

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF JULY 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 – Daisy Troop 1270 led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATIONS - None

F. PUBLIC COMMENTS

1. Mr. Randy O'Neill, 109 Sheffield Road, Williamsburg, addressed the Board regarding physical fitness programs offered to elementary school students.

2. Mr. Keith Sadler, 9929 Mountain Berry Court, Toano, addressed the Board concerning International Council for Local Environmental Initiatives (ICLEI) issues and Agenda 21.

3. Ms. Rosanne Reddin, 2812 King Rook Court, Williamsburg, addressed the Board regarding Agenda 21, ICLEI, and private property rights.

4. Mr. Ed Oyer, 139 Indian Circle, Williamsburg, addressed the Board regarding Route 60 traffic concerns. Mr. Oyer also expressed concern regarding the fact that there are no emergency shelters in the Roberts District and the school/recreation center cannot be used as an emergency shelter because emergency power has not been provided to that location.

5. Mr. Joseph Swanenburg, 3026 The Point Drive, Lanexa, apologized to the Board for misspeaking at the June 26, 2012, meeting regarding the National Association of Counties (NACo) award received by the County. Mr. Swanenburg thanked Ms. Jones for recognizing citizen concerns regarding Agenda 21, ICLEI, and property rights. Mr. Swanenburg also addressed concerns regarding Agenda 21.

G. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon mentioned that on June 29, 2012, he, along with Ms. Jones, and Mr. Middaugh, County Administrator, attended the Habitat for Humanity's Building Blitz. He stated that five local builders constructed five new homes in a month for residents of the Ironbound Square area. He stated that the builders did a tremendous job.

Ms. Jones advised the Board that she sent out a draft letter on behalf of the Urban Crescent, which will be sent to the Governor and delegates of the General Assembly and informed the Board that she received an update from the Hampton Roads Planning District Commission (HRPDC) Chairman Sheppard, York County, who requested more emphasis be placed on the County's region. She stated that she will provide draft changes to the Board before she signs the letter on behalf of James City County. Ms. Jones thanked Mr. Oyer for his ongoing assistance with the Pledge of Allegiance.

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. June 26, 2012, Work Session
 - b. June 26, 2012, Regular Meeting
2. Chesapeake Bay Restoration Fund Grant – \$3,000

RESOLUTION

CHESAPEAKE BAY RESTORATION FUND GRANT - \$3,000

WHEREAS, the Chesapeake Bay Restoration Fund, which is funded through the sale of Chesapeake Bay license plates, has made funds available for the restoration and education of the Bay; and

WHEREAS, funds are needed to provide an enriching environmental component to the Department's REC Connect Camp Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$3,000 grant awarded by the Chesapeake Bay Restoration Fund to help with the additions to the summer camp program.

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

Revenue:

From the Commonwealth \$3,000

Expenditure:

Chesapeake Bay Restoration Fund \$3,000

- 3. Grant Award – Office of Emergency Medical Services (OEMS) Rescue Squad Assistance Fund (RSAF) Grant – \$18,128

RESOLUTION

GRANT AWARD – OFFICE OF EMERGENCY MEDICAL SERVICES (OEMS)

RESCUE SQUAD ASSISTANCE FUND (RSAF) GRANT – \$18,128

WHEREAS, the James City County Fire Department has been awarded a Rescue Squad Assistance Fund (RSAF) grant for \$18,128 (\$9,064 grant funds, \$9,064 local match) from the Commonwealth of Virginia, Department of Health, Office of Emergency Medical Services (OEMS); and

WHEREAS, the funds are to be used for a replacement lift bag kit for use in extrication and industrial accidents; and

WHEREAS, the grant requires a 50 percent match of \$9,064, which is budgeted in the FY 2013 Grants Match account.

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:

Revenues:

RSAF Grant - Lift Bag Kit	\$9,064
Transfer from General Fund	<u>9,064</u>
Total:	<u>\$18,128</u>

Expenditure:

RSAF Grant - Lift Bag Kit	<u>\$18,128</u>
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4. Appointment of Assistant Fire Marshals, Authorization of Fire Prevention Powers, and Authorization of Police Powers

RESOLUTION

APPOINTMENT OF ASSISTANT FIRE MARSHALS, AUTHORIZATION OF FIRE PREVENTION POWERS, AND AUTHORIZATION OF POLICE POWERS

WHEREAS, Section 27-34.2 of the Code of Virginia, 1950, as amended, provides that James City County may authorize the local Fire Marshal to arrest, to procure and serve warrants of arrest, and to issue summons in the manner authorized by general law for violation of local fire prevention and fire safety and related ordinances; and

WHEREAS, Section 27-34.2:1 of the Code of Virginia, 1950, as amended, provides that James City County may authorize the local Fire Marshal to have the same law enforcement powers as a Police Officer for the purpose of investigation and prosecution of all offenses involving fires, fire bombings, attempts to commit such offenses, false alarms relating to such offenses, and the possession and manufacture of explosive devices, substances, and fire bombs; and

WHEREAS, Section 27-34.2:1 of the Code of Virginia, 1950, as amended, provides that James City County may authorize the local Fire Marshal to exercise the powers authorized by the Fire Prevention Code; and

WHEREAS, Section 27-34.2:1 of the Code of Virginia, 1950, as amended, provides that James City County may appoint Assistant Fire Marshals, who, in the absence of the Fire Marshal, shall have the powers and perform the duties of the Fire Marshal; and

WHEREAS, Firefighters Shana M. Brisson and Michael A. Fowler have completed all minimum training and certification requirements of the Department of Criminal Justice Services and the Department of Fire Programs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Firefighters Shana M. Brisson and Michael A. Fowler as James City County Assistant Fire Marshals with all such police powers and authority as provided in Virginia Code Sections 27.30 et. Seq.

5. Appointment of Acting Zoning Administrator

RESOLUTION

APPOINTMENT OF ACTING ZONING ADMINISTRATOR

WHEREAS, the position of Zoning Administrator of James City County is currently vacant; and

WHEREAS, it is necessary to formally appoint an Acting Zoning Administrator to temporarily fulfill the legal and functional duties related to the interpretation and enforcement of the County's Zoning Ordinance; and

WHEREAS, Ms. Christy Parrish has achieved Certified Zoning Administrator status through the Virginia Association of Zoning Officials and has demonstrated knowledge, skills, and abilities related to this position; and

WHEREAS, pursuant to Section 24-5 of the Code of the County of James City, the Board of Supervisors is responsible for appointing the Zoning Administrator.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Christy Parrish as Acting Zoning Administrator.

6. Revisions to Chapter 11 of the James City County Personnel Policy and Procedures Manual – Safety Policy

RESOLUTION

REVISIONS TO CHAPTER 11 OF THE JAMES CITY COUNTY PERSONNEL POLICY

AND PROCEDURES MANUAL - SAFETY POLICY

WHEREAS, the County Safety Policy provides structure for responsibility and implementation of safety procedures and safety rules; and

WHEREAS, it is the practice of the County to periodically review its policies for improvement and alignment with County values; and

WHEREAS, recommended revisions to Chapter 11 of the Personnel Policy and Procedures Manual bring the County's Safety Policy into line with the change in State Code, make title changes, and include new County values.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that revisions to the personnel policies and procedures listed above are adopted effective July 1, 2012.

7. Budget Transfer – Legal Services

RESOLUTION

BUDGET TRANSFER – LEGAL SERVICES

WHEREAS, the Board of Supervisors adopted a resolution on April 24, 2012, urging Dominion Virginia Power (Dominion) to underground the proposed 500 kV utility line underneath the James River should they choose Dominion Surry-Skiffes Creek Alternative; and

WHEREAS, Dominion has submitted an application to the State Corporation Commission for the Surry-Skiffes Creek Alternative with the utility line running over the James River; and

WHEREAS, the Board of Supervisors desires to oppose the application in the State Corporation Commission permitting process and to take all appropriate actions to see that the Dominion 500 kV utility line is built under the James River; and

WHEREAS, the Board of Supervisors believes that the hiring of outside counsel with experience in matters before the State Corporation Commission is necessary to assist with the effort.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby transfers \$50,000 from Contingency to Legal Services.

I. PUBLIC HEARINGS

1. Case No. ZO-0014-2011. Exterior Signs

Mr. Christopher Johnson, Principal Planner, stated that at the June 12, 2012, Board meeting, the Board expressed several concerns with the proposed exterior signage ordinance related to potential size of freestanding sign-mounting structure area and sign-mounted lighting in Community Character Areas and Corridors. To give adequate time to address these concerns and to develop options for consideration, Mr. Johnson requested that the Board open and continue the public hearing to the August 14, 2012, Board meeting.

Ms. Jones opened the Public Hearing.

As no one wished to speak to this matter, Ms. Jones kept the Public Hearing open until August 14, 2012.

2. Ordinance to Amend Chapter 15, Offenses – Miscellaneous, Section 15-35, Carrying Concealed Weapons

Mr. Leo Rogers, County Attorney, advised the Board that the proposed ordinance amendments mimic the changes to the State Code and stated that fingerprints will no longer be required. He stated that as a result of removing the fingerprinting requirement, the application fee previously set at \$50 will decrease to \$25.

Ms. Jones questioned if Sheriff Deeds proposed the recommendation to reduce the administration fee.

Mr. Rogers stated that the recommendation came from the Sheriff's office and advised the Board that Deputy Sheriff Hardin was present to answer any questions from the Board.

Ms. Jones questioned if a person had fingerprinting done, what would happen to the paperwork.

Mr. Rogers responded that fingerprints were sent to the State Police and checked. He stated that he could not respond to where the records went after the State Police did their checks. He stated that the County Sheriff Office destroys the hard copy and the electronic copy of the fingerprints.

Ms. Jones opened the Public Hearing.

1. Mr. Joseph Swanenburg, 3026 The Point Drive, Lanexa, questioned if the proposed changes referred to concealed weapons such as rifles or shotguns or if the proposed changes were strictly for concealed handguns.

Ms. Jones closed the Public Hearing and directed the County Attorney to address Mr. Swanenburg's question.

Mr. Rogers responded yes that the changes would be for a concealed handgun.

Mr. Kale made a motion to adopt the ordinance.

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

3. Ordinance to Amend Chapter 20, Taxation, Section 20-28 – Deadline for Appeal

Mr. Rogers advised the Board that the proposed changes also mimic changes that the General Assembly made to provide notice to the taxpayer of their right to appeal. He stated that there are certain provisions in the Code which state that the County has to provide specific notice to the taxpayers. He stated that in addition, a requirement was added that before a taxpayer goes to court to challenge and appeal, they have to exhaust the administrative process by going through the Board of Equalization. He stated that this provision is authorized by the State Code, but it was not in the County Code.

Ms. Jones opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the ordinance.

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

4. Case No. Z-0005-2012/SUP-0006-2012. Fire Station 4 Replacement

Mr. Jason Purse, Planner III, advised the Board that Mr. Bernie Farmer, Capital Projects Administrator, General Services, has applied to rezone a 1.1-acre property located at 5316 Olde Towne Road from R-2, General Residential, to PL, Public Lands. He stated that, together with the adjacent property located at 5312 Olde Towne Road, already zoned PL, Mr. Farmer has also applied for a Special Use Permit (SUP) to allow for the construction of a replacement fire station on the properties. He informed the Board that the replacement station will be 12,500 square feet with a projected staff of 12. He stated that currently the site has two accesses from Olde Towne Road, one for staff and one for apparatus. He stated that under the new proposal, the apparatus entrance will be relocated and the public entrance will be shared with the adjacent property. He stated that the shared drive is currently aligned with Westmoreland Drive and will provide a better ingress/egress movement to and from the site. He stated that the Comprehensive Plan designates these properties as low density residential Federal, State, and County lands. Mr. Purse advised the Board that staff finds the application meets the recommendations of the Comprehensive Plan. He stated that the existing fire station is located on a site that is central to a large population. He stated that at its June 6, 2012, meeting, the Planning Commission voted 7-0 to recommend approval.

Ms. Jones opened the Public Hearing.

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

Mr. Icenhour made a motion to approve both resolutions.

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

RESOLUTION

CASE NO. Z-0005-2012. FIRE STATION 4 REPLACEMENT

- WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia 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-0005-2012, for rezoning a 1.1-acre property located at 5316 Olde Towne Road from R-2, General Residential, to PL, Public Lands; and
- WHEREAS, the proposed project is shown on a Master Plan, prepared by AES Consulting Engineers, entitled "Fire Station #4," dated March 27, 2012, and revised on June 18, 2012; and
- WHEREAS, the property is located at 5316 Olde Towne Road and can be further identified as James City County Real Estate Tax Map/Parcel No. 3240100026D; and
- WHEREAS, the Planning Commission of James City County, following its public hearing on June 6, 2012, recommended approval of this application by a vote of 7-0; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be substantially in accord with Section 15.2-2232 of the State Code and 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, does hereby approve Case No. Z-0005-2012.

RESOLUTION

CASE NO. SUP-0006-2012. FIRE STATION 4 REPLACEMENT

- 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. Bernie Farmer has applied for an SUP to allow for the construction of a new fire station in a PL, Public Land, zoning district; and
- WHEREAS, the properties are located at 5312 Olde Town Road and 5616 Olde Towne Road on land zoned PL, Public Land, and R-2, General Residential, and can be further identified as James City County Real Estate Tax/Map/Parcel Nos. 3240100027 and 3240100026D; and
- WHEREAS, the Planning Commission of James City County, following its public hearing on June 6, 2012, recommended approval of this application by a vote of 7-0; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be substantially in accord with Section 15.2-2232 of the State Code and 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 0006-2012 as described herein with the following conditions:

1. Master Plan: This SUP shall be valid for the development of the James City County Fire Station 4 and accessory uses thereto as shown on the Master Plan titled "Fire Station #4," dated March 27, 2012, and revised on June 18, 2012 (the "Master Plan"), with such minor changes that as the Director of Planning, determines does not change the basic concept or character of the development. The Fire Station shall be located at 5312 and 5316 Olde Towne Road, further identified as James City County Real Estate Tax Map/Parcel Nos. 3240100026D and 3240100027 ("Properties").
2. Commencement of Use: If construction has not commenced on the development within 36 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: Prior to final site plan approval, the Planning Director shall review and approve final building elevations and architectural design for the new brick structure to assure general consistency with the architectural elevation and accompanying drawings titled "James City County, VA Fire Station #4," submitted with this application, prepared by HVC Chenault, and date-stamped May 21, 2012.
4. Boundary Line Adjustment: Prior to the issuance of a final Certificate of Occupancy for the building, a boundary line extinguishment shall be reviewed, approved, and recorded for the two project parcels (5312 and 5316 Olde Towne Road).
5. Water Conservation: 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 may 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-tolerant plants, warm-season grasses, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
6. Entrances: Post occupancy of the new fire station building and post completion of the demolition of the existing station, on-site entrances off Olde Towne Road shall be limited to one permanent entrance for equipment/apparatus vehicles. One temporary construction entrance shall also be permitted during construction of the new building. An additional public entrance shall be through the existing private drive opposite Westmoreland Drive.
7. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

5. Case No. Z-0004-2012. Walnut Grove Proffer Amendment

Ms. Ellen Cook, Planner III, advised the Board that the applicant has requested a one-month deferral due to an unexpected illness.

Mr. McGlennon questioned if any effort has been made to address the reason for the original proffer of historic preservation. He stated that there has been an amendment proposed and incentives offered; however, the incentives are not driven to address the major concern to preserve a historically valuable County property.

Ms. Cook responded that an element of their proposal going forward was to replicate the look of the more original version of the structure and to retain any interior element as possible. Ms. Cook advised the Board that Mr. Vernon Geddy, project team member, was present to answer any questions from the Board.

Mr. McGlennon stated that the proffer is being readjusted and is not focused on the original intent. He said the proffer talks about creating retail space. He stated that the Board was not particularly interested in having retail space at that location. He stated that the building seemed to lend itself to a retail space as opposed to residential once it was rehabilitated. Mr. McGlennon suggested that in trying to get back to the spirit of the original proffer, recognizing that it may be impossible to preserve this particular structure, achieving something of historic preservation more generally, may be a better approach as far as an application.

Mr. Kennedy stated that he would be inclined to move forward with the public hearing. He stated that Mr. Epstein and Mr. Ware have been nothing short of negligent in all of their duties on this piece of property for the past several years. He stated that the grass has gone uncut, trash has been dumped, and there has been illegal storage of machinery at this site. He stated that nothing has been done to preserve the house or to ensure that the house was protected. He stated that he is insulted that they are now requesting a change in proffers. Mr. Kennedy stated that he has received hundreds of phone calls over the last five years regarding violations on this piece of property. He stated that this year when they had an SUP coming before the County they contracted with a lawn cutting service. He stated that this is the only year that they have maintained the front of the property.

Mr. Kale commented that he has been involved in the history of the community for 50 years and noted that neglect is a wonderful way to solve one's problems. He stated that he read, with much interest, that there was a hole in the roof a number of years ago and nothing was ever done about it. Mr. Kale expressed concern about setting a precedent about not caring for historical structures and the history of the community. He stated that the developer should be questioned as to his real intent when he does not take steps to protect his own property.

Mr. Kennedy stated that if the County gives on this, bad behavior is rewarded. Mr. Kennedy requested this past year that the General Assembly members carry a bill that would have allowed the County to increase fines on habitual offenders. Mr. Kennedy stated that approximately 200 hours of staff time has been utilized to inspect the property and send registered letters, because someone would not do the right thing. He stated that he is aware that market conditions have changed, however, a commitment was made to preserve and protect the building. He stated that at the very least the structure should have been secured.

Mr. Kale questioned why the applicant was requesting a month's deferral instead of a two-week deferral.

Ms. Cook stated that the applicant will not be available for the next regular scheduled Board meeting and the next time the entire project team was available was a month from now.

Mr. McGlennon made a motion to defer the Walnut Gove Proffer Amendment matter until August 14, 2012.

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

J. BOARD CONSIDERATIONS - None

K. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, Williamsburg, thanked Mr. Kennedy for his concerns regarding the Walnut Grove Proffer Amendment.

L. REPORT OF THE COUNTY ADMINISTRATOR

Mr. Middaugh stated that he sent the Board members information regarding the costs of storm debris removal for Chickahominy Haven. He informed the Board that there are two viable options to lend assistance to citizens of that area. Mr. Middaugh stated that the County has never provided this kind of service unless it was focused on hurricane response, Federal Emergency Management Agency (FEMA) was involved, and costs were reimbursed. He stated that the costs range from a low of \$25,000 to a high of \$50,000. Mr. Middaugh requested guidance and direction from the Board.

Mr. Icenhour stated that anytime the County has a National Declaration of Emergency, the County can go through FEMA and receive reimbursement. He stated that last year's hurricane caused extensive widespread damage throughout the community. He stated that the County did a lot of debris pickup, which was handled through a contractor and the County received FEMA reimbursement. Mr. Icenhour spoke about the tornado damage that was done to the Grove area. He stated that he has been to Chickahominy Haven to inspect the damage and believes the area suffered a microburst. He stated that the area had severe damage. Mr. Icenhour stated that he is in favor of providing assistance, but expressed concern that he didn't want to start a precedent of picking up trees damaged because of a thunderstorm. He stated that the Board needs to discuss the matter.

Mr. Kale questioned if the power lines are down, trees are in the way, and the power company cuts the trees away from the line, is the power company responsible for removing the trees that they just cut down.

Mr. Middaugh responded no.

Mr. Kennedy expressed concern about setting a precedent. Mr. Kennedy suggested that staff do a cost analysis of utilizing staff and the County's equipment by ascertaining how many homes are affected and provide an estimate on how long the cleanup would take.

Mr. Icenhour questioned the County Attorney as to the legalities of the Board having the ability to declare emergencies for County purposes.

Mr. Rogers stated that the County cannot pre-empt what happens at the State level by declaring an emergency. He stated that the County can certainly make a decision as to what constitutes a disaster sufficient enough for the County to spend public funds.

Mr. Icenhour stated that the Board needs to take a careful look on how to craft the criteria with a rational consistent approach. He stated that he agreed with Mr. Kennedy that the County remove the debris the least expensive way possible.

Mr. Kennedy requested that the Board receive an in-house cost analysis in two weeks.

Mr. McGlennon expressed concern about waiting two weeks before taking any action. He questioned authorization of \$10,000 to immediately address the issue.

Mr. Kale suggested that in the future the County consider purchasing additional equipment to remove storm debris.

Mr. Icenhour stated that he agreed with Mr. McGlennon and that the Board needs to provide immediate action.

Mr. Kennedy questioned how many homes have been impacted.

Mr. Icenhour stated there were approximately 20 to 30 homes affected. He informed the Board that most of the debris is brush and tree limbs.

Ms. Jones questioned if the debris was in the Virginia Department of Transportation (VDOT) right-of-way.

Mr. Middaugh responded that VDOT will not pick up the debris. He stated that the debris was not from the right-of-way. He stated that the debris was put on the right-of-way. Mr. Middaugh stated that if the Board did allocate \$10,000, it would make a substantial dent. He expressed concerns about using County staff. He stated that the cleanup would take months with a single truck.

Ms. Jones expressed concern about setting a precedent. She stated that she is concerned with the challenges that the citizens are facing regarding debris removal. She is concerned that if the County takes on the task of removing debris, it will become a bigger and bigger program and expenditure. She stated that some taxpayers are already paying the costs of debris removal and the program will require them through taxes to pay for a neighbor's debris removal.

Mr. Icenhour stated that the citizens in Chickahominy Haven have done a lot to help each other clean up the debris. He stated that the citizens cut the trees with chain saws, cut the brush, and moved it out to the streets. Mr. Icenhour stated that the citizens do not have a way to get the debris to the County dump site. He stated that the situation is becoming a health, safety, and welfare issue.

Mr. Kennedy questioned if this situation posed a hardship to the citizens.

Mr. Icenhour stated that if the County does not assist in picking up the debris, six months from now the debris will still be in the ditches.

Mr. Kale made a motion to have the County Administrator request the General Services Department examine the entire area and determine how many houses are affected with trees on the right-of-way. Mr. Kale requested that the report and a recommendation be brought back to the Board in two weeks.

Mr. Kennedy stated that a lot of the debris is brush and inquired if the County has contacted neighboring jurisdictions to see if they could assist with mulching equipment.

Mr. Middaugh stated that the City of Hampton was contacted and that its cost for mulching the debris was \$50,000 for 10 trucks per day and six full days of work.

Mr. McGlennon stated that he was finding it difficult to process that removal was going to take a week or two with six trucks to address a single neighborhood compared to what he saw with the aftermath of the hurricane.

Mr. Middaugh responded that the hurricane rigs were oversized, doubled trailers, geared toward large debris removal. He stated that County owned trucks have a much smaller load capacity.

Mr. Kennedy suggested that staff get estimates from businesses in the community.

Mr. Kale's motion was agreed upon by the Board.

Mr. Middaugh advised the Board that he and Mr. McGlennon will be attending a Williamsburg Area Marketing Destination Committee meeting on Wednesday, July 11, 2012. He stated that there was a proposal before the committee that will reconfigure the Alliance into a more robust destination marketing organization. He stated that the proposal is to use the committee as a funding conduit with the Alliance in an altered structure to be the marketing arm for the committee. He stated that the parties involved agree that is a good direction to proceed. He stated that after all the details are worked out, Mr. McGlennon will be asked to cast a vote on behalf of the County in terms of how to proceed.

Mr. Kennedy questioned if the expectations and goals of the Alliance have been established.

Mr. McGlennon responded that the goals have not been established at this point. He stated that this was the first step. He stated that the marketing plan for the coming year is already in place. He stated that the idea is to consolidate tourism promotion of the area much more effectively, to have a single brand, and to have a single website that provides comprehensive information from providing information about the attractions through bookings. He stated that the committee has been operating as an organization staffed by the localities and the attractions that are central to it. He stated that a professional staff, designed to direct marketing through the Alliance, will be created with a renewable annual contract to be ended without cause as long as notice is provided 90 days before the end of the contract. He stated that the Director of Marketing must present a plan for marketing each year and will initially be responsible for developing a set of metrics to propose to the Williamsburg Area Destination Marketing Committee (WADMAC) in order to evaluate the performance of the organization. He stated that there has been extensive consultation with the affected attractions and supporting hotels and motels in order to resolve issues and concerns.

Mr. Kennedy stressed that it is important to include small business concerns.

Mr. McGlennon stated that anyone who collects the tax will be represented on the website.

Mr. Kale commented that at this juncture the localities have a big financial play in how this works. He stated that he would be uncomfortable if the County signed off on anything before all of the details are worked out. He stated that the assurance of the individual selected to run the organization has enough independence to be able to move the organization forward.

Mr. McGlennon responded that the legislation has not changed. He stated that WADMAC will always be in control of the money collected through the room tax. He stated that WADMAC has to make a decision about its confidence in the person who is developing the marketing plan.

M. BOARD REQUESTS AND DIRECTIVES

Mr. Kale noted that September 10, 2012 would be the 125th anniversary of the Board of Supervisors and asked the Board to consider moving the September 11, 2012 meeting to September 10, 2012.

N. CLOSED SESSION

Mr. Kennedy made a motion for the Board to go into Closed Session pursuant to Section 2.2-3711(a)(1) of the Code of Virginia for consideration of a personnel matter(s), the appointment of individuals

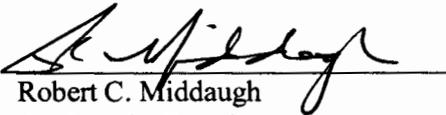
to County boards and/or commissions.

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 8:46 p.m. Ms. Jones adjourned the Board until 4 p.m. on July 24, 2012.



Robert C. Middaugh
Clerk to the Board

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