

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 23RD 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
Leo P. Rogers, County Attorney

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE – Rhys Williams, a tenth-grade student at Lafayette High School, led the Board and citizens in the Pledge of Allegiance.

D. HIGHWAY MATTERS

Mr. Todd Halacy, Virginia Department of Transportation (VDOT) Residency Administrator, gave an update on pothole repairs in the County and noted that the goal was to have all the potholes repaired in the near future.

Mr. Goodson asked about using a permanent pothole mix for permanent concrete fixes.

Mr. Halacy stated that the permanent pothole mix was being used at this point due to warmer weather.

Mr. McGlennon thanked Mr. Halacy for attending a meeting of the Powhatan Shores Homeowners Association related to tidal flooding and discouraging traffic during high water events. He noted that potholes, gatoring, and dips were occurring between Holly and Perry Roads in the greater Kingswood area.

Mr. Halacy stated that crews were in that area repairing potholes at this time and the dip would be repaired in a week or so. He said more details would be available shortly.

Mr. McGlennon stated that in the near future the incomplete work would be addressed at Jamestown Road and Winston Drive.

Mr. Halacy stated that it was going to be scheduled once the pothole patching was completed.

Mr. Icenhour commented on cracks in the pavement near Neighbors Drive and Route 60 and requested follow-up.

Mr. Halacy stated that he would investigate this issue.

E. PUBLIC COMMENT

1. Mr. Bob Spencer, 9123 Three Bushel Drive, on behalf of the James City County Citizens Coalition (J4Cs), commented on the upcoming zoning ordinance update and requested citizen participation in the process.

2. Mr. William Halteman, 109 Randolph's Green, commented that the Historical Commission was not fulfilling its mission. He commented that the by-right cellular facility tower in Kingsmill was threatening historic artifacts on the site. He stated the historic site and property values would be affected by the cell tower construction. He commented on funds spent on the Kingsmill cellular facility issue and stated that the staff facilitated approval for the tower.

3. Mr. Ed Oyer, 139 Indian Circle, commented on the fuel and maintenance costs of County vehicles; student enrollment deficit and the school budget; overall direction of the County; and derelict property on Indian Circle.

4. Mr. Robert Richardson, 2786 Lake Powell Road, commented on public input and participation on the zoning ordinance update. He commented that Rural Lands and the cellular tower issues should be of the highest priority in the ordinance updates.

5. Ms. Jacqueline Griffin-Allmond, 1704 Treasure Island Road, Gospel Spreading Church, commented that she had contacted the Board regarding the Agricultural and Forestal District (AFD) and its ownership and that she had not yet received any response.

F. PRESENTATION – 2010 Citizen Leadership Academy (CLA) Graduation

Ms. Tressell Carter, Neighborhood Connections Director, assisted by the Board of Supervisors, presented certificates to the graduates of the 2010 Citizen Leadership Academy: Manfred Fenger, Diana Fenger, David Haggingsothom, Mary Smallwood, Heather Cordasco, Amy Ritchie, Sandra Jimmison, Jackie Jones, Gwen Schatzman, Elizabeth Snyder, Crystal Boyce, Latrice Boyce, Cherry James, Constance Cook-Hudson, Alexander Frazier, Sr., Valerie Partlow, Annie Lee, Del Humphreys, and Mary Brett Wright.

G. CONSENT CALENDAR

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

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

1. Minutes – March 9, 2010, Regular Meeting

2. Contract Award – Architectural Services for Law Enforcement Center Renovation to Fire Administration Headquarters and Training Center – \$136,600

RESOLUTION

CONTRACT AWARD – ARCHITECTURAL SERVICES FOR LAW ENFORCEMENT CENTER

RENOVATION TO FIRE ADMINISTRATION HEADQUARTERS AND

TRAINING CENTER – \$136,600

WHEREAS, a Request for Proposals (RFP) for architectural services for the renovation of the Law Enforcement Center to Fire Administration Headquarters and Training Center was publicly advertised and staff reviewed proposals from 15 firms interested in performing the work; and

WHEREAS, upon evaluating the proposals, staff determined that Guernsey Tingle Architects was the most fully qualified and submitted the proposal that best suited the County's needs as presented in the RFP.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the \$136,600 contract for architectural services to renovate the Law Enforcement Center to Fire Administration Headquarters and Training Center to Guernsey Tingle Architects.

3. Appropriation of Insurance Proceeds – \$33,908

RESOLUTION

APPROPRIATION OF INSURANCE PROCEEDS - \$33,908

WHEREAS, James City County is committed to protecting County assets and replacing destroyed assets in an efficient manner; and

WHEREAS, James City County Police Department Vehicle No. 062907 was destroyed in an accident on December 25, 2009; and

WHEREAS, the actual cash value including equipment, less the deductible, of Vehicle No. 062907 has been recovered from the Virginia Association of Counties (VACo) Risk Management Programs; and

WHEREAS, the insurance proceeds recovered will be used for a replacement Police vehicle and equipment.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriations of recovered funds:

Revenue:

Insurance Recovery	<u>\$33,908</u>
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Expenditure:

Police Vehicle \$33,908

H. PUBLIC HEARINGS

I. Conveyance of Real Property at 134 Neighbors Drive

Ms. Marion Paine, Office of Housing and Community Development (OHCD), requested the Board to approve a conveyance of real property at 134 Neighbors Drive to Mr. Gil G. Gilley in exchange for property at 120 Forest Heights Road. Ms. Paine explained that based on a conceptual plan for improvements to and redevelopment of the Forest Heights Road/Neighbors Drive area in conjunction with the proposed Forest Heights Neighborhood Improvement Project, the County must acquire 120 Forest Heights Road to construct a road connecting Forest Heights Road to Neighbors Drive. The property at 120 Forest Heights Road is a 0.121-acre unimproved lot owned by Mr. Gilley. Mr. Gilley was preparing plans to build a home at 120 Forest Heights Road when the OHCD asked to purchase the lot. Mr. Gilley consented to exchange this lot for the 0.112-acre unimproved lot at 134 Neighbors Drive if the exchange would not unduly delay his plans to build. The assessed values of 134 Neighbors Drive and 120 Forest Heights Road are the same.

To facilitate the exchange, the County purchased 134 Neighbors Drive in early March 2010 through OHCD and is prepared to convey the property to Mr. Gilley in exchange for 120 Forest Height Road.

Staff recommended approval of the resolution.

Mr. Kennedy opened the Public Hearing.

Mr. Kennedy noted that Mr. Reese Peck was in attendance.

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

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

CONVEYANCE OF REAL PROPERTY AT 134 NEIGHBORS DRIVE

WHEREAS, James City County owns certain real property identified as Parcel No. 3220500001 on the James City County Real Estate Tax Map, more commonly known as 134 Neighbors Drive (the "Property"); and

WHEREAS, the County desires to transfer ownership of the Property to Mr. Gil G. Gilley in exchange for real property owned by Mr. Gilley and identified as Parcel No. 3220400005 on the James City County Real Estate Tax Map, more commonly known as 120 Forest Heights Road; and

WHEREAS, the Board of Supervisors of James City County, following a public hearing, is of the opinion that the County should exchange properties with Mr. Gilley.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator, to execute a deed of exchange and any other documents needed to transfer to Mr. Gilley 134 Neighbors Drive and to accept title from Mr. Gilley for 120 Forest Heights Road.

2. Ordinance Amendments to Chapter 12, Licenses

Ms. Lindsey Craven, County Attorney's Office Intern, explained that the ordinance amendment addressed Chapter 12, Licenses, to make revisions to four sections of the ordinance which address fines and penalties for failure to comply with licensing requirements in order to bring the Code into compliance with the Code of Virginia. She stated the amendments would assign a penalty of a Class 3 misdemeanor rather than the fine amounts that were currently listed in the ordinance. She commented that in Section 12-13, there was a possibility of a Class 2 misdemeanor. She said the proposed revision to assign the Class 3 misdemeanor penalty could possibly increase the maximum fine from \$300 to \$500. She recommended adoption of the amendments.

Mr. Goodson asked if under current ordinance requirements, noncompliance would require payment of a fine but the penalty would not require the violator to go to court.

Ms. Craven stated that was correct. She commented that the amendments clarify the charge that would require the input of a judge or jury that is referenced in part of the ordinance.

Mr. Goodson asked if this was typical for this type of violation. He said that typically a corporation would make an application for a business license. He asked if the corporation would be held accountable for a violation or if an employee would be liable for a criminal charge.

Ms. Craven stated that she believed it would be the individual responsible for the business.

Mr. Goodson stated that he thought these fines would be assessed against a company rather than an individual.

Mr. Rogers stated that these fines were authorized by State Code for failures to file. He said the ordinance was adopted decades ago and a section to address fines was incorporated. He noted this amendment was bringing the ordinance into compliance with State Code. He stated a corporation could be liable for a criminal penalty as well as a civil penalty, and the judges have the authority to assess fines up to \$500 but no jail time was required for a Class 3 misdemeanor.

Mr. Goodson asked if there could be a fine without a misdemeanor.

Mr. Rogers stated that there could be, but that is not authorized by State Code.

Mr. Goodson stated that the language had to be brought into compliance.

Mr. McGlennon clarified that the language indicated that someone could be confined to jail for 30 days, but with these revisions that would eliminate the jail time.

Ms. Craven stated that was only part of Section 12-13 which could possibly require jail as a penalty and the State Code notes that if a fine related to the infraction was \$1,000 or less, the highest possibly punishment was a Class 3 misdemeanor, which does not include jail time.

Mr. Kennedy opened the Public Hearing.

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

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

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

I. BOARD CONSIDERATIONS

1. James City County Sustainable Building Policy

Mr. John Horne, General Services Manager, stated that the resolution before the Board would institute a policy of the Board of Supervisors through an Administrative Regulation incorporated by the County Administrator. He stated the policy was in accordance with the Cool Counties Declaration to help reduce greenhouse gas production in County facilities. He stated that this policy would only affect County public facilities. He stated that many jurisdictions in Virginia and around the country have adopted similar policies. He stated that this was not an ordinance or law, but it directs staff in construction of buildings. He stated the goal for building construction as silver-level Leadership in Energy and Environmental Design (LEED) certification, which seemed to be the industry standard for most jurisdictions. He noted that for residential structures, the program was Earthcraft Virginia, which would be used through the Office of Housing and Community Development. He noted that there was discretion granted to the County Administrator to vary from the policy for a particular project to allow flexibility. He commented that the site section of the policy was less quantitative than the LEED section, so general provisions were cited from the Comprehensive Plan and other environmental policies. He commented that based on national research, these provisions would result in two to five percent in overall cost increase for LEED certification. He commented that LEED certification components were being implemented in most well-designed buildings at this time, but there would be approximately 20 to 30 percent energy conservation over buildings that meet basic code requirements. He recommended adoption of the resolution. He commented that the Police headquarters which was under design-build construction would meet or exceed silver-level LEED certification and the Warhill Community Gymnasium was being designed to meet silver-level LEED certification.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

JAMES CITY COUNTY SUSTAINABLE BUILDING POLICY

WHEREAS, the James City County Board of Supervisors has adopted the Cool Counties Declaration by a resolution dated September 25, 2007; and

WHEREAS, that declaration states the County's intention to take actions to reduce greenhouse gas emissions from County operations and facilities; and

WHEREAS, energy use from construction and operation of buildings accounts for approximately 50 percent of greenhouse emissions in the United States; and

WHEREAS, sustainable site design can help protect County natural resources from pollution and damage; and

WHEREAS, the Board of Supervisors wishes to demonstrate to the community the County's leadership in sustainable facility design.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the James City County Sustainability Policy and instructs the County Administrator to promulgate the appropriate administrative regulations to implement this policy.

2. Forest Heights Neighborhood Improvement Project – Community Development Block Grant Application – \$1.4 Million

Mr. Rick Hanson, Office of Housing and Community Development Director, commented that the OHCD staff began an assessment of the housing and infrastructure improvement needs of a 68-acre residential area which includes properties along Forest Heights Road, Neighbors Drive, and Richmond Road between the Prime Outlets Mall and Wellesley Boulevard. This assessment was conducted in accordance with guidance from the VDHCD. A Project Management Team was established, and a public meeting was held in June to identify neighborhood assets and improvement needs, the most critical of which were narrow unpaved roads and drainage problems. A neighborhood survey was completed by 47 of 49 residents of the study area which provided household characteristics, housing repair needs, and neighborhood improvement needs information. A letter requesting a CDBG Project Planning Grant was sent to VDHCD along with the survey results, preliminary housing and infrastructure assessment reports, and a site conditions map. The VDHCD awarded a \$25,000 Project Planning Grant to the County in the fall of 2009. Project Planning Grant funds were used to hire AES Consulting Engineers to complete an inventory and analysis, including a drawing illustrating site opportunities and constraints; design alternative sketches addressing roadway design, stormwater management and drainage, utilities, utilization of vacant properties, lighting, landscaping open space, pedestrian access, and resource protection areas; review alternatives with citizens and staff; and preparation of a preliminary engineering report including cost estimates. The design alternatives focused on the Forest Heights Road and Neighbors Drive areas, as well as the adjacent site of the proposed Salvation Army facility.

After a review by the Project Management Team, County staff, neighborhood residents at a December 2009 public meeting, the Chesapeake Bay Wetlands Board, and the Planning Commission's Development Review Committee, a preferred alternative plan for development of paved roads, stormwater management and drainage facilities, preservation of open space, and property resubdivision was selected. The concept plan proposes redevelopment through a combination of boundary line adjustments, property acquisition, and resubdivision within a 37.8-acre redevelopment area. A rezoning or residential cluster Special Use Permit (SUP) will be required to permit the resubdivision which will bring many of the currently nonconforming parcels into conformance with the County's zoning ordinance.

OHCD staff inspected most of the homes in the study area to project estimates of cost of housing rehabilitation and/or replacement, consulted with Real Estate Assessments and contacted property owners to estimate property acquisition and relocation expenses, and utilized the construction cost estimates prepared by

AES Consulting Engineers to establish an estimate of the overall cost of the neighborhood improvement project for the planning study area. Based on this analysis, staff determined that implementation of this project will require property acquisition and rezoning of the 37.8-acre redevelopment area to be completed upfront but that the infrastructure construction and housing improvements could be phased based on the availability of CDBG, James City County, and other sources of funding.

The proposed first phase of the project is the Forest Heights Neighborhood Improvement Project. This project is proposed to include the housing improvement, property acquisition and boundary line adjustment, and infrastructure improvement activities listed on the attached CDBG Project Activity Summary. In this first phase, Forest Heights Road would be upgraded to meet VDOT standards and the connector road between Forest Heights Road and the existing Neighbors Drive, the turn lane from Richmond Road at the Forest Heights intersection, and the Best Management Practice (BMP) adjacent to Forest Heights Road would be constructed. The Forest Heights Neighborhood Improvement Project Budget identifies sources and uses of the CDBG, local, State, Federal, and private funds required to finance this project. The local share of \$1,094,522 indicated in the project budget and in the resolution is to be provided from the County's Community Development Fund. The Community Development Fund allocation consists of current fund balance, projected income including the proceeds of the sale of 4001 Rochambeau Drive, and the requested General Fund allocation of \$100,000 in FY 2011 and FY 2012 to the Housing Fund.

Staff recommends approval of the resolution authorizing the submission of a Community Development Block Grant application to undertake the Forest Heights Neighborhood Improvement Project.

Mr. Icenhour commented that this street was very narrow. He asked if any of the houses would need to be moved due to being too close to the roadway.

Mr. Hanson stated that two houses would need to be moved. He commented that there would be an exchange agreement with the Salvation Army to make the lots deeper and the property line boundaries would be adjusted. He commented that two homes would need to be purchased and demolished since they would be too close to the road, and one rental home and a camper would need to be relocated.

Ms. Jones asked if the property owners were aware of the impact and the possibility of relocation.

Mr. Hanson stated that this has been discussed with the property owners.

Mr. Kennedy commented on issues with Ironbound Square because property owners felt that they were not adequately informed. He asked if any of the property owners had signed off that this had been disclosed to them.

Mr. Hanson stated that there was a form that has been signed by some property owners that had an interest in this project.

Mr. Kennedy asked if condemnation was part of this project.

Mr. Hanson stated that it was not anticipated to be required in this case and that staff would work with property owners to reach an agreement.

Mr. Kennedy asked if those who would need to be relocated would have a mortgage payment or an exchange.

Mr. Hanson stated that the current law requires that the property owner would need to be made whole.

Mr. Kennedy asked at what point the matter would become binding for property owners.

Mr. Hanson stated that the funds would need to be received before the project could move forward. He stated that the Federal statutes for relocation would be followed.

Mr. Icenhour commented that this was an application for a competitive block grant. He asked about the probability of receiving the funds.

Mr. Hanson stated that he did not know, but this was a competitive project.

Mr. Icenhour commented that this would require a rezoning or an SUP. He asked Mr. Hanson to explain to the Board the preferred options since this matter would come back before the Board.

Mr. Hanson stated it was not possible to do this project in the current zoning due to nonconformance. He stated that either a rezoning or an SUP would be required, or staff would likely pursue the cluster subdivision provision.

Ms. Jones asked about the timeline of the project.

Mr. Hanson stated that he wished to work with property owners from this time until the funds became available.

Mr. Wanner asked when the office would find out if the funds were going to be granted.

Mr. Hanson stated the notification would come forward in June and the Board would need to accept the funds as well.

Ms. Jones commented that she hoped staff would make sure the community was informed and in favor of the direction of the project to avoid conflict later on in the process.

Mr. Hanson stated that staff has held positive meetings with the community and the process would continue.

Mr. Wanner asked for additional history on this project.

Mr. Hanson stated that the community expressed a need to improve the road over a decade ago, but this was not addressed earlier because there was not a unanimous agreement for voluntary right-of-way. He stated that there were many people on Forest Heights Road who have been anxious to have this project completed. He stated that the boundary line adjustments would mitigate some of the issues that would result from the road widening.

Ms. Jones stated that she agreed with the idea of a signed acknowledgement that the information has been disclosed to the citizens.

Mr. Icenhour agreed that everyone in the neighborhood should be fully informed. He stated that he attended the second public meeting and that there was good dialog. He noted that these were private, gravel roads and the neighborhood had to take care of them. He stated that it was difficult for the neighborhood to

maintain the roads, and stormwater improvements would be incorporated with this project. He stated this project would be an enhancement to the community.

Mr. Kennedy commented that in Ironbound Square, different groups of heirs for properties created some issues, so he wished to have proper documentation.

Mr. Goodson asked if properties near Prime Outlets would be moved and addressed as well.

Mr. Hanson stated that the study encompassed a larger area, but the area near Forest Heights was the focus. He stated that in the future, if a second block grant was sought, improvements could be done for the relocation of Neighbors Drive. He stated the land use application would apply to the entire 38-acre property around Neighbors Drive.

Mr. Goodson asked if residents of the study area would be given priority to houses in the new development.

Mr. Hanson stated this could be considered.

Mr. Icenhour made a motion to adopt the resolution.

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

RESOLUTION

FOREST HEIGHTS NEIGHBORHOOD IMPROVEMENT PROJECT -

COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION - \$1.4 MILLION

WHEREAS, financial assistance is available to units of local government through the Commonwealth of Virginia Community Development Block Grant (VCDBG); and

WHEREAS, two public hearings were advertised in a newspaper with general circulation in the County, notices of the public hearings were mailed to the project area residents, and the two hearings were held on January 21, 2010, and March 15, 2010, regarding this application, in compliance with VCDBG requirements; and

WHEREAS, James City County wishes to apply for \$1,400,000 in VCDBG funds to be used in undertaking a multiyear Comprehensive Community Development Project in the designated Forest Heights Neighborhood Improvement Project Area; and

WHEREAS, \$1,094,522 in local funds are allocated to the project, \$72,500 in Federal funds, and \$270,000 in private funds will be expended on this project; and

WHEREAS, the project is anticipated to benefit 56 persons, of which 45 are low- and moderate-income, by providing public roads, stormwater management, property clearance, development of a multiuse path, and a community park, and to benefit 37 low- and moderate-income persons by providing

new homeownership opportunities, and housing rehabilitation, replacement, or relocation assistance which will meet the national objective of providing benefits to persons of low- and moderate-incomes.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, pursuant to two public hearings, the County of James City, Virginia, hereby wishes to apply for \$1,400,000 of Virginia Community Development Block Grant Funds for the Forest Heights Neighborhood Improvement Project.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to sign and submit appropriate documents, including an application with all the understandings and assurances contained therein, and to provide such additional information as may be required for the submittal of the Virginia Community Development Block Grant proposal.

J. PUBLIC COMMENT

1. Ms. India Johnson, 115 Forest Heights Road, commented that she was not in favor of the Forest Heights redevelopment project. She stated that she was subject to relocation under this project and she wished to stay in her home. She commented that not everyone in the community approves of this project.

2. Mr. Robert Richardson, 2786 Lake Powell Road, commented on sustainability in the zoning ordinance update process. He commented on water rates for the brewery and asked to pass on the bulk rate savings to the commercial development. He commented on the need to address reducing or restricting residential growth and encourage industrial growth for tax revenue diversification.

3. Mr. Ed Oyer, 139 Indian Circle, commented on the corner of Springs Road and Route 60 with a derelict building with debris inside and a merchandise stand in front of the building.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that there was a scheduled Closed Session appointment to be made, but he recommended doing so in open session. He stated that when the Board completed its business, it should recess to 5 p.m. on April 13, 2010, for a work session for Executive Search Services. He stated the JCSA Board of Directors should hold a meeting following the meeting of the Board of Supervisors. He commented that staff was aware of the property Mr. Oyer referenced and the garage sales taking place there and would address the matter. He also addressed the Historical Commission comments from Mr. Halteman and stated that this type of archaeological work was outside the Historical Commission's scope.

L. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson made a motion to reappoint Mr. John Hughes to a five-year term on the Wetlands Board and Chesapeake Bay Board, term to expire on March 31, 2015.

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

Ms. Jones commented that she was disappointed that the citizen who spoke during public comment was not in favor of the Forest Heights CDBG project. She stated that the Board and staff should make sure that citizens know what will happen with their homes before moving forward on these matters. She stated her concern that staff was not making the possibilities clear enough to residents.

Mr. Kennedy stated that he agreed with Ms. Jones and that he was still willing to move forward with the grant, but he was disappointed that citizens were unhappy with the plan.

Mr. McGlennon stated that he agreed with Mr. Kennedy and Ms. Jones. He stated that citizens should be aware of the consequences of the projects that will affect their neighborhood. He commented that it should be recognized that disputes over property exist and he felt that the project should not be halted before every avenue was examined.

Ms. Jones stated that she wanted full clarity. She stated she did not want to assume that there were no condemnation issues when people come forward and say that is not the case.

Mr. Kennedy stated that he believed that in these sensitive areas, staff needed to be sure that the project and the consequences were clear to the property owners. He stated that staff should make sure that everything is documented and signed.

M. RECESS to 5 p.m. on April 13, 2010.

At 8:22 p.m. Mr. Kennedy recessed the Board.


Sanford B. Wanner
Clerk to the Board

MAR. 23 2010

ORDINANCE NO. 16A-27BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 12, LICENSES, OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 12-8, PENALTY FOR NOT MAKING APPLICATION; SECTION 12-9, PENALTIES FOR NONPAYMENT OF LICENSE TAX; SECTION 12-13, PENALTY FOR FAILING TO FILE STATEMENT REQUIRED AND FOR MAKING FALSE STATEMENT; AND SECTION 12-14, PRODUCTION OF RECORDS AND PENALTY FOR FAILURE TO PRODUCE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 12, Licenses, is hereby amended and reordained by amending Section 12-8, Penalty for not making application; Section 12-9, Penalties for nonpayment of license tax; Section 12-13, Penalty for failing to file statement required and for making false statement; and Section 12-14, Production of records and penalty for failure to produce.

Chapter 12. Licenses

Sec. 12-8. Penalty for not making application.

Any person doing business, carrying on any trade or calling, or practicing any profession within the county, and any person who shall open an office for a place of business, or who shall by use of signs or otherwise advertise any trade, business or profession within the county, shall make application to the commissioner of the revenue for the license due under this chapter, as provided in section 12-5, and any person failing to make such application shall be ~~subject to a fine of not less than \$25.00 nor more than \$300.00 as the judge or jury may determine~~ *guilty of a Class 3 misdemeanor*.

Sec. 12-9. Penalties for nonpayment of license tax.

(a) Any person conducting any business, occupation or profession, or doing other things for which a license tax *or fee* is required under this chapter, without applying for and obtaining such license as set forth in section 12-5, or who shall fail to obtain any tag, certificate or sign required under this chapter, shall be ~~subject to a fine of not less than \$25.00 nor more than \$300.00,~~ *guilty of a Class 3 misdemeanor*, and each day of default shall constitute a separate offense. Such conviction shall not relieve any such person from the payment of any license tax imposed by this chapter.

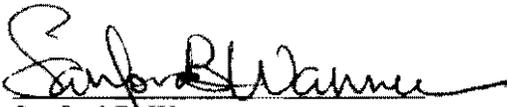
Sec. 12-13. Penalty for failing to file statement required and for making false statement.

If any person subject to the payment of a license tax required under this chapter should (1) fail or refuse to file the statement or statements required by this chapter, or (2) who should make any false statement in the affidavit required by this chapter, shall, upon conviction thereof, be ~~fined not less than \$50.00 nor more than \$300.00 or confined in jail not more than 30 days, or both, in the discretion of the court or jury~~ *guilty of (i) a Class 3 misdemeanor if the amount of the tax lawfully assessed in connection with the return is \$1,000 or less, or (ii) a Class 2 misdemeanor if the amount of tax lawfully assessed in connection with the return is more than \$1,000.*

Sec. 12-14. Production of records and penalty for failure to produce.

(d) Any person who shall fail to appear before the commissioner of the revenue and produce such records, books and papers, when duly summoned, or who shall refuse to permit the commissioner of the revenue to make or cause to be made such other and further investigation and audit of such books and papers, shall, upon conviction thereof, be ~~fined not more than \$300.00~~ *guilty of a Class 3 misdemeanor.*

ATTEST:


Sanford B. Wanner
Clerk to the Board


James G. Kennedy
Chairman, Board of Supervisors

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

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of March, 2010.