

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27TH DAY OF JANUARY 2009, 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

James G. Kennedy, Chairman, Stonehouse District
Mary Jones, Vice Chair, Berkeley District
Bruce C. Goodson, Roberts District
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

Sanford B. Wanner, County Administrator
Leo P. Rogers, County Attorney

C. PLEDGE OF ALLEGIANCE – Nehemiah Fields, a fifth-grade student at Matoaka Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Mr. John Rhein, 3505 Hunters Ridge, spoke on behalf of the National Federation of the Blind (NFB) Williamsburg Area Chapter. He stated that the NFB Annual Conference would be held in November 2009 in Williamsburg and extended an invitation to the Chairman. He stated that approximately 200 to 250 blind individuals would be in attendance at the annual conference. He stated that on Route 5 westward to Ironbound Road, there was a treacherous right-hand turn due to the new lane construction. He stated that a nuclear power plant would be a better alternative to a coal-fired power plant in Surry County.

2. Ms. Sarah Kadec, 3504 Hunters Ridge, stated her interest in the citizen group meetings proposed by the Chairman. She stated her concern that the Board of Zoning Appeals (BZA) would not be funded in an upcoming suit related to cellular towers. She stated that the cell towers would not provide significant needed coverage and the citizens were in opposition to the towers. She stated that many local ordinances are limiting placement of towers in residential areas. She asked that the County's ordinance be updated to be more progressive and to incorporate the preferences of citizens. She asked that the Board support the BZA opinion and provide funding for the lawsuit.

3. Ms. Linda Rice, 2394 Forge Road, on behalf of Friends of Forge Road, presented the *Welcome to Toano* pamphlet developed by her organization. She stated that she hoped to give people outside the Stonehouse District a greater insight to the resources of the area. She stated that the Friends of Forge Road planned to put the brochure online.

4. Ms. Dorothea Neiman, 105 Broomfield Circle, commented on the BZA lawsuit regarding the cellular tower case and that the Deputy County Attorney insisted that the BZA uphold the Planning Director's decision based on employment with the County. She stated that a group of residents met with the Planning Director to discuss an insufficient distance of the towers from residences and that the Board should support the BZA decision.

5. Mr. David Neiman, 105 Broomfield Circle, stated that he brought the appeal to the BZA on the cellular towers in Kingsmill and that he felt the towers did not comply with the County ordinance. He stated that the BZA should receive legal support in the appeal.

6. Ms. Ina Friedman, 213 Frances Thacker, thanked the members of the BZA for their service. She asked why the BZA members from the Kingsmill subdivision were allowed to vote on the matter of the cellular towers in Kingsmill. She asked for justification of the conflict of interest that was noted. She asked that the Board pay the BZA's legal fees.

7. Mr. Carlton Stockton, 3201 Fowlers Lake, stated that the towers in Kingsmill decreased surrounding property values and that citizens' input mattered and should be heeded. He stated that there was no voice speaking on behalf of the citizens and that the current ordinance was not up-to-date or progressive for new technology. He stated that he hoped the Board would reconsider its position on the matter.

8. Mr. Jack Haldeman, 1597 Founders Hill North, on behalf of the James City County Citizens Coalition (J4C), asked that the Board support the BZA decision on the cellular towers in Kingsmill. He stated that the J4C objects to the Board's position on the lawsuit and that the Board should provide legal fees for the BZA and acknowledge the citizens' wishes. He stated that the County's ordinance needed to be updated to incorporate new technology and clear language. He asked that the Board withdraw as a litigant in the case and provide legal fees and to use modern technology to provide reliable unobtrusive cell phone services.

9. Mr. Robert Richardson, 2786 Lake Powell Road, on behalf of the J4Cs, commented on modeling to simulate traffic congestion for land use applications. He stated that the J4Cs cumulative impact study projected a potential 129,000 citizens and that a model could be used to project population growth with each land use application. He asked that the Board supply the resources to create, retain, and use a model to make these projections.

10. Mr. Brian Oyer, 9025 Barnes Road, commented on blight in the County, including a residence near his house.

11. Mr. Ed Oyer, 139 Indian Circle, commented that the County should not operate an airport; on decreased property sales; Daily Press editorial on school enrollment and funding; decreased home sizes; and decreased property tax revenue.

E. HIGHWAY MATTERS

Mr. Todd Halacy, Virginia Department of Transportation (VDOT) Williamsburg Residency Administrator, updated the Board on VDOT projects and requests in the County. Mr. Halacy stated the Monticello Avenue traffic signals at New were very technologically advanced. He stated

that when the signal installation is completed the signalization should fully utilize the signals' design capabilities. He stated that he sent out an email in relation to the Fiscal Year 2009-2014 program and due to significant changes in the program, a new public hearing is being scheduled for February 5, 2009, in the VDOT home office in Richmond, Virginia. He stated that information could be found on the VDOT website.

Mr. Goodson asked for a link to be provided when available.

Mr. Halacy stated that he would provide that information to the Board.

Mr. Goodson asked if there was a schedule for addressing debris in the right-of-way.

Mr. Halacy stated that due to limited resources, it was addressed on a case-by-case notification basis.

Mr. Goodson asked if a citizen could contact the office.

Mr. Halacy stated that was correct.

Ms. Jones confirmed that she would follow up on the Route 5 and Ironbound Road concern raised earlier in the meeting. She noted that the culverts in front of Governor's Grove on John Tyler Highway had a lot of debris and asked that it be cleaned when it was possible.

Mr. Icenhour stated that there were significant potholes on News Road in one section of road and that he understood this was because the overlay was on a section of road that was not in good shape. He stated that he understood this would be a problem for some time. He asked if there was a long-term fix for that.

Mr. Halacy stated that the pavement schedule has gotten more and more limited and that he was not sure where News Road would be on that schedule since there were more immediate needs to be addressed.

Mr. Icenhour asked Mr. Halacy to let the Board know when that information was available.

Mr. Halacy stated that he would.

F. CONSENT CALENDAR

Mr. McGlennon made a motion to adopt the Consent Calendar with the corrections to the minutes.

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

1. Minutes –

- a. January 5, 2009, Special Meeting
- b. January 6, 2009, Organizational Meeting
- c. January 13, 2009, Regular Meeting

2. Grant Award – Virginia Department of Environmental Quality – \$13,112

RESOLUTION

GRANT AWARD – VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY – \$13,112

WHEREAS, the Department of Environmental Quality has awarded James City County a Litter Prevention and Recycling Grant in the amount of \$13,112.

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

Revenue:

Litter Control Grant	<u>\$13,112</u>
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Expenditure:

Litter Control Grant	<u>\$13,112</u>
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G. PUBLIC COMMENT

1. Mr. Brian Oyer, 9025 Barnes Road, stated that there have been problems with hydroplaning on the 8800 block of Route 60 West. He stated that surrounding school systems are curtailing capital projects and asked that the Williamsburg-James City County Schools postpone the opening of new schools. He asked that the County be fiscally responsible with taxpayer money.

2. Mr. Ed Oyer, 139 Indian Circle, commented on the BZA lawsuit on the Kingsmill cellular towers and asked why taxpayer money was being spent to sue a County entity.

3. Mr. Robert Richardson, 2786 Lake Powell Road, continued his comments on behalf of the J4C on the benefits of modeling. He spoke on his own behalf, requesting to provide legal support of the BZA. He stated his opposition to the proposed coal-fired power plant in Surry County and that the Code of Ethics be considered when making the appointments to the Planning Commission.

4. Mr. John Rhein, 3505 Hunters Ridge, asked that the County recognize White Cane Month in October. He noted that 2009 is the 100th anniversary of Louis Braille.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated the draft report on the Shaping our Shores Master Plan properties, Chickahominy Riverfront Park, Jamestown Beach Campground, and the Jamestown Yacht Basin would be presented on January 28, 2009, at 6:30 p.m. and that public comment would be accepted. Mr. Wanner stated that the Board needed to recess for a meeting of the James City Service Authority (JCSA) Board of Directors,

followed by a 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, specifically the Board of Equalization and the Planning Commission. He stated that when the Board completed its business, it should adjourn to 10:00 a.m. on February 5, 2009, for the Virginia Municipal League (VML) and the Virginia Association of Counties (VACo) Legislative Day in Richmond, Virginia.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy asked about the blighted property on Barnes Road and asked for a status update and an action plan.

Mr. Steven Hicks stated that he would provide an update on January 28, 2009.

J. 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, specifically the Board of Equalization and the Planning Commission.

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

At 8:12 p.m. Mr. Kennedy recessed the Board.

At 8:19 p.m. Mr. Kennedy reconvened the Board.

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

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the

closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1) of the Code of Virginia, to consider personnel matters, the appointment of individuals to County boards and/or commissions.

Mr. McGlennon made a motion to appoint Mr. Christopher Hedrick to a three-year term on the Board of Equalization, term to expire on December 31, 2011.

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

Mr. Icenhour made a motion to appoint Ms. Deborah Kratter to an unexpired term on the Planning Commission, term to expire on January 31, 2010.

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

Ms. Jones made a motion to reappoint Mr. Reese Peck to a four-year term on the Planning Commission, term to expire on January 31, 2013.

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

Mr. Goodson made a motion to appoint Mr. Chris Henderson to a four-year term on the Planning Commission as its At-Large member, term to expire on January 31, 2013.

Mr. Icenhour made a motion to amend the primary motion by moving to appoint Mr. Mike Maddocks to a four-year term on the Planning Commission, term to expire on January 31, 2013.

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

The amendment to the motion failed.

Mr. Kennedy asked for a vote on Mr. Goodson's original motion.

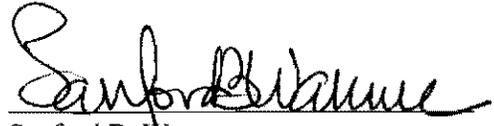
On a roll call vote, the vote was: AYE: Goodson, Jones, Kennedy (3). NAY: McGlennon, Icenhour (2).

K. ADJOURNMENT to 10 a.m. on February 5, 2009.

Mr. McGlennon made a motion to adjourn.

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

At 8:23 p.m. Mr. Kennedy adjourned the Board to 10 a.m. on February 5, 2009.

A handwritten signature in black ink, appearing to read "Sanford B. Wanner". The signature is written in a cursive style with a large initial 'S'.

Sanford B. Wanner
Clerk to the Board

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