

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF FEBRUARY 2012, 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
John J. McGlennon, Vice Chairman, Roberts District
James G. Kennedy, Stonehouse District
James O. Icenhour, Jr., Powhatan District

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

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Abigail Sabo, a 4th grade student from Stonehouse Elementary School, led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATIONS - none

F. PUBLIC COMMENTS

Ms. Jones announced that the Board discussion regarding the Jamestown appointment is not a public hearing and if anyone wished to speak on that matter now would be the time to do so.

1. Mr. Sasha Digges, 3612 Ironbound Road, expressed thanks and appreciation to the Board for helping to defeat the mausoleum bill. Mr. Digges also thanked the citizens in the community for supporting him in his quest to defeat the bill.

2. Ms. Mary Catherine Digges, 3612 Ironbound Road, expressed thanks and appreciation to the Board, individually and collectively, for helping to defeat HB316 and SB430. Ms. Digges also expressed thanks to Mr. Middaugh and Mr. Rogers for going above and beyond their call of duty in helping to get the bill defeated. Ms. Digges also publically thanked many community associations for their assistance in defeating the bill.

3. Mr. Daniel Smith, 5316 Gardner Court, gave an invocation to the Board.

4. Mr. Keith Sadler, 9929 Mountain Berry Court, Toano, expressed his opposition to the Historic Triangle Comprehensive Plan collaboration. Mr. Sadler read a few excerpts from a resolution from Gaston County Board of Commissioners, North Carolina, rejecting Agenda 21.

5. Mr. Ed Oyer, 139 Indian Circle, talked about supporting the troops. He also read excerpts from the Virginia Driving Manual regarding hand position on the wheel, changing lanes, and lane position. Mr. Oyer also talked about home value depreciation.

G. BOARD REQUESTS AND DIRECTIVES

Ms. Jones proclaimed February 13-17, 2012, as Constitutional Officers Appreciation Week in James City County for the services that they provide to the citizens of the County.

Mr. Icenhour expressed thanks and appreciation to the Virginia Department of Transportation (VDOT) for fixing the pothole problems in a prompt manner. Mr. Icenhour also expressed thanks to New Town Properties for fixing the Windsor Meade erosion problem. Mr. Icenhour thanked Mr. Middaugh and Mr. Rogers for their contributions in helping to defeat HB316 and SB430.

Ms. Jones spoke about attending Legislative Day on February 9, 2012, with Mr. McGlennon and Mr. Icenhour. Ms. Jones expressed appreciation for time spent with Senator Thomas K. Norment, Jr. She also expressed thanks to Mr. Middaugh and Mr. Rogers for their time spent defeating the cemetery bill. Ms. Jones expressed appreciation to Delegate Mike Watson and Delegate Brenda L. Pogge for their efforts on behalf of the citizens of James City County on the cemetery bill.

H. CONSENT CALENDAR

1. Minutes –
 - a. January 21, 2012, Budget Retreat Meeting
 - b. January 24, 2012, Work Session Meeting
 - c. January 24, 2012, Regular Meeting
2. Grant Award – Commonwealth Attorney – V-STOP Grant Program Fund – \$57,378

RESOLUTION

GRANT AWARD - COMMONWEALTH ATTORNEY -

V-STOP GRANT PROGRAM - \$57,378

WHEREAS, the Commonwealth Attorney for the City of Williamsburg and James City County has been awarded a \$57,378 grant from the V-STOP Grant Fund (Federal share \$28,372; County match \$29,006) through the State Department of Criminal Justice Services; and

WHEREAS, this grant would fund the personnel costs of a position to advocate for victims of crimes involving domestic violence, sexual abuse, and stalking beginning January 1, 2012, through December 31, 2012; and

WHEREAS, this grant requires a local cash or in-kind match of \$29,006, which is available in the Commonwealth Attorney's general fund account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the Victim's Witness Fund through December 31, 2012, for the purpose described above:

Revenues:

CY 12 V-Stop Department of Criminal Justice Services Federal Revenue (DCJS)	\$28,372
CY 12 V-Stop James City County Matching Funds	<u>29,006</u>
Total:	<u>\$57,378</u>

Expenditure:

CY 12 V-Stop Grant Program	<u>\$57,378</u>
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- 3. Grant Award – Commonwealth Attorney – Virginia Domestic Violence Victim Fund – \$37,981

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

On a roll call vote, the vote was: AYE: McGlennon, Icenhour, Kennedy, Jones (4). NAY: (0).

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, 2012.

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, 2012, for the purpose described above:

Revenue:

CY 12 Virginia Domestic Violence Victim Fund	<u>\$37,981</u>
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Expenditure:

CY 12 Virginia Domestic Violence Victim Fund \$37,981

I. PUBLIC HEARING

1. Appropriation – Hurricane Irene – \$2,554,000

Ms. Sue Mellen, Assistant Manager of Financial and Management Services, addressed the Board regarding the appropriation of funds that the County has claimed for reimbursement from its insurance carrier and the Federal Emergency Management Agency (FEMA).

Mr. McGlennon made a motion to approve the appropriation.

On a roll call vote, the vote was: AYE: McGlennon, Icenhour, Kennedy, Jones (4). NAY: (0).

RESOLUTION

APPROPRIATION – HURRICANE IRENE – \$2,554,000

WHEREAS, in August 2011 Hurricane Irene caused heavy rains and high winds in James City County; and

WHEREAS, Emergency Protective measures were taken to save lives, protect public health, safety, and improved property and damage to public facilities has been repaired; and

WHEREAS, James City County has filed for claims of reimbursement from its insurance carrier and the Federal Emergency Management Agency (FEMA) totaling \$2,554,000; and

WHEREAS, FEMA claims are cost-shared by the Federal government at 75 percent, State government at 15 percent, and James City County at 10 percent, with the County’s share available in fund balance.

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:

Revenues:

Federal Government	\$1,900,000
State Government	382,000
Fund Balance	250,000
Insurance Proceeds	<u>22,000</u>
Total:	<u>\$2,554,000</u>

Expenditure:

Storm Expenses	<u>\$2,554,000</u>
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J. BOARD CONSIDERATION

1. Jamestown District Supervisor Discussion

Ms. Jones thanked all the applicants who have expressed interest in applying for the position of Jamestown Supervisor for wanting to serve their community. Ms. Jones stated that the Board will either fill the position or if the Board cannot come to a decision the matter will go before a judge to fill the seat.

Mr. Kennedy expressed concern about the Economic Interest Statements not being received for all the applicants.

Mr. Rogers responded that the paperwork has to be filed, but that there was a period of time allowing the applicant to do so before being sworn in and that this matter was not a prerequisite for the application process.

Mr. Kennedy stated that he received a little public reaction to this matter. Mr. Kennedy explained why he nominated Ms. Robin Bledsoe.

Mr. McGlennon and Mr. Icenhour expressed what they were looking for in a candidate.

Mr. Kennedy nominated Ms. Bledsoe for the position of Supervisor for the Jamestown District.

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

Ms. Jones nominated Ms. Kelly Mihalcoe for the position of Supervisor for the Jamestown District.

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

Mr. McGlennon nominated Mr. Wilford Kale for the position of Supervisor for the Jamestown District.

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

Mr. Icenhour nominated Mr. Michael Brown for the position of Supervisor for the Jamestown District.

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

Ms. Jones asked that this matter be referred to the Circuit Court.

K. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, expressed disappointment that the Board could not come to a decision in filling the vacant seat for the Jamestown District.

L. REPORT OF THE COUNTY ADMINISTRATOR

Mr. Middaugh drew attention to the County's new logo which was entirely developed by County staff. He also mentioned that no funds were expended.

Mr. Middaugh asked the Board to consider a motion to amend its calendar to provide for a joint meeting with the Williamsburg City Council and School Board on March 7, 2012, at 8 a.m.

Mr. Middaugh stated that the County offices will be closed on Monday, February 20, 2012, in observance of Presidents Day.

Mr. Middaugh advised the Board that there were originally two items on the agenda that were to be discussed during closed session. Mr. Middaugh stated that the Board agreed to an open discussion regarding the appointments to:

- a. Chesapeake Bay Board/Wetlands Board
- b. Purchase of Development Rights Committee
- c. Clean County Commission

Mr. Middaugh stated that the School Contract Negotiation will be held in Closed Session.

M. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon made a motion to amend the calendar to add March 7, 2012, at 8 a.m. to meet with City Council and School Board and to change the time of a meeting scheduled for May 2, 2012, from 7 p.m. to 4 p.m.

On a roll call vote, the vote was: AYE: McGlennon, Icenhour, Kennedy, Jones (4). NAY: (0).

Mr. McGlennon made a motion to nominate the following people to the following Boards:

- a. Chesapeake Bay Board/Wetlands Board – Mr. William Apperson
- b. Purchase of Development Rights Committee – Mr. Larry B. Abbott and Ms. Loretta Garrett
- c. Clean County Commission – Mr. Robert Marin

On a roll call vote, the vote was: AYE: McGlennon, Icenhour, Kennedy, Jones (4). NAY: (0).

N. CLOSED SESSION

Mr. McGlennon made a motion for the Board to go into Closed Session pursuant to Section 2.2-3711(A)(6) of the Code of Virginia to discuss contract negotiations where financial interests of the County are involved.

- a. School Contract Negotiation

Mr. McGlennon made a motion to adopt the closed session resolution.

On a roll call vote, the vote was: AYE: McGlennon, Icenhour, Kennedy, Jones (4). NAY: (0).

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.

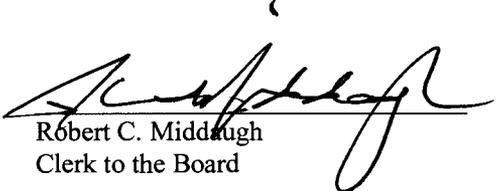
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this 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, consider a personnel matter(s), the appointment of individuals to County boards and/or commissions; and Section 2.2-3711(A)(6) of the Code of Virginia, to discuss contract negotiations where financial interests of the County are involved.

O. ADJOURNMENT

Mr. McGlennon made a motion to adjourn until February 28 at 4 p.m.

On a roll call vote, the vote was: AYE: McGlennon, Icenhour, Kennedy, Jones (4). NAY: (0).

At 8:17 p.m., Ms. Jones adjourned the Board.


Robert C. Middaugh
Clerk to the Board