supervision during development:*
- (1) Unless otherwise specifically provided in this chapter, the construction standards for all off-site and on-site improvements required by this chapter, the site plan or other documents approved by the county shall conform to county design and construction standards. The director of code compliance or his agents shall, after approval of the plan and specifications, inspect construction of all improvement and land disturbances to assure conformity with the approved plans to the maximum extent possible.
  - (2) The owner or agent shall notify the director of code compliance in writing three days prior to the beginning of all street or storm sewer work shown to be constructed on the site plan.
  - (3) *The stormwater division shall, after approval of the plan and specifications, inspect construction of all stormwater installations, including but not limited to BMPs, storm drains, channels, inlets, and outfalls to assure conformity with the approved plans to the maximum extent possible.*
  - (3 4) The owner or agent shall provide adequate supervision on the site during installation of all required improvements and have a responsible superintendent or foreman, together with one set of the approved plans, profiles and specifications available at the site at all times when the work is being performed.

This ordinance shall become effective July 1, 2008.



Bruce C. Goodson, Chairman  
Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
ICENHOUR	AYE
MCGLENNON	AYE
JONES	AYE
KENNEDY	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, on this 27th day of May, 2008.

StrmwtrAdminFees\_ord