

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF SEPTEMBER 2009, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. ROLL CALL**

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

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

**B. MOMENT OF SILENCE**

**C. PLEDGE OF ALLEGIANCE** – Kaitlynn Adkins, a fifth-grade student at James River Elementary School, led the Board and citizens in the Pledge of Allegiance.

**D. PUBLIC COMMENT**

Mr. Kennedy opened the Public Comment.

As no one wished to comment, Mr. Kennedy closed the Public Comment.

**E. CONSENT CALENDAR**

Ms. Jones stated that at the August 11, 2009, accurately reflect her comment that Van Jones, who wrote the stimulus package, helped form the Green Jobs Alliance. She wanted to make a correction to her statement that Van Jones was not the founding member, but was the inspiration behind forming the organization.

Mr. McGlennon made a motion to adopt the items on the Consent Calendar with the amendments to the minutes.

On a roll call vote, the vote was AYE: Jones, McGlennon, Icenhour, Kennedy (4). NAY: (0).

1. Minutes – August 11, 2009, Regular Meeting

2. Dedication of Opportunity Way into the State Secondary Highway System

**RESOLUTION**

**DEDICATION OF OPPORTUNITY WAY INTO THE STATE SECONDARY HIGHWAY SYSTEM**

WHEREAS, the Williamsburg Residency Office of the Virginia Department of Transportation recommends that the street(s) referenced in this Board's resolution be added to the secondary system of State highways as a no-cost rural addition pursuant to Section 33.1-229 and Commonwealth Transportation Board policy, because the street(s) meets current minimum standards, the condition of the existing hard surface is serviceable, the street(s) has provided continuous public service since its establishment in March 31, 2008, and currently serves a public school and public recreational facilities; and

WHEREAS, the Williamsburg Residency Office of the Virginia Department of Transportation confirms that no Department funds are required to improve the street(s) described on the attached additions form AM-4.3 to meet current minimum design or maintenance standards of the Department.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that this Board requests the Virginia Department of Transportation to add the street(s) described on the attached additions form AM-4.3 to the secondary system of State highways, pursuant to Section 33.1-229, Code of Virginia and the Rural Addition Policy of the Commonwealth Transportation Board of the Virginia Department of Transportation.

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described on the attached form AM-4.3, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator of the Virginia Department of Transportation.

3. Award of Bid – Freedom Park Water Main – \$176,610

**RESOLUTION**

**AWARD OF BID – FREEDOM PARK WATER MAIN – \$176,610**

WHEREAS, competitive bids were advertised for a water main to be constructed within Freedom Park; and

WHEREAS, bids were received with the low bidder being Walter C. Via Enterprises with a bid of \$171,610; and

WHEREAS, previously authorized Bond Referendum funds are available for this contract bid award.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator or his designee to execute the necessary contract documents with Walter C. Via Enterprises for the Freedom Park Water Main in the total amount of \$171,610.

**F. PUBLIC HEARINGS**

1. Case No. SUP-0012-2009. 101 Birch Circle Accessory Apartment

Mr. Kennedy stated that the case was withdrawn by the applicant.

2. Easement Agreement – The Pointe Homeowners Association – 4669 Sir Gilbert Loop

Mr. Darryl Cook, County Engineer, stated that this item was to grant The Pointe Homeowners Association an easement agreement to gain legal access and maintain a stormwater management facility on County property.

Staff recommended approval of the resolution.

Mr. Icenhour asked if the Homeowners Association would be responsible for maintenance once the easement is granted to the Homeowners Association.

Mr. Cook stated that the Homeowners Association is responsible for the maintenance once the easement is granted.

Mr. Kennedy opened the Public Hearing.

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

Mr. Icenhour made a motion to adopt the resolution.

On a roll call vote, the vote was AYE: Jones, McGlennon, Icenhour, Kennedy (4). NAY: (0).

**RESOLUTION**

**EASEMENT AGREEMENT – THE POINTE HOMEOWNERS ASSOCIATION –**

**4669 SIR GILBERT LOOP**

WHEREAS, James City County (County) owns 15.02 acres located at 4669 Sir Gilbert Loop, designated as Parcel No. 0100041 on James City County Real Estate Tax Map No. (46-2) (the “Property”); and

WHEREAS, there is a stormwater management facility located on the Property that was constructed for and controls stormwater runoff from The Pointe at Jamestown subdivision; and

WHEREAS, The Pointe Homeowners Association requires an easement to access and maintain the stormwater facility in its proper working condition; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public interest to convey an easement to The Pointe Homeowners Association.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute any and all documents necessary to convey an easement to The Pointe Homeowners Association for access to and maintenance of the stormwater management facility at 4669 Sir Gilbert Loop.

3. Cricket Communications, Inc. – Lease of Space on Virginia Peninsula Regional Jail Cellular Tower

Mr. Leo Rogers, County Attorney, stated that this is a lease of space that the County already owns. He stated that there are other cellular providers that are currently on the lease and Cricket Communications approached the County to also be on the lease. Mr. Rogers also stated that there is a small area of ground space that would also go on to the 25-year lease.

Staff recommended approval of the resolution.

Mr. Icenhour asked if this was the last space on the lease.

Mr. Rogers stated that there is more physical and frequency space that remains on the tower for other providers.

Mr. Kennedy opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the resolution.

On a roll call vote, the vote was AYE: Jones, McGlennon, Icenhour, Kennedy (4). NAY: (0).

**RESOLUTION**

**CRICKET COMMUNICATIONS, INC. - LEASE OF SPACE ON  
VIRGINIA PENINSULA REGIONAL JAIL CELLULAR TOWER**

WHEREAS, James City County owns a 280-foot tower (the “Tower”) located on James City County Real Estate Tax Map Parcel No. 6010100011 and more commonly known as 9320 Merrimac Trail, Williamsburg, Virginia; and

WHEREAS, Cricket Communications, Inc. (“Cricket”) wishes to lease space on the Tower to erect a cellular array as well as approximately 150 square feet of ground space to place necessary support equipment; and

WHEREAS, after a public hearing, the Board of Supervisors is of the opinion that the County should enter into a lease agreement with Cricket.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized and directed to execute a Lease Agreement between James City County and Cricket Communications, Inc., for space on the Tower upon which Cricket may erect a cellular array and 150 square feet of ground space for necessary support equipment and such other memoranda, agreements, or other documents as may be necessary to effectuate the Lease.

**G. PUBLIC COMMENT**

Mr. Kennedy opened the Public Comment.

As no one wished to comment, Mr. Kennedy closed the Public Comment.

**H. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner recommended that the Board convene into closed session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia for the consideration of the acquisition of a parcel(s) of property for public use. Mr. Wanner also noted that the sale of the Police Building Bond was on September 9, 2009. He noted that he was expecting favorable interest rates for the County. He stated that he and staff were working through the impact of the Governor's budget reductions that were released.

**I. BOARD REQUESTS AND DIRECTIVES**

Mr. Icenhour asked for Environmental staff to look into the pond at Chisel Run. He stated that the pond was green and turned brown over the course of three days and he suspects it to be runoff due to construction in the area. He asked that staff help minimize this problem.

Mr. McGlennon stated that he has scheduled a meeting with Mr. Todd Halacy, Virginia Department of Transportation (VDOT) Williamsburg Residency Administrator, and representative engineers of VDOT, to discuss the plans for the installation of a traffic light on Jamestown Road and to talk about the concerns of residents in that area.

**J. CLOSED SESSION**

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

On a roll call vote, the vote was AYE: Jones, McGlennon, Icenhour, Kennedy (4). NAY: (0).

At 7:19 p.m. Mr. Kennedy recessed the Board into closed session.

At 7:38 p.m. Mr. Kennedy reconvened the Board into open session.

Mr. McGlennon made a motion to adopt the closed session resolution.

On a roll call vote, the vote was AYE: Jones, McGlennon, Icenhour, Kennedy (4). NAY: (0).

## **RESOLUTION**

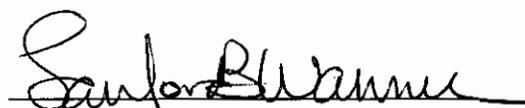
### **CERTIFICATION OF CLOSED MEETING**

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) of the Code of Virginia, to consider the acquisition of parcel(s) of property for public use.

**K. ADJOURNMENT** to 4 p.m. on September 22, 2009.

  
Sanford B. Wanner  
Clerk to the Board