

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 9TH DAY OF MARCH 2010, 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
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

Sanford B. Wanner, County Administrator
Adam R. Kinsman, Deputy County Attorney

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE – Victoria Chiasson, a fourth-grade student at D.J. Montague Elementary School, led the Board and citizens in the Plêdge of Allegiance.

D. PUBLIC COMMENT

Mr. Kennedy recognized Mr. Reese Peck in attendance on behalf of the Planning Commission.

1. Mr. Richard Bradshaw, Commissioner of the Revenue, commented on the real estate tax exemption for elderly and disabled taxpayers. He reviewed the qualifications and the application period. He stated for more information or for an application, citizens could contact the Commissioner of the Revenue's office. He commented that since 2000, the applicants and value of exemptions have doubled and the qualification values have risen.

2. Mr. Ed Oyer, 139 Indian Circle, commented on school building construction and school enrollment projections; detailed budget reductions; and consideration of how funds could have been spent in other circumstances.

3. Mr. Robert Richardson, 2786 Lake Powell Road, commented on alignment of County ordinances with the Comprehensive Plan update and requested citizen input for this process. He commented on contradictions and intent in the County Code in relation to the Autumn West case.

4. Mr. Jack Fowler, 109 Wilderness Lane, commented on concerns he had in relation to blight and debris he had brought forward in the past. He commented on correspondence from Mr. Wanner that requested that he contact staff with his concerns. He stated that he had gotten no response from staff for his concerns. He requested that staff cease all action in relation to the concerns he brought to the Board's attention.

E. CONSENT CALENDAR

Mr. McGlennon asked to pull Agenda Item No. 3.

Ms. Jones asked to pull Agenda Item No. 5.

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

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

1. Minutes –
 - a. February 23, 2010, Work Session
 - b. February 23, 2010, Regular Meeting
2. Dedication of Streets in The Villages at Westminster, Phase 2 Section 2

RESOLUTION

DEDICATION OF STREETS IN VILLAGES AT WESTMINSTER PHASE 2, SECTION 2

WHEREAS, the streets described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on a plat recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Residency Administrator for the Virginia Department of Transportation advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on July 1, 1994, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form AM-4.3 to the secondary system of State highways, pursuant to § 33.1-229 of the Code of Virginia, and the Department's Subdivision Street Requirements.

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

4. Virginia Peninsulas Public Service Authority (VPPSA) Household Chemical Collection Service Agreement

RESOLUTION

THE VIRGINIA PENINSULAS PUBLIC SERVICE AUTHORITY (VPPSA) – HOUSEHOLD CHEMICAL COLLECTION SERVICE AGREEMENT

WHEREAS, the Virginia Peninsulas Public Service Authority (VPPSA) solicited bids for household chemical collection services for its member jurisdictions; and

WHEREAS, VPPSA has entered into an agreement with the company that submitted the lowest responsive and responsible bid for household chemical collection services; and

WHEREAS, this service is necessary for the proper disposal of household hazardous waste in the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the necessary agreement with VPPSA for the provision of Household Chemical Collection Services in James City County.

3. Grant Allocation – Climate Showcase Communities: Advancing Greenhouse Gas Reduction Through Affordable Housing – \$303,828

Mr. McGlennon stated he wished to pull this item to highlight this grant award and that as a result of receiving this award, James City County was one of 20 localities to be designated as a Climate Showcase Community. He stated that through this grant, the County can help conserve energy by conducting home energy audits and retrofits and to carry out these methods on affordable housing. He stated this was also an economic development opportunity to shift attention to energy-efficient development. He said it would also reduce the cost of home ownership by reducing utility costs. He commented that this was an important way that James City County can influence other communities by enhancing economic development and energy efficiency. He thanked the volunteers and staff who have worked on this item through the Green Building Roundtable. He also thanked Climate Communities which alerted him to the existence of the program and provided assistance that ultimately allowed the County to receive the grants.

Mr. Kennedy asked if it was possible to limit those who receive the grant funds to local businesses.

Ms. Stephanie Luton, Purchasing/Management Service Director, stated that the Virginia Procurement Act only allows preference for a local vendor in the event of a tie bid. She stated this happens very rarely. She said the contractor bidder list from the Office of Housing and Community Development would be used to identify contractors for the retrofitting. She stated interested contractors could apply to be added to the contractor bidder list.

Mr. Kennedy asked if the guidelines could be provided on the website to assist contractors in applying to be on the list.

Ms. Luton stated that this could be made more prevalent on the website to make the process easier for contractors.

Ms. Jones commented on the terms and conditions of the stimulus funds in relation to reporting and stated her concern for the ambiguity of the terms.

Mr. McGlennon stated that these funds were not stimulus funds. A parallel Energy Conservation Block Grant was being funded by the stimulus package, but the Climate Showcase Communities grant was not.

Ms. Jones asked if the Environmental Protection Agency (EPA) received these funds from the stimulus program.

Ms. Luton stated this was funding that the EPA received from its FY 2009 Federal appropriation. She stated that the block grant money that Mr. McGlennon referred to was stimulus funding. She explained that the reporting requirements for stimulus projects were fluid and the owner was required to input information. She stated that there were efforts made to keep current on reporting requirements and the reporting requirement was being taken very seriously, as it was an important part of receiving a stimulus grant. She stated that the process was moving forward despite any uncertainty.

Mr. McGlennon made a motion to adopt the resolution.

Ms. Jones stated her concern that this was being funded by Federal tax funds. She said she supported environmental stewardship, but she could not support the resolution because of additional Federal spending in the current economic conditions.

Mr. McGlennon stated that several people have expressed concern about Federal spending, but stated that this was an investment in the local economy that highlighted what the County can do to improve the community.

Ms. Jones stated that individuals should move forward in the free market in an entrepreneurial way. She stated her concern for Federal spending.

Mr. McGlennon commented that about a third of the Federal stimulus funds were tax cuts and refunds to the public.

Ms. Jones stated that she felt the economy would not improve by increasing the government's presence.

On a roll call vote, the vote was: AYE: McGlennon, Goodson, Icenhour, Kennedy (4). NAY: Jones (1).

RESOLUTION

GRANT ALLOCATION – CLIMATE SHOWCASE COMMUNITIES: ADVANCING

GREENHOUSE GAS REDUCTION THROUGH AFFORDABLE HOUSING – \$303,828

WHEREAS, the Climate Showcase Communities Program of the United States Environmental Protection Agency (EPA) awarded James City County a \$303,828 grant for creating models of sustainable

community action that generate cost-effective and persistent greenhouse gas reductions while improving the environmental, economic, public health, or social conditions in a community; and

WHEREAS, the grant program consists of three parts: rehabilitation and energy retrofit to foreclosed homes and resale of these homes, promotion of energy audits and energy retrofits to owner occupied homes, and public outreach and education efforts highlighting the program’s ability to reduce greenhouse gases through the preservation of affordable housing.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the Grant Agreement and authorizes the following appropriation to the Community Development fund:

Revenue:

EPA Climate Showcase Communities \$303,828

Expenditure:

Advancing Greenhouse Gas Reduction Through Affordable Housing Program \$303,828

5. Purchase of Development Rights – Acceptance of Offer to Sell a Conservation Easement – \$335,000

Ms. Jones asked the Board if this expenditure was justified in light of the current economic conditions.

Mr. McGlennon stated that if the property did stay on the tax rolls at the developable rate, it would likely be developed into residential development.

Ms. Jones stated her concerns that spending was not prudent at this time.

Mr. Kennedy stated that the funds were allocated specifically for this purpose beginning in 2000. He asked if additional revenue had been dedicated to greenspace.

Mr. Wanner stated that the bond proceeds were being applied to the Purchase of Development Rights (PDR) fund.

Mr. Goodson stated that during the bond referendum, the citizens expressed their interest in this program and preserving greenspace in the County.

Mr. Kennedy stated that he appreciated Ms. Jones’s concerns and times had changed since the referendum. He commented that there was a \$2.5 million fund balance in the PDR account. He stated he was in favor of this item.

Mr. Goodson stated he understood Ms. Jones’s concern, but the funds were allocated for this purpose and were awaiting opportunities such as this.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

PURCHASE OF DEVELOPMENT RIGHTS (PDR) – ACCEPTANCE OF OFFER TO SELL

A CONSERVATION EASEMENT – \$335,000

WHEREAS, the County has received an offer to sell a conservation easement under the PDR Program from the owner of the property known as 8417 Diascund Road, James City County Real Estate Tax Parcel No. 1010100040; and

WHEREAS, the owner offered to sell a conservation easement on the property for a purchase price of \$335,000, subject to the conditions set forth in the proposed deed of easement enclosed with the County's invitation of offer.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the offer to sell a conservation easement described above, or as modified by the County Attorney, and authorizes the County Administrator to execute all documents necessary for completing the acquisition.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby directs the PDR Administrator to send a copy of this resolution to the owner of the property identified herein.

F. PUBLIC HEARING

1. Case No. SUP-0024-2009. Hospice House WCF Tower (continued from February 9, 2010)

Mr. Chris Johnson, Principal Planner, stated that the applicant has requested to defer this case until June 8, 2010, to continue to evaluate possible sites. He stated that staff concurs with the decision and recommends that the Board defer the case until June 8, 2010.

Mr. Kennedy stated that he has been asked for an update by citizens related to Hospice House, since the facility was considering this project as a possible revenue source.

Mr. Johnson stated the case was still active while the applicant looks for alternate sites. He stated that if an alternate site was not found, it would come forward with the tower located at the Hospice House site.

Mr. Kennedy asked that those related to the Hospice House be briefed on the status of the site search.

Mr. Kennedy opened the Public Hearing.

1. Mr. Robert Richardson, 2786 Lake Powell Road, commented that State and Federal representatives should be contacted to help limit wireless towers in the County.

Mr. Kennedy stated that the Public Hearing remained open and continued until June 8, 2010.

G. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on spending and evaluation of what the taxpayers would have done with the funds instead. He commented that inefficiencies should not be created in order to create jobs.

2. Mr. Robert Richardson, 2786 Lake Powell Road, commented that he felt the Grant Allocation Board item would benefit the community indirectly. He stated his support for this item. He stated his opposition to the construction of a coal plant in Surry and the King William Reservoir, and that the benefits of this Grant Allocation would help reduce the need for the utilities that these facilities support. He commented that the best way to address the need for water and electricity is to conserve.

3. Mr. Jack Fowler, 109 Wilderness Lane, commented on protecting the waterways in the County and stated that the County should take responsibility to address Code violations and blight that harm the community.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that there was a pre-notice on the 2010 Census. He noted that the Census forms will arrive in the mail next week and he encouraged everyone to fill out the questionnaires. He commented that when the Board completed its business, it should recess to March 16, 2010, at 9 a.m. for a joint meeting with the School Board at the Quarterpath Recreation Center. He also noted that the Board needed to hold a Closed Session for the consideration of personnel matters, appointments to the Historical Commission, Board of Zoning Appeals, and the Social Services Advisory Board. Mr. Wanner informed the Board that citizen complaints regarding blight and code violations are investigated and subject to enforcement as appropriate.

Mr. Kennedy asked if the joint work session would be televised.

Mr. Wanner stated that he did not believe there was television capability at this location.

Mr. McGlennon asked if the meeting could be recorded for later broadcast.

Mr. Wanner said he could check into that possibility.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy asked that Mr. Wanner investigate if the joint work session could be recorded for broadcast.

Mr. Icenhour commented that he received an email from a citizen who experienced a waterline break and stated that the James City Service Authority (JCSA) did an excellent job of responding to the situation. He extended his thanks to the JCSA and those who assisted this citizen. He also stated that on March 20-21, 2010, Jamestown Settlement was holding a program called "Military through the Ages" and encouraged citizens to attend.

J. CLOSED SESSION

Mr. Goodson 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 Historical Commission, Board of Zoning Appeals, and the Social Services Advisory Board.

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

At 7:50 p.m. Mr. Kennedy recessed the Board into Closed Session.

At 7:54 p.m. Mr. Kennedy reconvened the Board.

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

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 a personnel matter, the appointment of individuals to County boards and/or commissions.

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

Mr. Goodson made a motion to appoint Mr. David Boiselle to the Social Services Advisory Board, term to expire on July 1, 2013; Mr. Gerald White to the Historical Commission, term to expire on March 31, 2013; and to recommend appointment of Mr. David Otey, Jr., to the Board of Zoning Appeals.

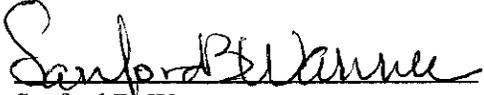
On a roll call vote, the vote was: AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (5). NAY: (0).

K. RECESS to 9 a.m. on March 16, 2010.

Mr. Icenhour made a motion to recess.

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

At 7:55 p.m. Mr. Kennedy recessed the Board to 9 a.m. on March 16, 2010, for a joint work session with the School Board and the Williamsburg City Council.


Sanford B. Wanner
Clerk to the Board

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