

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF NOVEMBER 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. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Angela Shaw, a fourth-grade student at Rawls Byrd Elementary School, led the Board and citizens in the Pledge of Allegiance.

E. PUBLIC COMMENT

1. Ms. Paulette Parker and Mr. Bill Pribble of the Williamsburg Community Health Care Foundation gave an overview of the School Health Improvement Project (SHIP). Students distributed healthy muffins to Board members.

2. Mr. John Bookless, offered thanks to the Board for removing the County from the International Council for Local Environmental Initiatives (ICLEI).

3. Mr. Ed Oyer, 139 Indian Circle, discussed the capacity of schools; the amount of election mail he received; and stated that citizens are paying more attention to local elections.

F. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson mentioned a public hearing being conducted by the Federal Communications Commission (FCC) at the James City County Library on proposed cell towers in Kingsmill.

Ms. Jones stated that she attended the grand opening of Food Lion and the County's Celebration of Business. She congratulated Busch Gardens for winning the John Smith Award.

Mr. Kennedy stated that he received his invitation to the Food Lion grand opening the day before the event and noted that political mail had been lost by the post office in Sandston, Virginia. He requested that a letter be written to the post master.

G. CONSENT CALENDAR

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

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

1. Minutes –
 - a. October 25, 2011, Work Session
 - b. October 25, 2011, Regular Meeting
2. Grant Award – Bulletproof Vest Program (BVP) – \$6,890

RESOLUTION

GRANT AWARD – BULLETPROOF VEST PROGRAM (BVP) - \$6,890

WHEREAS, the James City County Police Department has been awarded a Bulletproof Vest Program (BVP) grant from the Office of Justice Programs' Bureau of Justice Assistance for \$6,890 (\$3,445 grant/\$3,445 local match); and

WHEREAS, the grant requires a match of \$3,445, which is available in the Special Projects/Grants Fund; and

WHEREAS, the funds are to be used to purchase approximately ten replacement bulletproof vests for officers.

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 appropriation amendment to the Special Projects/Grants Fund:

Revenues:

BVP-FY 12	\$3,445
Special Projects/Grants Fund	<u>3,445</u>
Total	<u>\$6,890</u>

Expenditures:

BVP – FY 12	<u>\$6,890</u>
-------------	----------------

3. Grant Appropriation – Neighbors Drive/Richmond Road Project Planning Grant – \$30,000

RESOLUTION

GRANT APPROPRIATION – NEIGHBORS DRIVE/RICHMOND ROAD PROJECT

PLANNING GRANT – \$30,000

WHEREAS, the Virginia Department of Housing and Community Development (VDHCD) has awarded James City County a \$30,000 Community Development Block Grant (CDBG); and

WHEREAS, the grant will fund the cost of engineering services for planning and conceptual design of infrastructure and, in part, County staff resources to complete housing inspections, property research, CDBG construction grant application preparation, and the project planning activities in the Neighbors Drive/Richmond Road area; and

WHEREAS, there is no local match required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following amendment to the Community Development Fund budget:

Revenue:

CDBG Project Planning Grant	<u>\$30,000</u>
-----------------------------	-----------------

Expenditure:

CDBG Project Planning	<u>\$30,000</u>
-----------------------	-----------------

4. Grant Award – Virginia E-911 Services Board Public Safety Answering Point (PSAP) – \$2,000

RESOLUTION

GRANT AWARD – VIRGINIA E-911 SERVICES BOARD PUBLIC SAFETY

ANSWERING POINT (PSAP) – \$2,000

WHEREAS, the James City County Fire Department Emergency Communications Division has been awarded a \$2,000 grant from the Virginia E-911 Services Board under the Public Safety Answering Point (PSAP) Grant Program for the Wireless E-911 PSAP Education Program; and

WHEREAS, the funds are to be used for 9-1-1/public safety communications education and training; and

WHEREAS, the grant does not requires a local match.

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:

PSAP Grant-Education \$2,000

Expenditure:

PSAP Grant-Education \$2,000

- 5. Grant Award – Virginia Department of Emergency Management – \$34,692

RESOLUTION

GRANT AWARD – VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT – \$34,692

WHEREAS, the James City County Fire Department’s Division of Emergency Management has been awarded a Local Emergency Management Performance Grant (LEMPG) in the amount of \$34,692 from the Virginia Department of Emergency Management (VDEM) using funds from the United States Department of Homeland Security’s 2011 LEMPG grant cycle; and

WHEREAS, the funds are to be used toward the enhancement of the County’s Emergency Management Program; and

WHEREAS, the grant requires a 100 percent in-kind match, which is met through the Division of Emergency Management’s regular operating budget.

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:

VDEM-LEMPG \$34,692

Expenditure:

VDEM-LEMPG \$34,692

6. Adoption of the James City County Emergency Operations Plan 2011

RESOLUTION

ADOPTION OF THE JAMES CITY COUNTY EMERGENCY OPERATIONS PLAN 2011

WHEREAS, the Commonwealth of Virginia and James City County recognize the threats that natural, technological, and human-caused hazards pose to citizens and property within our community; and

WHEREAS, the safety and protection of the citizens and property is of foremost concern to the Board of Supervisors of James City County; and

WHEREAS, the Virginia Department of Emergency Management has reviewed the James City County Emergency Operations Plan; and

WHEREAS, the Board of Supervisors desires and the Virginia Department of Emergency Management requires the adoption of appropriate planned protective measures.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the James City County Emergency Operations Plan dated October 2011.

H. PUBLIC HEARINGS

1. Case No. SUP-0006-2011. 126 Shellbank Drive Accessory Apartment

Ms. Leanne Reidenbach, Senior Planner, presented a request from property owner Mr. Roger Hunt for a Special Use Permit (SUP) to expand an existing legally nonconforming accessory apartment by 250 square feet in the First Colony Subdivision. Ms. Reidenbach stated that the proposal meets all requirements set forth in the County ordinances for accessory apartments and that staff recommends approval.

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

Mr. McGlennon made a motion to approve the resolution.

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

RESOLUTION

CASE NO. SUP-0006-2011. 126 SHELLBANK DRIVE ACCESSORY APARTMENT

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Mr. Roger Hunt has applied for an SUP to allow the expansion of an existing nonconforming accessory apartment on his single-family dwelling ("Apartment"); and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0006-2011; and

WHEREAS, the proposed Apartment is depicted on the plan prepared by Roger S. Guernsey, dated May 13, 2011, and entitled "Hunt Residence Alterations;" and

WHEREAS, the proposed Apartment will be constructed in its entirety on property zoned R-1, Limited Residential, further identified as Parcel (2-5) on James City County Real Estate Tax Map No. (45-1) in First Colony; and

WHEREAS, the Planning Commission, following its public hearing on October 5, 2011, voted 7-0 to recommend approval of Application No. SUP-0006-2011.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve SUP Application No. SUP-0006-2011, as described herein, pursuant to the following conditions:

1. **Plan:** This SUP shall be valid for one accessory apartment generally as shown on the plans drawn by Roger S. Guernsey, titled Hunt Residence Alterations, and dated May 13, 2011. The accessory apartment shall not exceed 35 percent of the total floor area of the dwelling.
2. **Deed Restriction:** Prior to the issuance of a Certificate of Occupancy (CO) for the accessory apartment expansion, the applicant shall be responsible for recording with the Clerk of the Circuit Court a deed restriction, approved by the County Attorney, on the property. The deed restriction shall stipulate that the accessory apartment shall be used, occupied, and maintained in accordance with the conditions set forth in the Board of Supervisors' resolution approving the SUP. A copy of the Board of Supervisors' resolution shall be attached to the deed restriction as an exhibit. A court-certified copy of the recorded deed restriction shall be submitted to Building Safety and Permits and the Proffer Administrator along with the CO application.
3. **Rental of Apartment:** The owner of the property shall occupy the principal dwelling as long as the accessory apartment is rented.
4. **Parking:** A minimum of three off-street parking spaces shall be maintained at all times for use by the occupants of the principal dwelling and the accessory apartment.
5. **Commencement:** Within 18 months of the issuance of this SUP, the accessory apartment shall receive a CO, or the SUP shall become void.
6. **Severance Clause:** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Case No. SUP-0009-2011. Hornsby Middle School Temporary Classroom Trailers

Mr. Jose Ribeiro, Senior Planner, stated that Mr. Bruce Abbott of AES Consulting Engineers applied for an SUP on behalf of the Williamsburg-James City County Public Schools for installation of three temporary classroom trailers at Hornsby Middle School until July 2017. The trailers are necessary to accommodate growing enrollment. Staff recommended approval of the application with conditions.

Ms. Jones noted that Superintendent of Schools Dr. Steven Constantino and Planning Commissioner Rich Krapf were in attendance.

Mr. Icenhour asked for a better description of the plan for getting rid of the trailers. He stated that he was concerned that the trailers would be allowed for five years under this proposal.

Dr. Constantino explained that he had requested a full review of the issue including enrollment projections and a capacity study. In addition, he would review the analysis conducted by a citizen group on the issue. He stated that he would present the School Board with options for addressing the overcrowding issue at Hornsby Middle School.

Mr. Icenhour emphasized these trailers are a short-term solution.

Mr. Kennedy asked about spot redistricting.

Dr. Constantino stated that spot redistricting is an option.

Mr. Kennedy stated that he does not think trailers are a good option.

Ms. Jones opened the Public Hearing.

Mr. Ed Oyer expressed concern about how little space is used in Hornsby Middle School for core instruction.

In response to questions from Mr. Goodson and Mr. McGlennon, Dr. Constantino acknowledged that this request preceded the need, but stated that he expected the School Board to make a decision on how to address the overcrowding in February 2012 and that he did not want to request an SUP at the last minute if it is necessary.

Mr. Icenhour made a motion to approve the resolution.

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

RESOLUTION

CASE NO. SUP-0009-2011. HORNSBY MIDDLE SCHOOL

TEMPORARY CLASSROOM TRAILERS

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Mr. Bruce Abbott has applied, on behalf of Williamsburg-James City County Public Schools, for an SUP to install three temporary classroom trailers at Hornsby Middle School, located at 850 Jolly Pond Road, and further identified as James City County Real Estate Tax Map No. 3020100011.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of an SUP for the installation of three temporary classroom trailers as described herein and shown on the attached site location maps with the following conditions:

1. No more than three classroom trailers shall be permitted at Hornsby Middle School.
2. This SUP for Hornsby Middle School shall expire on July 1, 2017.
3. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

I. BOARD CONSIDERATIONS

1. Resolution to Rescind Approval of Commercial Districts Zoning Ordinances

Mr. Middaugh stated that this item had been requested by Mr. Kennedy.

Mr. Kennedy made a motion to approve the resolution.

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

RESOLUTION

TO RESCIND APPROVAL OF COMMERCIAL DISTRICTS ZONING ORDINANCES

WHEREAS, the Board of Supervisors, at its October 11 meeting, approved amendments to the Commercial Districts Zoning Ordinances, specifically the following:

Article I, Section 24-11, Commercial Special Use Permits;
Article III, Section 24-147, Development Review Committee Criteria;
Article V, Division 9, Limited Business, LB;
Article V, Division 10, General Business, B-1;
Article V, Division 11, Limited Business/Industrial, M-1; and
Article V, Division 12, General Industry, M-2; and

WHEREAS, the Chairman of the Planning Commission had identified discrepancies between what was considered by the Planning Commission and its Policy Committee, and the ordinances considered by the Board; and

WHEREAS, there are discrepancies between the version seen by the Board at its work session and the version that the Board considered at its October 11 meeting.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby rescinds the approval of the Commercial Districts Zoning Ordinances as described above at the October 11 meeting.

BE IT FURTHER RESOLVED that the Board of Supervisors directs the Planning Commission to review the Commercial Districts Zoning Ordinances at its December 7 meeting, address the known discrepancy of fast food restaurants, and ensure that no other discrepancies exist.

2. 2012 Legislative Agenda

Mr. Leo Rogers, County Attorney, stated that this was the last opportunity to review the Legislative Agenda before discussing it at the November 22, 2011, Board work session with the General Assembly delegation.

Mr. Goodson stated that he was not comfortable with the Main Street Fairness Act. He stated that it would be difficult for small businesses to administer and that it could discourage internet businesses from locating or staying in Virginia.

Mr. McGlennon stated that local vendors are required to charge a sales tax and are at a competitive disadvantage to internet vendors.

Mr. Kennedy stated that he does not support the item on the Legislative Agenda which states that the County supports the agendas of the Virginia Association of Counties (VACo), the Virginia Municipal League (VML), and the High Growth Coalition.

Mr. Goodson stated that he does not object to discussing the Main Street Fairness Act at the work session, but would prefer not to include it in the agenda.

The Board agreed to this strategy by consensus.

J. PUBLIC COMMENT

Mr. Ed Oyer continued his discussion regarding school capacity.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh reminded the public that the County offices are closed on Veterans Day and highlighted the events that are taking place during Veterans Day weekend.

L. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy stated that he did not want the Board to get into the habit of not going into Closed Session to make appointments. He said that sometimes discussion in Closed Session is necessary.

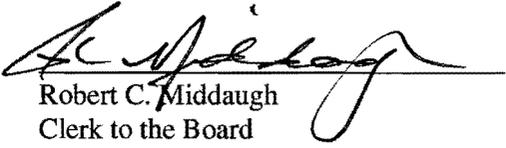
Mr. Goodson made a motion to appoint Ms. Robin Carson to the Economic Development Authority and to recommend Mr. Chris Kedrick to the Circuit Court Judge for appointment to the Board of Equalization.

M. ADJOURNMENT to 4 p.m. on November 22, 2011.

Mr. Icenhour made a motion to adjourn.

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

At 7:53 p.m., Ms. Jones adjourned the Board until 4 p.m. on November 22, 2011.


Robert C. Middaugh
Clerk to the Board

110811bos_min