

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF MAY 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
W. Wilford Kale, Jr., Jamestown 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 – Craig Donvito, an 11th-grade student at Jamestown High School, led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATIONS - None

F. PUBLIC COMMENT

Ms. Jones informed the audience that the FY 2013-2014 budget adoption is listed on the agenda under Board Considerations and that if anyone wished to speak about the budget, the time to do so would be on the first or second Public Comment section.

1. Mr. Robert Venable, 9212 Diascund Road, Lanexa, gave an invocation to the Board.
2. Ms. Rosanne Reddin, 2812 King Rook Court, Williamsburg, invited the Board to hear Ms. Rosa Corey, representing Democrats Against Agenda 21, speak at the Crowne Plaza in Williamsburg, May 21, 2012, at 7 p.m.
3. Mr. Randy O'Neill, 109 Sheffield Road, Williamsburg, addressed the Board concerning children's health programs in schools.
4. Mr. Richard Swanenburg, 4059 South Riverside Drive, Lanexa, addressed the Board about a 1995 effort to ban boating on the Chickahominy River.

5. Ms. Sue Sadler, 9929 Mountain Berry Court, Toano, addressed the Board regarding United Nations Agenda 21.

6. Mr. Keith Sadler, 9929 Mountain Berry Court, Toano, advised the Board that he attended the Historic Triangle Planning meeting on April 30, 2012. He stated that the questions and concerns of many of the attendees were not mentioned or addressed. Mr. Sadler expressed concern about United Nations Agenda 21.

7. Mr. Ed Oyer, 139 Indian Circle, Williamsburg, expressed thanks to the Fire Department for going door-to-door checking on smoke detectors. Mr. Oyer informed the Board that the Virginia Department of Transportation (VDOT) cleaned the gutters along Route 60. He stated that there are gutters along Route 60 in Grove that still need to be cleaned.

8. Mr. David Nice, 4571 Ware Creek Road, Williamsburg, along with Mr. Phil Murdock, representing the Toano Volunteer Fire Department, thanked the Board for its support of Public Safety in the County Budget.

9. Mr. Nathan Walker, 101 Locust Place, Williamsburg, addressed the Board concerning United Nations Agenda 21.

G. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon mentioned that in response to drainage issues in the Grove area, the County Stormwater Division has been working to clear up some of the areas that have experienced flow backups.

Mr. Kennedy stated that trees in the center medians, from Toano to the City of Williamsburg, are in need of trimming. Mr. Kennedy stated that he has received comments from small business owners regarding the budget funding for Busch, Xanterra, and Owens-Illinois. He stated that the small business owners are feeling left out because they do not know what is being done for small businesses. Mr. Kennedy also spoke about a motel on Route 60 and expressed his appreciation that it is boarded up. He stated that the grass is tall and needs to be taken care of.

Mr. Middaugh reminded the Board that one of the proposed budget initiatives is to provide contract help to the General Services crews, which allows them the opportunity to put effort into and to upgrade the quality of the medians.

H. CONSENT CALENDAR

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

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

1. Minutes –
 - a. April 24, 2012, Budget Work Session
 - b. April 24, 2012, Regular Meeting

- 2. Grant Award and Purchase Order – Office of Emergency Medical Services (OEMS) EMS Training Equipment Special Initiative Grant – \$105,029

RESOLUTION

GRANT AWARD AND PURCHASE ORDER – OFFICE OF EMERGENCY MEDICAL SERVICES (OEMS) EMS TRAINING EQUIPMENT SPECIAL INITIATIVE GRANT – \$105,029

WHEREAS, the James City County Fire Department has been awarded an EMS Training Equipment Special Initiative Grant for Accredited Advanced Life Support (ALS) Training Programs in the amount of \$105,029 from the Commonwealth of Virginia Department of Health, Office of Emergency Medical Services (OEMS); and

WHEREAS, the funds are to be used for the purchase of EMS training equipment for training ALS providers in Virginia; and

WHEREAS, the training equipment package funded by the grant has been approved by OEMS and pricing for the equipment package is based upon the State contract with Laerdal Medical Corporation for the purchasing of manikins; and

WHEREAS, cooperative procurement action is authorized by Chapter 1, Section 5, of the James City County Purchasing Policy and the Virginia Public Procurement Act; and

WHEREAS, the grant requires no 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:

EMS Training Equipment Special Initiative Grant	<u>\$105,029</u>
---	------------------

Expenditure:

EMS Training Equipment Special Initiative Grant	<u>\$105,029</u>
---	------------------

BE IT FURTHER RESOLVED that the Board of Supervisors hereby authorizes the issuance of a purchase order to Laerdal Medical Corporation for EMS training equipment in the amount of \$105,029.

3. Contract Award – Replacement Ambulance – \$238,930

RESOLUTION

CONTRACT AWARD – REPLACEMENT AMBULANCE – \$238,930

WHEREAS, funds are available in a Rescue Squad Assistance Fund (RSAF) grant award and the FY 2012 Capital Improvement Fund (CIP) budget for the purchase of a replacement ambulance; and

WHEREAS, cooperative procurement action is authorized by Chapter 1, Section 5 of the James City County Purchasing Policy and the Virginia Public Procurement Act, and the Houston-Galveston Area Council issued a cooperative purchasing contract to FESCO Emergency Sales as a result of a competitive sealed Invitation for Bid; and

WHEREAS, Fire Department, Fleet, and Purchasing staff determined the contract specifications meet the County’s performance requirements for an ambulance and negotiated a price of \$238,930 with FESCO Emergency Sales for a 2013 Horton medium-duty ambulance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with FESCO Emergency Sales for a 2013 Horton medium-duty ambulance in the amount of \$238,930.

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 require 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. Capital Improvement Program Strategy to Meet TMDL Water Quality Goals – National Fish & Wildlife Foundation Local Government Capacity Building Initiative Grant Application – \$150,000

RESOLUTION

CAPITAL IMPROVEMENT PROGRAM STRATEGY TO MEET TMDL WATER

QUALITY GOALS - NATIONAL FISH & WILDLIFE FOUNDATION LOCAL GOVERNMENT

CAPACITY BUILDING INITIATIVE GRANT APPLICATION - \$150,000

WHEREAS, the National Fish and Wildlife Foundation is soliciting proposals to restore the habitats and water quality of the Chesapeake Bay and its tributaries through the Chesapeake Bay Stewardship Fund; and

WHEREAS, the National Fish and Wildlife Foundation is providing financial assistance to selected local governments to overcome specific challenges and barriers to improving water quality through the Local Government Capacity Building Initiative (LGCBI); and

WHEREAS, James City County wishes to apply for \$150,000 in LGCBI funds to be used in developing a capital improvement program strategy to meet the County's anticipated Total Maximum Daily Load (TMDL) requirements; and

WHEREAS, James City County has allocated almost \$ 5 million over the past five-year period to capital improvements for water quality; and

WHEREAS, James City County has undertaken watershed-based planning since 2002, committing almost \$1 million in funds to accomplish the same; and

WHEREAS, the project will result in a comprehensive approach to water quality improvements, building on the County's current program, documenting the variety of contributions James City County has made towards water quality improvements; and

WHEREAS, the project will benefit James City County citizens in ensuring that available capital improvement funds are used in an efficient and effective manner to promote the safety and general welfare through improved water quality.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby wishes to apply for \$150,000 of LGCBI Funds for the Capital Improvement Program Strategy to Meet TMDL Goals 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 understandings and assurances contained therein, and to provide such additional information as may be required for the submittal of the LGCBI proposal.

I. PUBLIC HEARINGS

1. Case No. SUP-0003-2012. David Nice Building Expansion

Mr. Jason Purse, Senior Planner II, advised the Board that Mr. Brandon Nice has applied for a Special Use Permit (SUP) to allow for an expansion to an existing contractor's office on a parcel in an A-1, General Agricultural District, located at 4575 Ware Creek Road. He stated that there is an existing 4,415-square-foot building located on the site. He stated that the expansion includes an 828 square foot-increase to the building footprint, which will be used as a first-floor conference room. Mr. Purse stated that in order to provide flexibility for future expansion, Mr. Nice has requested a second floor be added to the application. Mr. Purse informed the Board that the proposed expansion will be two stories totaling approximately 1,656 square feet. Mr. Purse stated that the proposal is compatible with the 2009 Comprehensive Plan.

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 approve the resolution for the expansion.

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

RESOLUTION

CASE NO. SUP-0003-2012. DAVID NICE BUILDING EXPANSION

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. Brandon Nice has applied for an SUP to allow an expansion to the existing David A. Nice Builders, Incorporated office building in an A-1 zoning district; and

WHEREAS, the proposed expansion is not to exceed 1,700 square feet; and

WHEREAS, the property is located at 4575 Ware Creek Road on land zoned R-8, Rural Residential, and can be further identified as James City County Real Estate Tax Map/Parcel No. 1410100015B; and

WHEREAS, the Planning Commission of James City County, following its public hearing on April 4, 2012, recommended approval of this application by a vote of 5-0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2009 Comprehensive Plan Land Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing, does hereby approve the issuance of SUP 0003-2012 as described herein with the following conditions:

1. Master Plan: This Special Use Permit (the "SUP") shall be valid for an addition, not to exceed 1,700 square feet, to the existing 4,415-square-foot building located at 4575 Ware Creek Road and also identified as James City County Tax Map/Parcel No. 1410100015B (the "Property"). Development and use of the Property shall be generally in accordance

with and bound by the Master Plan entitled “David A. Nice Builders Conference Room Addition”, prepared by Mike Suerdieck and dated December 6, 2011 and updated on March 2, 2012 (the “Master Plan”), with such minor changes as the Director of Planning determines does not change the basic concept or character of the development.

2. Commencement of Use: If construction has not commenced on the project within 12 months from the issuance of the SUP, the permit shall become void. Construction shall be defined as obtaining permits for building construction and a final framing inspection of the addition.
3. Architectural Review: The building materials and colors of the addition shall match those of the existing office building. The colors and building materials shall be submitted to the Director of Planning or his designee for review and approval prior to final site plan approval.
4. Lighting: All new exterior lighting fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Director of Planning prior to final site plan approval. “Glare” shall be defined as more than 0.1 foot-candle at the property line or any direct view of the lighting source from the adjoining properties.
5. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Case No. SUP-0001-2012/Z-0001-2012. Williamsburg Seventh-day Adventist Church Expansion

Mr. Jose Ribeiro, Senior Planner I, stated that Mr. James Peters, AES Consulting Engineers, has applied on behalf of the Williamsburg Seventh-day Adventist Church for an SUP to allow the expansion of the existing church building. He stated that concurrent with the SUP application, a request to amend existing proffers regarding the scenic easement was also being sought by the applicant. He stated that the property is zoned R-1, Limited Residential, and designated by the 2009 Comprehensive Plan as Low Density Residential. He stated that the Church is located on a 9.2 acre parcel in approximately the center of the property. He stated that much of the property’s perimeter is covered by vegetation offering a natural buffer from adjacent properties. He stated that this property was part of a larger parcel of approximately 363 acres, which was rezoned in 1986. He stated that in 1987 an application to amend approved proffers was granted by the Board of Supervisors. He stated the purpose of the 1987 amendment was to exempt a 9.2 acre tract of land from approved proffers and to allow for the development of a church and accessory uses. He stated that one of the proffers associated with the Church, retained from the original rezoning, established a scenic easement along the entire property frontage, 145 feet from the center line of Route 5. He stated that the applicant has indicated a desire to maintain the scenic easement by removing, pruning, and planting vegetation. However, he stated that the proffer, as currently written, does not allow for this type of activity within the scenic easement. He stated that the purpose of the proffer amendment is to allow flexibility to maintain the vegetation within the scenic easement. He stated that given the environmentally sensitive nature of the scenic easement and the importance of Route 5 as a Community Character Corridor (CCC), the amended proffers require the approval of the Planning Director prior to any activity inside the easement. Mr. Ribeiro stated that the proposal also requests an SUP to allow a 5,500 square-foot-expansion of the existing church building. He stated that, according to the applicant, the expansion would not increase the seating capacity of the existing church, which currently has 150 seats. He stated the expansion is proposed as a multi-purpose area for social gatherings,

meetings, and classrooms. He stated that on April 4, 2012, the Planning Commission recommended approval of the application by a vote of 5-0. Mr. Ribeiro advised the Board that he would be glad to answer any questions and that the applicant was also present to answer any questions.

Mr. McGlennon questioned pruning the scenic easement. He stated that the purpose of the buffer is to make the construction less visible from the road. He stated that he read in the staff report the mention of the desire of the pruning was to allow a greater visibility of the existing building from the road.

Mr. Ribeiro responded that the proffers, as proposed, will allow the Planning Director the ability to meet with the applicant and make a determination of what type of vegetation can be pruned and removed.

Mr. McGlennon stated that he wanted to make sure that the County's interest in maintaining the scenic easement and the CCC is preserved.

Ms. Jones opened the Public Hearing.

1. Mr. Michael Messervy, Pastor of the Williamsburg Seventh-day Adventist Church, 186 Racefield Drive, Toano, thanked the Board for considering the project. He stated that they are a small church that has approximately 75 worshipers that attend Saturday services. Mr. Messervy addressed Mr. McGlennon's concern regarding the preservation of the scenic easement and advised the Board that the James City County Police have approached him and requested that the church clear some of the vegetation, because they could not see the property.

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

Mr. Kennedy made a motion to approve the resolutions.

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

RESOLUTION

CASE NO. SUP-0001-2012. WILLIAMSBURG SEVENTH-DAY

ADVENTIST CHURCH EXPANSION

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

WHEREAS, Mr. James Peters has applied on behalf of Potomac Conference Corporation of Seventh-day Adventists for an SUP to bring the entire site into compliance with current zoning regulations and allow the construction of a 5,500-square-foot multi-purpose building accessory to a house of worship; and

WHEREAS, the proposed development is shown on a plan prepared by AES Consulting Engineers, titled "Master Plan for Special Use Permit Seventh Day Adventist Church," dated January 25, 2012, and revised on February 23, 2012; and

WHEREAS, the property is located at 3989 John Tyler Highway and can be further identified as JCC Real Estate Tax Map/Parcel No. 4610100002B; and

WHEREAS, the Planning Commission, following its public hearing on April 4, 2012, voted 5-0 to recommend approval of this application; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2009 Comprehensive Plan Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0001-2012 as described herein with the following conditions:

1. Master Plan: This SUP shall be valid for the existing church building and accessory uses, and the construction of a one-story multi-purpose building of approximately 5,500 square feet in size on the property located at 3989 John Tyler Highway and further identified as JCC Parcel No. 4610100002B (the "Property"). Development of the Property shall be generally in accordance with the Master Plan entitled "Master Plan for Special Use Permit Seventh Day Adventist Church," prepared by AES Consulting Engineers, dated January 25, 2012, and revised on February 23, 2012 (the "Master Plan") with such minor changes as the Planning Director determines does not change the basic concept or character of the development.
2. Land Use: The land use of the proposed 5,500-square-foot multi-purpose building shall be generally in accordance with information provided by the Community Impact Statement titled "Addition to Williamsburg Seventh-day Adventist Church," prepared by AES Consulting Engineers, dated January 25, 2012, and revised February 21, 2012.
3. Traffic Study Analysis: At the time of site plan application to the County, the applicant shall provide the Virginia Department of Transportation (VDOT) a Traffic Study Analysis identifying the Institute of Transportation Engineers (ITE) Code and use of the parcel, functional classification of the roadway, existing Annual Average Daily Traffic (AADT), Trip Generation Report, and Turn Lane and Taper Warrant Analysis for the Route 5 entrance. Said study shall be reviewed and approved by VDOT prior to final site plan approval. The applicant shall implement any requirements for traffic improvements deemed necessary by the Planning Director or his designee, prior to issuance of a Certificate of Occupancy for the expansion on the site.
4. Signs: All signs and sign locations shall be reviewed and approved by the Planning Director or his designee prior to final site plan approval.
5. Dumpsters: All new dumpsters shall be screened by landscaping and/or fencing in a location approved by the Planning Director or his designee prior to final site plan approval.
6. Architectural Elevations: Prior to final site plan approval, the Planning Director or his designee shall review and approve a final building elevations and architectural design for the proposed expansion. Such building shall be reasonably consistent, as determined by the Planning Director or his designee, with the architectural elevations date stamped February 28, 2012.
7. Lighting: All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee, which indicates no glare outside the property lines. All light poles shall not

exceed 20 feet in height unless otherwise approved by the Planning Director prior to final site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from the adjoining properties.

8. Water Conservation Agreement: The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (JCSA) prior to final site plan approval. The standards shall include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-resistant native and other adopted low-water-use landscaping materials and warm-season turf where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
9. Irrigation: In the design phase, the developer and/or designer engineer shall include the design of stormwater systems that can be used to collect stormwater for outdoor water use not met by existing wells for the Property. Only surface water collected from surface water impoundments or existing wells may be used for irrigating the Property. In no circumstances shall JCSA public water supply be used for irrigation, except as otherwise provided by this condition.
10. Commencement of Construction: Construction on this project shall commence within 36 months from the date of approval of this SUP or this SUP shall be void. Construction shall be defined as the obtaining of permits for the construction of foundations and/or footings.
11. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

RESOLUTION

CASE NO. Z-0001-2012. WILLIAMSBURG SEVENTH-DAY

ADVENTIST CHURCH EXPANSION

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, 1950, as amended, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-0001-2012, with Master Plan, to amend existing proffers applicable to the property owned by the Potomac Conference Corporation of Seventh-day Adventists; and

WHEREAS, the property is located at 3989 John Tyler Highway and can be further identified as James City County Real Estate Tax Map/Parcel No. 4610100002B; and

WHEREAS, the Planning Commission of James City County, following its public hearing on April 4, 2012, recommended approval by a vote of 5 to 0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds the proposed proffer amendment to the scenic easement consistent with the Zoning Ordinance and the 2009 Comprehensive Plan Land Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing, does hereby approve Case No. Z-0001-2012 and accept the voluntary adopted and restated proffers.

J. BOARD CONSIDERATION

1. FY 2013 Budget Adoption

Mr. Middaugh stated that stewardship is one of the core values celebrated in the County and expressed that the proposed budget is a marvelous example of the Board's fine stewardship of the resources entrusted to the Board by its citizens as well as the work of County staff. Mr. Middaugh stated that there was conversation about an adjustment to the boat tax and stated that the Board received a memorandum about same. Mr. Middaugh requested that the topic be discussed at the Board's May 22, 2012, meeting and asked whether the Board wanted to advertise the matter as a public hearing. Mr. Middaugh expressed thanks to Mr. Doug Powell, Mr. John McDonald, Ms. Sue Mellen, Ms. Heather Poulsen, Ms. Carol Luckam, Ms. Emily Haywood, Ms. Sandy Hale, and the entire executive and senior staff members for their hard work in helping to prepare the budget.

Ms. Jones expressed the Board's desire to have a public hearing on the boat tax issue.

Mr. McGlennon congratulated the County Administrator and staff who helped prepare the budget.

Mr. Icenhour expressed thanks to the County Administrator and staff for preparing the budget. Mr. Icenhour stated that he had no problem supporting the budget. Mr. Icenhour stated that he wanted to dispel a myth that growth has stopped in James City County. He stated that over the past four years, 2008 to 2011, the County's population and housing stock had grown by ten percent. He stated that James City County is the fifth fastest growing county in Virginia. He stated that the County has been working hard to keep spending under control. He stated cutting spending without cutting services is another myth that needs to be dispelled. He stated that the County has done a good job of trying not to cut the essential services, but the County is at the point where future cuts might not spare any of that. He stated that from 2008-2011, the County had a spending decrease of 8 percent when inflation was at 11 percent. He expressed concern with how the State balanced its budget using the Virginia Retirement System (VRS). He stated that the payback is an unfunded mandate on local levels. He stated that his concern is that the County is using surplus money to fill an ongoing need for revenue. He stated that the hope is that the County will have recovered revenues within the next two years to help pay for this. He stated that if this does not occur, serious discussion will be held to determine where cuts can be made. Mr. Icenhour also expressed concern regarding the cumulative impact of growth. He stated that according to the Comprehensive Plan, the County has 15,000 unbuilt homes. He stated that if they ever came into fruition, the assumption was that they would pay for themselves. He stated that the County is finding that this is not the case. With depressed property values and depressed revenues from these houses, the County is not going to have the tax revenues to build schools or the infrastructure. He stated that the County is going to have to raise taxes and/or cut services in order to balance the budget in outlying years.

Mr. Kale expressed thanks to Mr. Middaugh and the County staff for the time they took to bring him up to speed and provide him with a thorough review of his first County budget. Mr. Kale stated that he had no problem supporting the budget. He stated that the Board needs to be careful in examining it and face the realization that the future may not be as bright as everyone hopes. Mr. Kale stated that the proposed budget is a very workable budget.

Mr. Kennedy stated that he is in agreement with most of the budget items. Mr. Kennedy expressed concern with revenue and revenue growth and stated that businesses in the community are still suffering. He stated that revenues are not rising to the rate of inflation. He stated that the County might have a higher growth rate, which might have helped keep some people in jobs, which is an accomplishment. He stated that the County has built a really good community, which has gone on for generations. He stated that people want to live here for the amenities of what the County provides with schools, parks, and recreation. Mr. Kennedy expressed concern regarding the VRS. He stated that he resents the fact that the Commonwealth of Virginia has directed localities to give a pay increase. Mr. Kennedy read a letter that he submitted for publication to the news media expressing his views regarding the mandated pay raise for County employees. Mr. Kennedy stated that he spoke with some members of the Board and there is not a consensus to challenge the mandate. He stated that he spoke with a couple of localities who are considering challenging the unconstitutionality of the bill. He stated that if the County accepts the budget, the Board is endorsing an unconstitutional item from the Commonwealth of Virginia. Mr. Kennedy stated that even though he finds most of the budget acceptable, he will vote against it based on the VRS mandate.

Ms. Jones stated that she will be supporting the budget. She stated that she does share Mr. Kennedy's concerns about VRS and would support a challenge. Ms. Jones thanked Mr. Middaugh and the executive staff for their work on the budget. Ms. Jones stated that the citizens should be pleased that there will not be a property tax increase. Ms. Jones stated that the County has maintained an AAA bond rating through economic hard times.

Mr. McGlennon moved for the adoption of the budget.

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

RESOLUTION

RESOLUTION OF APPROPRIATION

WHEREAS, the County Administrator has prepared a two-year Proposed Budget for the fiscal years beginning July 1, 2012, and ending June 30, 2013, along with the fiscal year beginning July 1, 2013 and ending June 30, 2014, and a five-year Capital Improvements Program, four years of which are for information and fiscal planning purposes only; and

WHEREAS, it is now necessary to appropriate funds to carry out the activities proposed therein for the fiscal year beginning July 1, 2012, and ending June 30, 2013, and to set tax rates on real estate, tangible personal property, and machinery and tools, to provide certain revenue in support of those appropriations; and

WHEREAS, the Board wishes to adopt the second year of the operating and capital budgets for planning purposes, beginning July 1, 2013, and ending June 30, 2014.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of James City County, Virginia, that:

1. The following amounts are hereby appropriated in the FY 2013 General Fund for the offices and activities in the amounts as shown below:

GENERAL FUND REVENUES

FY 2013

General Property Taxes	\$ 108,120,000
Other Local Taxes	19,050,000
Licenses, Permits and Fees	7,245,000
Fines and Forfeitures	300,000
Revenue from Use of Money and Property	185,000
Revenue from the Commonwealth	25,513,000
Revenue from the Federal Government	7,000
Charges for Current Services	5,080,000
Miscellaneous Revenues	<u>130,000</u>
Total Revenues	<u>\$ 165,630,000</u>

GENERAL FUND EXPENDITURES

FY 2013

General Administration	\$ 3,131,658
Court Services	3,557,710
Public Safety	21,963,681
Financial Administration	6,305,164
Development Management	3,399,163
General Services	8,469,440
Citizen and Community Services	5,301,068
Contribution - Outside Agencies	685,128
Nondepartmental	607,305
WJCC Schools	76,720,315
Contribution - School Debt Service	18,000,000
Library and Arts Center	4,120,251
Other Regional Entities	3,498,701
Health Services	1,630,845
Contributions - Other Funds	<u>8,239,571</u>
Total Expenditures	<u>\$ 165,630,000</u>

The appropriation for education includes \$76,720,315 as a local contribution to the Williamsburg-James City County Schools operations.

Year End Fund Balance	\$3,000,000
Contribution to Capital Projects	\$3,000,000

2. That the tax rates be set for the amounts shown below and revenues appropriated in the following classifications:

TAX RATES

Real Estate on each \$100 assessed value	\$0.77
Tangible Personal Property on each \$100 assessed value	\$4.00
Machinery and tools on each \$100 assessed value	\$4.00

3. That the ALS/BLS fees be set for the amounts shown below and revenues appropriated in the following classifications:

Basic Life Support (BLS)	\$450
Advance Life Support (ALS) 1	\$550
Advance Life Support (ALS) 2	\$800
Mileage	\$10

4. That the following amounts are hereby appropriated in other budgets in FY2013 for the activities in the amounts as shown below:

CAPITAL PROJECTS BUDGET

Revenues:

Transfer from the General Fund	\$ 2,000,000
Year-End General Fund Balance	3,000,000
Bond Financing	20,000,000
Jamestown Marina Rental Income	42,000
VDOT Revenue Sharing Reimbursement	<u>516,900</u>
Total Capital Projects Fund Revenues	<u>\$25,558,900</u>

Expenditures:

Schools	\$ 15,945,000
Public Safety	7,905,000
Administrative	265,300
General Services	1,363,740
Parks and Recreation	<u>79,860</u>
Total Capital Projects Fund Expenditures	<u>\$25,558,900</u>

DEBT SERVICE BUDGET

Revenues:

General Fund - Schools	\$18,000,000
General Fund - Other	2,450,000
Build America Bonds	223,301
Investment Income	20,000
Fund Balance	<u>4,455,433</u>

Total Debt Service Fund Revenues	<u>\$25,148,734</u>
----------------------------------	---------------------

<u>Current Year Expenditures:</u>	<u>\$25,148,734</u>
-----------------------------------	---------------------

Total Debt Service Fund Disbursements	<u>\$25,148,734</u>
---------------------------------------	---------------------

VIRGINIA PUBLIC ASSISTANCE FUND

Revenues:

From Federal/State	\$3,634,197
General Fund	1,587,616
Other	384,500
Grant	<u>23,983</u>
Total Virginia Public Assistance Fund Revenues & Fund Balance	<u>\$5,630,296</u>

Expenditures:

Administration and Assistance	\$5,630,296
Total Virginia Public Assistance Fund Expenditures	<u>\$5,630,296</u>

COMMUNITY DEVELOPMENT FUND

Revenues:

General Fund	\$ 630,059
Grants	1,651,467
Program Income	107,000
Other	<u>737,000</u>
Total Community Development Fund Revenues & Fund Balance	<u>\$3,125,526</u>

Expenditures:

Administration and Programs	\$3,125,526
Total Community Development Fund Expenditures	<u>\$3,125,526</u>

COLONIAL COMMUNITY CORRECTIONS FUND

Revenues:

From Federal/State	\$735,514
General Fund	34,470
Supervision Fees	57,474
Grants	40,665
Other	<u>80,244</u>
Total Colonial Community Corrections Fund Revenues	<u>\$948,367</u>

Expenditures:

Administration and Programs	<u>\$948,367</u>
Total Colonial Community Corrections Fund Expenditures	<u>\$948,367</u>

SPECIAL PROJECTS/GRANTS FUND

Revenues:

Comprehensive Services Act (CSA)	\$319,300
CSA Local Match - General Fund	367,426
CSA School Share	112,000
Local Emergency Management Planning Grant	<u>34,692</u>
Total Special Projects/Grants Fund Revenues	<u>\$833,418</u>

Expenditures:

Comprehensive Services Act	\$798,726
Local Emergency Management Planning Grant	<u>34,692</u>
Total Special Projects/Grants Fund Expenditures	<u>\$833,418</u>

TOURISM INVESTMENT FUND

Revenues:

Additional \$2 Per Night Room Tax	\$ 650,000
General Fund – from Room Tax Revenues	<u>1,170,000</u>
Total Tourism Investment Fund Revenues	<u>\$1,820,000</u>

Expenditures:

Tourism Activities	<u>\$1,820,000</u>
Total Tourism Investment Fund Expenditures	<u>\$1,820,000</u>

5. The County Administrator be authorized to transfer funds and personnel from time to time within and between the offices and activities delineated in this Resolution as he may deem in the best interest of the County in order to carry out the work of the County as approved by the Board of Supervisors during the coming fiscal year.
6. The County Administrator be authorized to transfer up to \$10,000 per occurrence from the contingency balance to one or more appropriation categories. No more than one transfer may be made for the same item causing the need for a transfer, unless the total amount to be transferred for the item does not exceed \$10,000. Total transfers for the year are not to exceed \$100,000.

7. The County Administrator be authorized to increase appropriations for non-budgeted revenue that may occur during the fiscal year as follows:
 - a) Insurance recoveries received for damage to any county property, including vehicles, for which County funds have been expended to make repairs; and
 - b) Refunds or reimbursements made to the county for which the county has expended funds directly related to that refund or reimbursement.
8. The County Administrator be authorized to administer the County's Personnel Policy and Pay Plan as previously adopted by the Board of Supervisors.
9. The County Administrator be authorized to transfer funds to and from the Personnel Contingency account and divisional personnel line items in order to capture turnover savings at a divisional level.
10. All outstanding encumbrances in all County funds at June 30, 2012, shall be an amendment to the FY2013 budget, and appropriated to the FY2013 budget to the same department and account for which they were encumbered in the previous year.
11. The County Administrator be authorized to make expenditures from the Donation Trust Fund for the specified reasons for which the fund was established. In no case shall the expenditure exceed the available balance in the fund as verified by the Treasurer.
12. The Board of Supervisors of James City County, Virginia, hereby adopts the following budgets for the purposes of future financial and operational planning:

FY 2014

General Fund	\$167,930,000
Capital Budget	5,048,000
Debt Service	25,452,966
Virginia Public Assistance	5,675,524
Community Development	4,145,548
Colonial Community Corrections	955,152
Special Projects/Grants	833,418
Tourism Investment	1,820,000

K. PUBLIC COMMENTS

1. Mr. Ed Oyer, 139 Indian Circle, Williamsburg, informed the Board that he received a phone call from Mr. Rossie Carroll, VDOT, concerning the slurry seal project in his neighborhood.
2. Mr. Richard Swanenburg, 4059 South Riverside Drive, Lanexa, addressed the Board regarding the shoreline and river embankment in Uncle's Neck along the Chickahominy River.

L. REPORT OF THE COUNTY ADMINISTRATOR

Mr. Middaugh announced that the annual outdoor water regulations are now in effect until September 30, 2012, and stated that information regarding the regulations can be found on the County's website. Mr.

Middaugh also announced that on May 19, 2012, there will be a Family Fun Fest at the Chickahominy Riverfront Park. Mr. Middaugh informed that Board that he appointed Mr. Allen Murphy as the permanent Director of the Development Management Department. He stated that Mr. Murphy will bring a lot of experience to the department and is pleased to welcome him to his management team.

M. BOARD REQUESTS AND DIRECTIVES

Mr. Icenhour reminded the Board members of an invitation to attend the Citizen's Police Academy graduation at the Law Enforcement Center on May 9, 2012.

Ms. Jones stated that she had the privilege to attend the Virginia Cardinal Camping Club at the American Heritage RV Park on May 4, 2012.

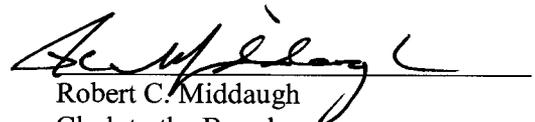
N. CLOSED SESSION - None

O. ADJOURNMENT

Mr. McGlennon made a motion to adjourn the meeting.

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

At 8:11 p.m., Ms. Jones adjourned the Board until 4 p.m. on May 22, 2012.


Robert C. Middaugh
Clerk to the Board