

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF JANUARY 2013, 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

John J. McGlennon, Chairman, Roberts District
Mary K. Jones, Vice Chairman, Berkeley District
James G. Kennedy, Stonehouse District
James O. Icenhour, Jr., Jamestown District

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

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – James St. Martin, a student at JB Blayton Elementary School lead the Board and citizens in the Pledge of Allegiance.

E. PRESENTATION

1. Clean County Commission Annual Update - Peg Boarman

Ms. Peg Boarman, Co-Chair of the Clean County Commission, addressed the Board and citizens giving an update on the Commission's activities and events held throughout the year. She stated that the Commission gave four awards in 2012 to clean businesses and those recipients were: Volvo Rents, Echo Discovery Park, Food Lion in Norge, and SunTrust Bank in Lightfoot. She stated that the Commission held the annual County-wide clean-up on three Saturdays resulting in 427 volunteers cleaning up 47 areas of the County. In addition, 1,884 tires were collected from the roadways and ditches across the County, and 102.6 tons of trash was collected over the three Saturdays. She stated that the Commission conducted a County Good Neighbor Environment Award Program and 11 neighborhoods received awards totaling \$7,500. She stated that the efforts of the Commission helped James City County receive the Gold Go Green Award.

Ms. Jones made a motion to amend the agenda to add an Initializing Resolution under the Board Consideration section of the Agenda.

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

F. PUBLIC COMMENT

1. Mr. Glenn Carlson, 81 Teal Way, addressed the Board in regards to the upcoming budget retreat. He stated that the Board should delay the retreat until the Powhatan District is represented by a Supervisor.

2. Mr. Joseph Swaneburg, 3026 The Point Drive, addressed the Board in regards to gun control and the 2nd Amendment.

3. Ms. Janet Casannve, 3404 Waterview Road, addressed the Board in opposition to the County's greenspace and land acquisition programs.

4. Mr. Nathan Walker, 101 Locust Place, addressed the Board in opposition to the County's spending.

5. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in regards to the traffic conditions on Route 60 which prevent emergency vehicles from passing by to respond to emergencies.

6. Ms. Rosanne Reddin, 2812 King Rook Court, addressed the Board in opposition to the County's greenspace and land acquisition programs.

G. BOARD REQUESTS AND DIRECTIVES

Ms. Jones stated that she attended the Hampton Roads Planning District Commission (HRPDC)/ Hampton Roads Transportation Planning Organization (HRTPO) meeting last Thursday. She discussed the failed attempt at that meeting to approve a regional gas tax.

Mr. Kennedy stated that he is in support of postponing the Budget Retreat until there is a fifth Board member, if the other Board members are amenable to it.

Mr. McGlennon stated that he attended the State Corporation Commission (SCC) hearing in Richmond on January 10. He stated that there was a large turnout of citizens to express their opposition to the proposed Virginia Dominion Power Transmission Line. He stated that the SCC Hearing Officer told Virginia Dominion Power that he expected to see that it had thoroughly evaluated all other alternatives.

Mr. McGlennon also stated that he and Mr. Icenhour attended the Service Awards Breakfast on January 11 recognizing County employees and recent retirees.

H. CONSENT CALENDAR

Ms. Jones made a motion to approve the Consent Calendar.

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

1. Minutes –
 - a. January 2, 2013, Organizational Meeting
 - b. January 8, 2013, Regular Meeting

2. Grant Award – State Homeland Security Program Grant - \$11,530

RESOLUTION

GRANT AWARD – STATE HOMELAND SECURITY PROGRAM GRANT – \$11,530

WHEREAS, the James City County Fire Department’s Division of Emergency Management has been awarded a State Homeland Security Program (SHSP) grant in the amount of \$11,530 from the Virginia Department of Emergency Management (VDEM) using funds from the United States Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) 2012 Homeland Security Grant Program; and

WHEREAS, the funds will be used to increase the safety, preparedness and resiliency of County residents through citizen-focused programs including Community Emergency Response Teams (CERT), Neighborhood Watch, Volunteers In Police Service (VIPS), and the Citizen Corps Council; 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:

SHSP-Citizen Corps \$11,530

Expenditure:

SHSP-Citizen Corps \$11,530

3. Grant Award – Office of Emergency Medical Services (OEMS) Rescue Squad Assistance Fund (RSAF) Grant – \$243,868

RESOLUTION

GRANT AWARD – OFFICE OF EMERGENCY MEDICAL SERVICES (OEMS)

RESCUE SQUAD ASSISTANCE FUND (RSAF) GRANT – \$243,868

WHEREAS, the James City County Fire Department has been awarded a Rescue Squad Assistance Fund (RSAF) grant for \$243,868 (\$121,934 grant funds, \$121,934 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 the purchase of an ambulance and one Monitor/Automatic External Defibrillator (AED); and

WHEREAS, the grant requires a 50 percent match of \$121,934, which is budgeted in the FY 2013 Capital Improvements Program (CIP) (\$107,500 for the ambulance) and Grants Match (\$14,434 for the AED) accounts.

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-Ambulance & AED	\$121,934
Transfer from Capital Projects Fund	107,500
Transfer from General Fund	<u>14,434</u>
Total	<u>\$243,868</u>

Expenditure:

RSAF-Ambulance & AED	<u>\$243,868</u>
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I. PUBLIC HEARING - None

J. BOARD CONSIDERATION

1. Resolution of Initiation of Consideration of Amendments to the Zoning Ordinance Section 24-91 Modification, Substitution, Transfer

Mr. Scott Whyte, Landscape Planner, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Mr. Middaugh noted that this resolution is a result of a suggestion by the Board to engage the County's local businesses and it has turned out very well.

Mr. Kennedy made a motion to adopt the resolution.

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

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE

SECTION 24-91 MODIFICATION, SUBSTITUTION, TRANSFER

WHEREAS, the Board of Supervisors of James City County, Virginia, is charged by Virginia Code §15.2-2223 to prepare and recommend to the Board of Supervisors various land development plans and ordinances, specifically including a zoning ordinance and necessary revisions thereto as seem to the Commission to be prudent; and

WHEREAS, in order to make the Zoning Ordinance more conducive to proper development, public review and comment of draft amendments is required, pursuant to Virginia Code 15.2-2240 et seq.; and

WHEREAS, the Planning Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of amendments.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby does hereby request staff to initiate review of Chapter 24 Zoning Ordinance, Article II Special Regulations, Section 24-91, Modification, substitution, transfer, and initiate creation of an Enhance Landscaping Policy. The Planning Commission shall hold at least one public hearing on the consideration of amendments of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with law.

2. Initiating Resolution Involving Pawn Shops, Payday Lenders, and Title Loan Establishments

Mr. Leo Rogers, County Attorney, addressed the Board stating that the Board is required to initiate any changes to the zoning ordinances. He stated this would allow staff to create definitions for these uses, consider the districts for these uses, and any restrictions on these uses. He stated that this would start the process, and the Policy Committee of the Planning Commission has already begun looking at these items.

Mr. Kennedy asked how much leeway the Board has in regards to allowing these predatory lenders into James City County.

Mr. Rogers stated that the General Assembly, in recent years, has enacted numerous regulations on these establishments. He stated that the County is looking at this as a land-use issue.

Mr. Kennedy stated that this seems to be opening the door for these establishments to come into the County.

Mr. Rogers stated that there already exists a Zoning Ordinance that is supposed to identify types of uses and if these establishments are looking to locate here for economic reasons, then they might try to push that current ordinance. By doing this Zoning Initiation, the Board would have the ability to determine where in the County these establishments could be and any land-use restrictions.

Mr. McGlennon stated that without this Initiating Resolution, these establishments could push the current ordinance to set up shop anywhere in the County. He stated that the Board would be directing staff and the Planning Commission to begin working on this issue, the Planning Commission would hold a Public Hearing and then make a recommendation to the Board. The Board would then in turn hold a Public Hearing as well.

Mr. Rogers stated that is correct.

Mr. Icenhour made a motion to approve the resolution.

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

RESOLUTION

INITIATING RESOLUTION

- WHEREAS, the Planning Commission of James City County, Virginia, is charged by Virginia Code §15.2-2286 to prepare and recommend to the Board of Supervisors various land development plans and ordinances, specifically including a zoning ordinance and necessary revisions thereto as seem to the Commission to be prudent; and
- WHEREAS, in order to make the Zoning Ordinance more conducive to proper development, public review and comment of draft amendments is required pursuant to Virginia Code §15.2-2286; and
- WHEREAS, the Board of Supervisors is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of amendments; and
- WHEREAS, the County has received a request for the establishment of a pawn shop and the Policy Committee of the Planning Commission has already begun study of the issue and the Board desires to direct staff to expeditiously consider this case and further directs the Planning Commission to consider the proposed changes at its meeting in March and to forward its recommendation to the Board for the Board's consideration at an April meeting; and
- WHEREAS, in recent sessions of the General Assembly, localities have been given the ability to place appropriate restrictions on these uses and the Board wishes to consider such restrictions.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate review of the Zoning Ordinance to consider amending the language of Section 24-2, *Definitions* of Article I, *In General* by adding definitions of "pawn shop," "payday lenders," and "title loans" and to consider amending the language of Article V, *Districts*, to add one or more of these uses as one(s) permitted as a matter of right or upon issuance of a special use permit along with appropriate regulations in one or more districts.

The Planning Commission shall hold at least one public hearing on the consideration of amendments of said ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with law.

K. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in regard to an article about how bureaucracies and public officials make decisions, arguing that bureaucracies act in their own self-interest.

L. REPORTS OF THE COUNTY ADMINISTRATOR

The renovation of Mid County Park, including the Kidsburg playground, is scheduled to begin Tuesday, January 22. Most of the park will close on January 22 to allow staff to prepare the site for contractors who begin their work at the end of the month. During construction, the Mid County Park walking trail, basketball courts, and tennis courts will remain open and accessible from the rear parking lot located off Monticello Avenue. The park is scheduled to reopen in its entirety early this summer.

The County is currently seeking input on the Ware Creek Watershed Project. Citizens may look up information on the Environment and Resource Protection section of the County website.

M. BOARD REQUESTS AND DIRECTIVES

Mr. Icenhour asked Mr. Middaugh to pass along his thanks to Mr. Rossie Carroll with the Virginia Department of Transportation (VDOT) for the effort in fixing potholes in such a quick manner.

Mr. Kennedy asked Mr. Middaugh for follow up on the road issue that Mr. Grover Lewis had spoken about at the last Board meeting. He asked specifically about the proffers and trigger points of that housing development.

Mr. Middaugh stated that he had spoken with staff, but more research into the development is necessary and he would get back to the Board soon.

Mr. Kennedy stated that he would like to see a tracking system implemented to specifically track proffers and whether or not the developers are following through on their promises.

Mr. McGlennon stated that he wanted to recognize Dr. Robert Engs, a notable historian in the area, and Mr. Tim Rogers, a long-time County employee, both of whom passed away recently.

Mr. McGlennon also wanted to recognize Mr. Ray Baisley, who is currently in the hospital and wish him a speedy recovery.

Mr. McGlennon noted that Mr. Randy Hisle, the Video Technician who runs the video feed for the Board meetings, was recently certified as a professional in his field. He also congratulated the County Police Department on its ingenuity in regard to using GPS to solve recent burglaries in a time-share resort.

N. ADJOURNMENT – to 8:30 a.m. on January 26, 2013, for the Budget Retreat

Mr. McGlennon stated that in regards to Mr. Kennedy's and Mr. Carlson's comments about the Budget Retreat, it is not known when the Judges will appoint a fifth member and staff needs guidance to move ahead with the planning of the County Budget. Therefore, the Budget Retreat will go as scheduled.

Mr. Icenhour made a motion to adjourn.

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

Mr. McGlennon recessed the Board at 7:49 p.m.


Robert C. Middaugh
Clerk to the Board