

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF FEBRUARY 2011, 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

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

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

D. PUBLIC COMMENT

1. Mr. Jay Everson, 109 Branscome Blvd., commented on the impact of Business, Professional, and Occupational License (BPOL) taxes on County businesses.

2. Mr. Ed Oyer, 139 Indian Circle, commented on combining the School Board building and the new police building; declining school enrollment; the costs of school construction and overspending extensive school features; possible School Board recall; and political power of the citizens.

3. Mr. Jack Fowler, 109 Wilderness Lane, commented on the economic impact of the fishing industry and licensing in the State.

E. BOARD REQUESTS AND DIRECTIVES

Mr. Icenhour commented on the Hampton Roads Planning District Commission (HPRDC) Executive Committee meeting on March 17, 2011, regarding a legal challenge to the Environmental Protection Agency (EPA) related to watershed implementation plans. He made a motion to abstain from joining this suit. He stated there were challenges with the process, but did not believe it was in the best interest of the County to file a suit at the regional level.

Mr. Goodson stated that he does not agree with that motion. He stated that the EPA failed to provide reasonable insurance to the urban runoff sector, flaws in the model, modeling projections for the James River chlorophyll criteria, Total Maximum Daily Load (TMDL) timelines, and other factors. He stated that the EPA

returned reasonable responses to four of the items, but there was a strong case for one item: does the EPA have the authority to establish a deadline for TMDL requirements? He stated that it took a long time to reach this State, but the localities were given an arbitrary deadline to mitigate the TMDLs. He stated that it would add significant costs to the cleanup. He stated that with new Best Management Practice (BMP) construction or redevelopment, developers or residents would bear the majority of the costs for TMDL reduction, but otherwise it would require significant public funds to purchase and condemn property to reduce the levels. He stated that removal of the deadlines would significantly impact the cost to localities. He stated that he supported making the appeal. He stated that he does not support the motion, but if the Board votes for the County to abstain, he would tender that vote for the Board.

Mr. McGlennon stated that the cleanup of the Chesapeake Bay has been significantly delayed and this was another effort to delay the process through a technicality at the expense of the public. He stated that the EPA could argue that Virginia's plan determined the deadline rather than the EPA. He stated that he believed it was a long overdue obligation to cleanup the Chesapeake Bay and not delay it any further.

Ms. Jones stated her support for bringing the suit forward.

Mr. Goodson clarified that a vote of Aye would be in support of the motion not to join the suit.

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

The motion failed.

Mr. Goodson stated that the HRPDC is having a public meeting on the Rural Long Range Transportation Plan for peninsula residents on February 23, 2011, from 5:30 to 7 p.m. in the City Center in Newport News. He stated that there was more information on the HRPDC website.

Mr. Icenhour stated the Peninsula Council for Workforce Development would meet on February 24, 2011, to address Federal funding. He stated that the Workforce Investment Board's budget was geared toward getting people reemployed. He stated that the current budget was roughly \$4.4 million; over \$3 million is Federal, \$248,000 local, and \$552,000 was other sources. He stated that in the future the Federal budget could be a minimum of a 16 percent cut. He stated that the House proposal is to eliminate the program entirely. He stated that the non-federal funds would be reduced about 18 percent. He stated that if the Federal funding was eliminated, workforce development would cease to exist, creating a greater strain on the local economy. He stated that the best-case scenario would be a 16- to 26-percent cut. He stated that the Board would likely not know for about a month.

Mr. Kennedy asked if local boards were being asked to contact people in Congress.

Mr. Icenhour stated that they would and that he would encourage everyone to contact Congressman Wittman's office.

Mr. Kennedy asked that the Board be consulted if a position was being taken on an item on behalf of the Board.

Mr. Icenhour stated that when the information was available, he would bring it before the Board for its input.

Ms. Jones stated that on February 10 she attended the Transfer of Development Rights (TDR) workshop with other Board members, on February 13 she attended the reception for the new school superintendent, and on February 19 she attended a Court of Honor for a new Eagle Scout.

F. CONSENT CALENDAR

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

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

1. Minutes – February 8, 2011, Regular Meeting
2. Grant Award – National Association of Victims of Crime Act (VOCA) Assistance Administrators (NAVAA) – \$5,000

RESOLUTION

GRANT AWARD - NATIONAL ASSOCIATION OF VICTIMS OF CRIME ACT (VOCA)

ASSISTANCE ADMINISTRATORS (NAVAA) - \$5,000

WHEREAS, the Victim Witness Assistance Program within the Commonwealth Attorney's office has been awarded a grant for \$5,000 from the National Association of VOCA Assistance Administrators (NAVAA) under the National Crime Victims' Rights Week Community Awareness Project grant program; and

WHEREAS, the funds are to be used for a Crime Prevention and Awareness Fair on April 16, 2011, at Legacy Hall, a tree dedication ceremony, an art contest, and awards for the Law Enforcement Advocate of the Year.

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

Revenue:

NAVAA FY 11 NCVRW Grant	<u>\$5,000</u>
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Expenditure:

NAVAA FY 11 NCVRW Grant	<u>\$5,000</u>
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3. Grant Award – Commonwealth Attorney – Virginia Domestic Violence Victim Fund – \$37,981

RESOLUTION

GRANT AWARD – COMMONWEALTH ATTORNEY –

VIRGINIA DOMESTIC VIOLENCE VICTIM FUND – \$37,981

WHEREAS, the Commonwealth Attorney for the City of Williamsburg and James City County has been awarded a \$37,981 grant from the Virginia Domestic Violence Victim Fund through the State Department of Criminal Justice Services; and

WHEREAS, this grant would fund the personnel costs and travel expenses of a position in the prosecution of misdemeanors and felonies involving domestic violence, sexual abuse, stalking, and family abuse through December 31, 2011.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the Special Projects/Grants Fund through December 31, 2011 for the purposes described above:

Revenue:

CY 11 Virginia Domestic Violence Victim Fund \$37,981

Expenditure:

CY 11 Virginia Domestic Violence Victim Fund \$37,981

4. Appropriation of Insurance Proceeds – Police Department – \$17,879

RESOLUTION

APPROPRIATION OF INSURANCE PROCEEDS - POLICE DEPARTMENT - \$17,879

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

WHEREAS, James City County marked Police vehicle (No. 062916, 2009 Dodge Charger) was destroyed in an accident on October 23, 2010; and

WHEREAS, the actual cash value of Vehicle No. 062916 has been recovered from Farmer's Insurance; and

WHEREAS, the insurance proceeds recovered will be used in conjunction with existing Police Department funds to purchase a replacement vehicle.

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 \$17,879

Expenditure:

Police Department \$17,879

G. BOARD CONSIDERATION

1. FY 2011 State Sales Tax for Education

Mr. John McDonald, Manager of Financial and Management Services, stated that the resolution would appropriate an additional \$900,000 in State sales taxes for education. He stated that the current County budget is underestimated based on the retail growth in the State and there is an estimated \$900,000 from this revenue source. He stated that this money would reduce the amount borrowed specifically for school projects.

Mr. Icenhour stated that there must be a budget transfer with the intent of using the funds in lieu of borrowing.

Mr. McDonald explained that this was a revenue adjustment.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

FY 2011 STATE SALES TAX FOR EDUCATION

WHEREAS, both the State and the County have forecast FY 2011 collections of the State Sales Tax for Education at \$8,900,000 or \$900,000 higher than the current budget estimate of \$8,000,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates the \$900,000 as part of the FY 2011 budget and authorizes the following budget amendments:

Operating Budget Revenue:

State Sales Tax for Education + \$900,000

Operating Budget Expenditure:

Transfer to Capital Budget + \$900,000

Capital Budget Revenue:

Transfer from General Fund	+ \$900,000
School Project Debt Financing	- 900,000

H. PUBLIC COMMENT

1. Mr. Jack Fowler, 109 Wilderness Lane, commented on the state of Little Creek Reservoir and how the County could benefit economically from rehabilitating it; he commented on pollution, trash, and poor water quality that were impacting fishing on the reservoir.

2. Mr. Ed Oyer, 139 Indian Circle, commented on rules on speaking publicly in the Virginia Constitution; constraints on debt; and bonds for counties.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh noted that at 8 a.m. on February 23, at Legacy Hall, there would be a joint work session of the School Board, the City Council, and the Board of Supervisors to discuss the school budget, capital projects, and other issues. He stated that the session would be available on the cable channel in the next ten days.

J. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon made a motion to reappoint Mr. Larry Waltrip to the Wetlands Board and Chesapeake Bay Board.

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

Mr. Icenhour stated his dissatisfaction with the parking in New Town due to construction. He stated his reservations about shared parking in New Town. He stated that the parking issue was a matter of concern because the storefronts were not at full occupancy. He stated that he believed in the future the parking problem would get worse.

Ms. Jones asked what the process would be to make changes to the shared parking in New Town.

Mr. Middaugh stated that the Board could hold a work session on the subject of New Town Parking. He stated that the parking ordinance would be part of the Zoning Ordinance Update, but that he believed this was a more unique situation.

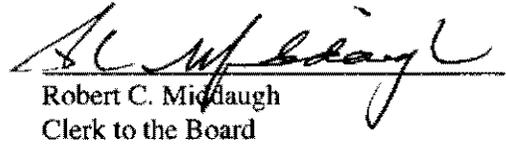
Mr. Kennedy stated that he hoped to get some of the changes and issues at New Town on the work session agenda. He stated concerns about taking away a passive area to create additional parking, metered parking, and reserved parking on Main Street. He stated that he believed New Town has not returned on the investment at an adequate level. He stated that he would like to investigate a way to trigger legislative action.

K. ADJOURNMENT to 8 a.m. on February 23, 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 7:43 p.m., Ms. Jones adjourned the Board until 8 a.m. on February 23, 2011.


Robert C. Middaugh
Clerk to the Board

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