

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 11TH DAY OF JANUARY 2011, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

Robert C. Middaugh, County Administrator
Leo P. Rogers, County Attorney

B. PLEDGE OF ALLEGIANCE – Kaitlin Winfree, an eleventh-grade student at Lafayette High School, led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

1. Mr. Jack Haldeman, 1597 Founder's Hill North, on behalf of the James City County Citizens Coalition (J4C), expressed concerns about the potential stoplight installation on Jamestown Road near Colony Square Shopping Center. He expressed concern for the danger of traffic backups at the intersection. He stated that the extended left-turn lane on Route 199 was intended to improve the congestion in the area, but subsequent development has exacerbated the problems. He stated that any future studies should take into consideration that this is the thoroughfare to historic sites, the traffic study should be repeated after Fresh Market moves from the shopping center, and alternative designs should be considered. He stated the opposition of the J4Cs to the traffic light on Jamestown Road.

2. Ms. Betty Jo Terrell, 32 James Square, commented on the potential stoplight installation on Jamestown Road near Colony Square Shopping Center. She expressed concern for the impact of the traffic light on businesses and neighborhoods on Jamestown Road.

3. Ms. Shirley Smith Graham, 5148 O'Holloran Way, stated concern about the potential stoplight installation on Jamestown Road near Colony Square Shopping Center and its impact on St. Martin's Episcopal Church. She stated that the church was not only a place of worship with traffic on Sunday, but also for community resources and activities all throughout the week.

4. Ms. Tab Broyles, 11 James Square, commented on the potential stoplight installation on Jamestown Road near Colony Square Shopping Center. She stated that at most times, there is no traffic issue due to the shopping center. She stated that a study should be completed that evaluated what would benefit all businesses and neighborhoods on Jamestown Road.

5. Mr. Robert Mann, 66 James Square, stated his concern for the potential stoplight installation on Jamestown Road near Colony Square. He stated that he believed the stoplight would cause more problems on Jamestown Road and stated his opposition.

Ms. Jones recognized Planning Commissioner Reese Peck in attendance.

D. BOARD REQUESTS AND DIRECTIVES

1. Jamestown Road Traffic Signal

Mr. McGlennon commented that a number of property owners along Jamestown Road expressed concern about the installation of a traffic signal on Jamestown Road and the entrance of Colony Square Shopping Center. He stated that when the issue was discussed by the Virginia Department of Transportation (VDOT), it was agreed that a study would be completed that involved all impacted parties on Jamestown Road. He asked the Board to consider a resolution that would ask VDOT to suspend plans to install the traffic light at this intersection and request a comprehensive study to examine future uses in the area and ways to moderate traffic in the area. He asked if there was support for a resolution to be drafted for the Board's next meeting.

Mr. Icenhour stated that he would support the resolution.

Mr. Goodson stated that he understood that VDOT would perform a study to warrant the traffic signal.

Mr. McGlennon stated that the study did not conclude that a traffic signal was warranted for safety. He emphasized that safety was not the factor, and his opposition was to a stoplight at one location rather than a comprehensive evaluation of the traffic flow in that area.

Mr. Goodson asked why the study was originally done.

Mr. McGlennon stated that Mr. Brewer, former VDOT Williamsburg Residency Administrator, received a call from a resident of Williamsburg Office Park who was in opposition to the traffic signal.

Mr. Icenhour asked if the study could be done cooperatively with County staff in order to incorporate the sensitivities of the residents and business owners. He stated that he was interested in a broader evaluation of the area.

Mr. Middaugh stated that could be done.

Mr. Goodson stated that the resolution would be to suspend the traffic light installation. He stated that there was more information required to move through this process.

Ms. Jones stated that before moving forward, an engineering analysis needed to be done.

Mr. Goodson stated that he would support a resolution which would request additional studies done in the engineering aspect. He stated that he did not wish to oppose the installation of a stoplight in the event of a future traffic accident that could be prevented with a traffic signal.

Mr. McGlennon stated that there was not a warrant for a light based on the safety record in this case. He stated that if this were an unsafe intersection, this could be a way to address the problem. He stated that the warrants for the stoplight were met due to interruptions in traffic. He stated there was not opposition to

installing a signal for safety reasons, but felt that a comprehensive review of the whole area to determine how to best serve the citizens and businesses.

Mr. Goodson stated there was a limited line of sight on Jamestown Road. He stated that he felt it was a difficult intersection to judge. He stated he could support a resolution for additional studies to ensure that the residents were supported, but he did not wish to have language that requests a suspension of the traffic signal installation.

Mr. McGlennon stated that he felt that would defeat the purpose.

Mr. Goodson stated that it should not be halted.

Mr. McGlennon stated that the study should be done before any work is done.

Mr. Goodson stated that he did not wish to have the funding reassigned.

Mr. McGlennon stated there was no money currently assigned to this project.

Mr. Goodson stated that he would like to work collaboratively on the language for this resolution.

2. Board of Supervisors Expenditures Policy

Mr. Kennedy stated that he reviewed the Board of Supervisors expenditures for the last three years in order to develop a policy on what expenditures should be reimbursed and what amount, including travel, telephone, and internet. He stated that there should be a standardized policy and clear guidelines for incoming board and commission members.

Mr. Middaugh asked if the Board would like a policy to be drafted.

Mr. McGlennon stated that he believed an expense policy currently existed for County staff which would apply to the Board.

Mr. Middaugh stated that the policy could be applied to the Board, but a list could be developed for the information of the Board.

Mr. Kennedy stated that he wished for a clear guideline about what is available to the Board members. He commented on the Jamestown Road traffic signal and noted that the intersection at Jamestown Road and Route 199 is located in the City of Williamsburg. He stated there may be a recommendation or report that resulted from these collaborative measures. He stated that this could be evaluated before working on another study.

Mr. McGlennon stated that he worked on the committee that examined that intersection and that the focus did not include the shopping center area. He stated that the group resulted in a substantial reduction in the VDOT plans he believed still served very effectively in the area.

Mr. Icenhour stated that he agreed with the idea of developing a policy for Board expenditures. He also thanked staff for police regulation for backups at Monticello Avenue. He asked that the County continue to work with VDOT to keep traffic moving in that area. He stated that he attended a meeting of the State Water Commission and discussed a nutrient trading process pilot program which may be of interest in the future. He stated that about 20 of the 42 regions have submitted Regional Water Plans and these were due at the end of the year. He stated that there were revisions to the policies related to groundwater withdrawal fees

and there would be implementation of fines for those not properly reporting surface water withdrawals. Mr. Icenhour commented on a James City Service Authority (JCSA) project on News Road near Ford's Colony. He asked that JCSA or Communications publicize the project for the benefit of the public. He stated that the lack of parking at Target was due to a construction project at Target.

Mr. Kennedy noted that this weekend was the School Board Budget Retreat and on January 22, 2011, the County would hold its Budget Retreat. He stated that the County televises its Budget Retreat and asked that the School Board do so as well.

Mr. Middaugh stated that he spoke with Dr. Burchbuckler and he indicated that the meeting would be at Rawls Byrd Elementary School and there were no plans to televise the meeting at this time.

Mr. Kennedy stated that he hoped the School Board would reconsider and asked that a staff person attend the meeting and possibly record the meeting for broadcast.

Ms. Jones noted that the County's Budget Retreat would be televised in its entirety on JCCTV.

E. CONSENT CALENDAR

Mr. McGlennon made a motion to adopt the Consent Calendar.

Mr. Icenhour stated his appreciation for staff's work on the Old News Road Project. He noted that was a cost-sharing project and half the funds would be reimbursed.

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

1. Minutes –
 - a. December 14, 2010, Work Session Meeting
 - b. December 14, 2010, Regular Meeting
2. Grant Award – Justice Assistance Grant (JAG) – \$13,406

RESOLUTION

GRANT AWARD - JUSTICE ASSISTANCE GRANT (JAG) - \$13,406

WHEREAS, the James City County Police Department has been awarded a Justice Assistance Grant (JAG) in the amount of \$13,406; and

WHEREAS, the funds are to be used to purchase a bike registration module for the Department's Records Management System (RMS) and a rescue cellular response phone console to be used by the Department's Negotiations Team, to retrofit one of the Investigations Unit's sport utility vehicles with a slide-out rear bed, as well as materials and supplies for several of the crime prevention programs sponsored by the Department's Community Services Unit; and

WHEREAS, there is no match required of this grant.

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

Revenue:

JAG - FY 2011 \$13,406

Expenditure:

JAG - FY 2011 \$13,406

3. Grant Appropriation – Litter Prevention and Recycling Grant – \$11,842

RESOLUTION

GRANT APPROPRIATION – LITTER PREVENTION AND RECYCLING GRANT – \$11,842

WHEREAS, the Department of Environmental Quality has awarded James City County a Litter Prevention and Recycling Grant in the amount of \$11,842.

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 \$11,842

Expenditure:

Litter Control Grant \$11,842

4. Budget Appropriation – Old News Road Project – \$674,959

RESOLUTION

BUDGET APPROPRIATION – OLD NEWS ROAD PROJECT – \$674,959

WHEREAS, Old News Road is in need of repair to increase safety and traffic capacity; and

WHEREAS, the Board of Supervisors has previously requested and the Virginia Department of Transportation (VDOT) has approved the use of State revenue sharing funds for the project in the amount of \$674,959; and

WHEREAS, it is necessary to appropriate \$674,959 to a County special project account to allow expenditure for construction to proceed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates \$674,959 to a special project account.

F. PUBLIC HEARINGS

1. Pre-Budget Public Hearing

Ms. Sue Mellen, Assistant Manager of Financial Management Services, stated that this was the second year of the biennial budget. She highlighted changes from the FY 2012 plan, including planned expenditures such as costs associated with redistricting, the new Law Enforcement Center (LEC) building, Capital maintenance and replacement, and school operations. She stated that there were expected changes to be discussed at the budget retreat including increased real estate revenues due to new construction, increased personal property values, and an increase in the State sales tax for education. She stated that the Board should open the public hearing, and no action was required at this time.

Ms. Jones opened the Public Hearing.

1. Mr. John Horne, on behalf of Housing Partnerships, Inc., thanked the Board for its support over the years. He stated that those funds which go for materials only, are leveraged times over through volunteer labor and other partnerships that benefit very low-income residents of the County. He thanked the Board for continued support.

2. Mr. Jack Haldeman, 1597 Founder's Hill North, asked for consideration of funding for the Stormwater Division for stormwater management projects while preserving the Greenspace and Purchase of Development Rights (PDR) funds, preserving employee and teacher benefit funds, and an increase in connection fees for independent water systems.

3. Mr. Paul Scott, 719 Lafayette Street, Child Development Resources (CDR) Executive Director, thanked the Board for consideration of funding support for CDR. He noted the Comprehensive Health Investment Project (CHIP) a Virginia Agency that ensures children and families are properly immunized and receive proper prenatal care. He stated that CHIP of Williamsburg is funded through various providers including James City County, but most of the funding comes from CHIP of Virginia. He stated that the Governor has recommended reduced funding for this agency, which could eliminate service to children in the community due to understaffing. He requested consideration of additional funding in order to preserve this program.

4. Dr. Corydon Butler, 3228 Fowler's Lake Road, commented on the County's business license taxes and noted that professions such as lawyers, accountants, physicians, and others are taxed much higher than retail entities and contractors. He asked for adjustments for business license tax equity.

As no one else wished to speak to this matter, Ms. Jones closed the Public Hearing.

Mr. Kennedy asked staff about the comments related to possible underfunding of the Virginia Retirement System (VRS). He asked if the County underfunded VRS.

Mr. McDonald stated the VRS sets a contribution rate for localities and James City County has met this requirement.

Mr. Kennedy asked if the County has underpaid.

Mr. McDonald stated that it has not.

Mr. Kennedy stated that the schools were not required to pay a VRS payment last year.

Mr. McDonald stated that the schools operate two VRS plans, including one for teachers and one for other staff. He stated that the State eliminated the fourth quarter contribution for teachers. He stated the County had budgeted for this contribution and the school division budgeted this contribution. He stated the school met its obligation and made the payment.

Mr. Kennedy asked if the underfunding of VRS was a statewide issue.

Mr. McDonald stated the Governor has responded that the teacher's benefit was underfunded and proposed a budget amendment to increase the teachers' VRS benefit. He stated this was still in discussion at the General Assembly, as well as an option for employees picking up a portion of the VRS payment in exchange for a pay raise and that the rates are expected to go up to recover the additional liability.

Mr. Kennedy asked how James City County compared to other localities.

Mr. McDonald stated that the County's rates are relatively low in relation to other localities. He stated it was a relatively prudent and well-funded plan.

Mr. McGlennon asked for confirmation that there was a separate account for VRS for James City County.

Mr. McDonald stated that there were separate accounts for VRS for James City County, James City Service Authority, and non-professional School Board staff.

Mr. McGlennon stated that these programs were well funded, but by foregoing the contribution to the teachers' plan, over time these employees lose the benefit of the investment. He asked if the full share could have been contributed last year.

Mr. McDonald stated that the County could not without the State match. He stated the County pays what it is required by the State.

Mr. Kennedy asked if there was the option to pay more.

Mr. McDonald stated that the County may have that opportunity.

Mr. Icenhour asked if the County could pay additional money to help catch up the funding.

Mr. McDonald stated that parts of the rate schedules include any unfunded liabilities and that this was a challenge across the country.

Mr. Icenhour stated that this is traditionally in a two-year lag.

Mr. McDonald stated that in this case an amendment could be made.

Mr. Kennedy stated that in this case, the County has always met its obligation.

Mr. McDonald stated that was correct.

Mr. Kennedy asked if the option of paying more has been explored.

Mr. McDonald stated that this has not been explored.

Ms. Jones noted that no action would be taken on this item.

2. Case No. SUP-0026-2010. Tractor Supply Company, Norge Center (Deferral Requested)

Ms. Sarah Propst, Planner, stated that the applicant has requested deferral of the application until the January 25, 2011, regular meeting. She stated that there were numerous questions that have been received and would be answered at the next meeting.

Ms. Jones opened the Public Hearing.

As no one wished to speak to this matter, Ms. Jones continued the Public Hearing until January 25, 2011.

Mr. McGlennon stated that he provided a number of questions to staff primarily related to the parking and that he hoped the public could view the response to those questions prior to the next meeting.

Mr. Middaugh stated that the information would be included in the agenda materials.

3. Case No. SUP-0027-2010. Jamestown High School Auxiliary Gymnasium (Deferral Requested)

Ms. Jones stated that there has been a request for a deferral.

Mr. Middaugh stated that a staff presentation was not anticipated due to the deferral.

Ms. Jones opened the Public Hearing.

Mr. Icenhour made a motion to defer the item.

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

As no one wished to speak to this matter, Ms. Jones continued the Public Hearing until January 25, 2011.

4. Case No. AFD-2-86-3-2010. Croaker AFD – 4744 Ware Creek Road Addition

Mr. Jose Ribeiro, Senior Planner, stated that Mr. M. Anderson Bradshaw has applied on behalf of Wenger Farms, LLC, to enroll a 7-acre property located at 4744 Ware Creek Road into the Croaker Agricultural and Forestal District (AFD). He stated that the property is mostly wooded and undeveloped. A portion of the Croaker AFD (three large parcels also owned by Wenger Farms, LLC) is located to the south of the subject parcel. Adjacent properties to the north, east, and west of the subject parcel that are not currently enrolled in the Croaker District are primarily wooded in nature. Several subdivisions are located in close proximity to the subject property including Woodland Farms, Elmwood, Clover Dale, Glenwood Acres, and Ware Creek Manor.

At its meeting on November 15, 2010, the AFD Advisory Committee recommended approval by a vote of 8-0.

At its meeting on December 1, 2010, the Planning Commission recommended approval a vote of 7-0.

Staff recommended approval of the ordinance.

Ms. Jones opened the Public Hearing.

As no one wished to speak to this matter, Ms. Jones closed the Public Hearing.

Mr. Kennedy made a motion to adopt the ordinance.

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

G. PUBLIC COMMENT - None

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh stated that members of the public can post comments on the budget on the County's Facebook page. He stated that dog tags are due on January 31, 2011, and can be purchased at the Treasurer's Office.

Mr. McGlennon asked if members of the public needed to be registered Facebook users to leave comments.

Ms. Jones stated that if the citizens did not wish to use Facebook, they could email the Board or contact the members by telephone.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson stated that he was attending the Hampton Roads Transportation Planning Organization (HRTPO) meeting on the third Thursday of the month and that he would collect comments from the public and the Board. He stated the materials for the meeting could be viewed online.

Ms. Jones noted that the Board would adjourn to January 22, 2011, at 8:00 a.m. for its Budget Retreat.

Mr. Kennedy asked if the Planning Commission appointment could be done at this time.

Ms. Jones stated that she would support that recommendation.

Mr. Kennedy made a motion to reappoint Mr. Rich Krapf to the Planning Commission and Mr. Stephen Moreland to the Historic Triangle Bicycle Advisory Committee (HTBAC).

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

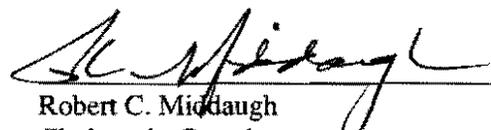
Mr. Middaugh noted that the Board should adjourn to 8 a.m. on January 22, 2011, and the next regular meeting.

J. ADJOURNMENT to 8 a.m. on January 22, 2011.

Mr. McGlennon made a motion to adjourn.

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

At 8:17 p.m., Ms. Jones adjourned the Board until 8 a.m. on January 22, 2011.


Robert C. Middaugh
Clerk to the Board

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ADOPTED

JAN 11 2011

ORDINANCE NO. 164A-13

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AFD-2-86-3-2010. CROAKER AFD – 4474 WARE CREEK ROAD ADDITION

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, to add seven acres of land owned by Wenger Farms, LLC located at 4474 Ware Creek Road and identified as James City County Real Estate Tax Map No. 1410100007 to AFD 2-86, which is generally known as the 1,075.9-acre "Croaker Agricultural and Forestal District (AFD)"; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the addition of land to the Croaker AFD; and

WHEREAS, the AFD Advisory Committee, at its meeting on November 15, 2010, voted 8-0 to recommend approval of this application; and

WHEREAS, the Planning Commission, following its public hearing on December 1, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend approval of this application.

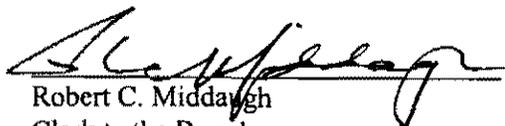
NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby adds seven acres owned by Wenger Farms, LLC as referenced herein to the 1,075.9 acres of the Croaker AFD with the following conditions:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area (PSA) and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.
3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.



Mary K. Jones
Chairman, Board of Supervisors

ATTEST:



Robert C. Middaugh
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of
January, 2011.

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