

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF JANUARY 2014, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

ADOPTED

B. ROLL CALL

FEB 11 2014

Mary K. Jones, Chairman, Berkeley District
Michael J. Hipple, Vice Chairman, Powhatan District
James G. Kennedy, Stonehouse District
John J. McGlennon, Roberts District
Kevin Onizuk, Jamestown District

**Board of Supervisors
James City County, VA**

M. Douglas Powell, Acting County Administrator
Leo P. Rogers, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Dariana Jones, an 8th-grade student at Toano Middle School and a resident of the Jamestown District, led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATIONS

1. Chairman's Awards – 2013

a. Ms. Robin Bledsoe and Hiking for Virginia's Fallen Heroes

Mr. Kennedy presented the Volunteer Award to Ms. Bledsoe and read the award for the public.

b. Investigator Bill Gibbs

Mr. Kennedy presented the Employee Award to Investigator Gibbs and read the award for the public.

F. PUBLIC COMMENTS

1. Mr. Sasha Diggs, 3612 Ironbound Road, addressed the Board in regard to reports in the Virginia Gazette of the offering of the position as Interim County Administrator to Mr. Maroney.

2. Ms. Tabb Royals, 11 James Square, addressed the Board in regard to the Supervisors working together better than they have in years past.

3. Mr. Ralph W. Crandall, 193 Shoal Creek, addressed the Board in regard to the stormwater run-off from Greensprings Plantation Road coming down into the Fairway Villas neighborhood.

Mr. Kennedy asked that staff follow up with Mr. Crandall.

4. Ms. Betty Walker, 101 Locust Place, addressed the Board in regard to the Federal Reserve Banking System.

5. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board in regard to global warming and the millions of dollars that have been spent trying to combat the effects of global warming.

6. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board in regard to the effects of the Fukushima Nuclear Power Plant explosion on the waters of the Pacific Ocean.

7. Ms. Rosanne Reddin, 4700 President's Court, addressed the Board in regard to the article in the paper regarding the tenure of Mr. Icenhour on the Board.

8. Mr. Eugene Kazan, 188 Shoal Creek, addressed the Board in regard to the situation at Fairway Villas and the fact that their Best Management Practice (BMP) is taking on stormwater from Greensprings.

9. Mr. Jay Everson, 103 Branscome Boulevard, addressed the Board in regard to Lake Peleg and the conveyance system that is behind the even numbered houses on Branscome Boulevard.

10. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in regard to Fire Station 1 and expressed his appreciation for the Bruton Volunteer firefighters.

11. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in regard to the ascension of command and questioned why the Assistant County Administrator did not automatically become the Acting County Administrator.

12. Mr. John Pottle, 4233 Teakwood Drive, addressed the Board offering an invocation.

13. Mr. Jim Icenhour, 101 Shinnecock, addressed the Board in regard to consistency in action and in speech.

G. BOARD REQUESTS AND DIRECTIVES

Ms. Jones stated that at the December 10, 2013, meeting, she requested information from staff regarding the costs associated with the new Fire Station 1 Building. She stated that she spoke with the Chief of the Volunteer Firefighters and the Chief of the Fire Department and received a thorough report which confirmed that the new Fire Station 1 is coming in on budget.

Mr. Hipple expressed his appreciation and respect for the Volunteer Fire Department. He stated that he spoke with the Chief in regard to the new fire station and received confirmation that the new construction will come in on budget.

Mr. Onizuk complimented the Office of Economic Development for its work with Lumber Liquidators as they decided to expand their operations here in James City County. He stated that he looks forward to and supports Lumber Liquidators' continued success here in the County.

H. CONSENT CALENDAR

Mr. McGlennon made a motion to approve the Consent Calendar with the amended minutes that were placed on the dais this evening.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

- 1. Minutes –
 - a. November 26, 2013, Work Session
 - b. December 10, 2013, Regular Meeting
- 2. Grant Award – Hampton Roads Planning District Commission (HRPDC) – \$16,038

RESOLUTION

GRANT AWARD - HAMPTON ROADS PLANNING DISTRICT

COMMISSION (HRPDC) - \$16,038

WHEREAS, James City County entered into an agreement with the Hampton Roads Planning District Commission (HRPDC) to host the regional WebFUSION servers at the County Emergency Operations Center (EOC) pursuant to the Special Needs/WebEOC project initiated through the Urban Areas Security Initiative (UASI) Homeland Security Grant Program; and

WHEREAS, this agreement called for HRPDC to continue reimbursing James City County for costs associated with the acquisition of bandwidth for the EOC to host the regional WebFUSION servers; and

WHEREAS, the Board of Supervisors previously appropriated \$44,544 on April 28, 2009 and \$66,816 on June 14, 2011 for reimbursement of bandwidth costs through September 2013; and

WHEREAS, HRPDC has identified grant funds to further extend the agreement and reimburse the County \$1,782 per month for an additional nine months through June 30, 2014 for a total of \$16,038; 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:

| | |
|----------------------------|-----------------|
| <u>Revenue:</u> | |
| HRPDC-EOC Optical Internet | <u>\$16,038</u> |
| <u>Expenditure:</u> | |
| HRPDC-EOC Optical Internet | <u>\$16,038</u> |

- 3. Grant Award – Virginia Department of Emergency Management (VDEM) Local Emergency Management Performance Grant (LEMPG) – \$5,286

RESOLUTION

GRANT AWARD – VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM)

LOCAL LEMERGENCY MANAGEMENT PERFORMANCE GRANT (LEMPG) – \$5,286

WHEREAS, the James City County Fire Department’s Emergency Management Division has been awarded a Local Emergency Management Performance Grant (LEMPG) in the amount of \$39,978 from the Commonwealth of Virginia Department of Emergency Management (VDEM) using funds from the United States Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) 2013 LEMPG grant cycle; and

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

WHEREAS, the Board of Supervisors previously appropriated \$34,692 through the FY 2014 budget; and

WHEREAS, the County received an increased allocation for FY 2014 in the amount of \$39,978 an increase of \$5,286 over the appropriated amount; and

WHEREAS, the grant requires a 100 percent in-kind match, which is met through the Emergency Management Division’s FY 2014 General Fund budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and the following budget appropriation to the Special Projects/Grants fund:

| | |
|---------------------|----------------|
| <u>Revenue:</u> | |
| VDEM-LEMPG | <u>\$5,286</u> |
| | |
| <u>Expenditure:</u> | |
| VDEM-LEMPG | <u>\$5,286</u> |

- 4. Grant Award – Office of Emergency Medical Services (OEMS) Rescue Squad Assistance Fund (RSAF) Grant – \$38,022

RESOLUTION

GRANT AWARD - OFFICE OF EMERGENCY MEDICAL SERVICES (OEMS)

RESCUE SQUAD ASSISTANCE FUND (RSAF) GRANT - \$38,022

WHEREAS, the James City County Fire Department has been awarded a Rescue Squad Assistance Fund (RSAF) grant in the amount of \$38,022 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 a Power Lift Stretcher and Power Load System to equip an ambulance and Emergency Medical Dispatch (EMD) Guide Cards for the Emergency Communications Center; and

WHEREAS, the grant requires a 50 percent local match of \$19,011, of which \$16,929 is budgeted in the FY 2014 Capital Improvement Program (CIP) for a replacement ambulance and \$2,082 is budgeted in the Fire Department’s Emergency Communications Division’s FY 2014 General Fund budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and the following budget appropriation to the Special Projects/Grants fund:

Revenue:

| | |
|---|-----------------|
| OEMS-RSAF-EMS Equipment/EMD Guide Cards | \$19,011 |
| Transfer from Capital Projects Fund | 16,929 |
| Transfer from General Fund | <u>2,082</u> |
| Total | <u>\$38,022</u> |

Expenditure:

| | |
|---|-----------------|
| OEMS-RSAF-EMS Equipment/EMD Guide Cards | <u>\$38,022</u> |
|---|-----------------|

5. Grant Award – Virginia Department of Emergency Management (VDEM) State Homeland Security Program (SHSP) Grant – \$11,530

RESOLUTION

GRANT AWARD - VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM)

STATE HOMELAND SECURITY PROGRAM (SHSP) GRANT - \$11,530

WHEREAS, the James City County Fire Department’s Emergency Management Division has been awarded a State Homeland Security Program (SHSP) grant in the amount of \$11,530 from the Commonwealth of Virginia Department of Emergency Management (VDEM) using funds from the United States Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) 2013 SHSP grant cycle; 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:

| | |
|-------------------------|-----------------|
| <u>Revenue:</u> | |
| VDEM-SHSP-Citizen Corps | <u>\$11,530</u> |
| <u>Expenditure:</u> | |
| VDEM-SHSP-Citizen Corps | <u>\$11,530</u> |

6. Revisions to James City County Personnel Policies and Procedures Manual

RESOLUTION

REVISIONS TO JAMES CITY COUNTY

PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, the James City County Personnel Policies and Procedures Manual is an important document that guides decisions; and

WHEREAS, it is the practice of the County to revise and update policies to reflect changes and improvements; and

WHEREAS, revisions need made to other chapters to be in compliance with previously adopted revisions to Chapter 5.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that revisions to the Personnel Policies and Procedures Manual are adopted, effective January 15, 2014.

I. PUBLIC HEARINGS

1. Case No. SUP-0017-2013. Apperson Family Subdivision

Ms. Jennifer Van Dyke, Planner I, addressed the Board giving a summary of the staff report included in the Agenda Packet.

As there were no questions for staff, Ms. Jones opened the Public Hearing.

1. Mr. M. Anderson Bradshaw, 8620 Merry Oaks Lane, attorney for the applicant, addressed the Board stating that a member of the Apperson family has owned this property since 1898. He stated that this application exemplifies the intended nature of the legislative regulations requiring the preservation of family, or legacy, subdivisions within the subdivision ordinance. He stated that Mr. William G. Apperson has resided in the home in question for many years and this Special Use Permit (SUP) would allow him to own the home he resides in while still assisting his parents in the running of the family agricultural business.

2. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in support of the case.

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

Mr. Kennedy made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

RESOLUTION

CASE NO. SUP-0017-2013. APPERSON FAMILY SUBDIVISION

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, the applicants have requested an SUP to allow for a family subdivision with a lot less than three acres in size in an A-1, General Agricultural, District, located at 4904 Fenton Mill Road, further identified as James City County Real Estate Tax Map Parcel No. 2420100018; and

WHEREAS, the Board of Supervisors, following a public hearing, are of the opinion that the SUP to allow for the above-mentioned family subdivision should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approve Case No. SUP-0017-2013, as described herein, with the following conditions:

1. Plan. This SUP shall be valid for the creation of one new parcel approximately 1.06 acres in size, with one parent lot, as generally shown on the plan titled "Exhibit Showing Proposed Family Subdivision Being the Properties of Williams L. & Mary M. Apperson (Husband & Wife)" drawn by Sebert Surveying Layout, LLC, and dated July 22, 2013.
2. Commencement. Final subdivision approval must be received from the County within 24 months from the issuance of this SUP, or the SUP shall become void.
3. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Case No. SUP-0018-2013. Pettengill-McClure Family Subdivision

Ms. Leanne Pollock, Senior Planner, addressed the Board giving a summary of the staff report included in the Agenda Packet.

As there were no questions for staff, Ms. Jones opened the Public Hearing.

1. Mr. M. Anderson Bradshaw, 8620 Merry Oaks Lane, attorney for the applicant, addressed the Board stating that Ms. Pettengill and Ms. McClure desire to subdivide the property in question into two lots so that each may be conveyed to their children.

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

Mr. Kennedy made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

RESOLUTION

CASE NO. SUP-0018-2013. PETTENGILL-MCCLURE FAMILY SUBDIVISION

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. M. Anderson Bradshaw has requested an SUP to allow for a family subdivision with lots less than three acres in size in an A-1, General Agricultural District, located at 9437 Diascund Road, further identified as on James City County Real Estate Tax Map Parcel No. 0230100009A; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0018-2013; and

WHEREAS, the Board of Supervisors are of the opinion that the SUP to allow for the above mentioned family subdivision should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve SUP Application No. SUP-0018-2013, as described herein, pursuant to the following conditions:

1. **Plan.** This SUP is valid for a family subdivision (the "Subdivision") for the creation of no more than one new lot of greater than one acre and one parent lot of greater than one acre. The Subdivision shall be generally as shown on the plan drawn by His Land Surveying, Inc., titled "Family Subdivision on Property Being Tax Parcel ID No. 0230100009A" and dated October 25, 2013.
2. **Access.** Only one entrance serving all lots through a shared driveway shall be allowed onto Diascund Road.
3. **Commencement.** Final subdivision approval must be received from the County within 24 months from the issuance of this SUP or the permit shall become void.
4. **Severance Clause.** The SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Ms. Jones stated that the remaining Public Hearings are deferrals from the December 10, 2013, meeting. She stated that the Public Hearings were left open and that staff would not be repeating their previous presentations; however, staff is available for questions.

3. Ordinance Amendment to Chapter 2, Administration, Section 2-3, Designation, Population, and Election Cycle of Districts

Mr. Rogers summarized the election cycles over the next several years that will ultimately result in quadrennial elections in 2019.

1. Mr. Jeff Ryer, 7154 Merrimac Trail, addressed the Board in his capacity as the Chairman of the Redistricting Committee. He stated that tonight the residents of James City County will finally be equal in terms of weighing in on County government. He stated that staggered terms do not work in localities that are

required to redistrict every 10 years. He stated that this issue is not about the officials in office, it is about the rights of the people living in those districts.

Mr. McGlennon asked what organization Mr. Ryer is speaking on behalf of.

Ms. Jones stated that he is speaking as the Chairman of the Redistricting Committee.

Mr. McGlennon stated that the Redistricting Committee did not elect Mr. Ryer to speak on its behalf as that committee has not been in existence for several years.

Ms. Jones stated that representatives of groups address the Board frequently and the Board does not question if the membership of the group is aware of their representation at a specific Board meeting.

Mr. McGlennon stated that the Redistricting Committee does not exist anymore to his knowledge.

2. Ms. Heather Cordasco, 113 Alexanders Place, addressed the Board as a member of the Redistricting Committee stating that it was never formerly disbanded. She stated that this issue is about the people's ability to vote. She stated that uniform terms work in many localities throughout the Commonwealth and allow voters to give a very clear mandate on county governing.

3. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board in support of uniform terms. She stated that citizens will finally have the opportunity to all be heard.

4. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in support of uniform terms.

5. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in support of uniform terms.

6. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board in support of uniform terms and stated that this issue should be put to a referendum.

7. Mr. Jim Icenhour, 101 Shinnecock, addressed the Board in opposition to uniform terms.

8. Mr. Chris Henderson, 101 Keystone, addressed the Board in support of uniform terms.

Ms. Jones asked citizens to direct their comments to the Chair and to not interchange directly with specific Board Members. She stated that this allows for the progression of an orderly meeting.

9. Ms. Marjorie Ponziani, 4852 Bristol Circle, addressed the Board in support of uniform terms.

10. Mr. Jay Everson, 103 Branscome Boulevard, addressed the Board in support of uniform terms.

11. Ms. Rosanne Reddin, 4700 President's Court, addressed the Board in support of uniform terms.

12. Mr. Paul Van Riper, 161 Waterton, addressed the Board in opposition to uniform terms.

13. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board in support of uniform terms.

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

Mr. Hipple stated that in talking to citizens during his campaign, this issue was one that was constantly brought up. He stated that the argument against uniform terms, regarding continuity of government, does not take into account the staff. He stated that the County has great staff that is very helpful to the Board members. He stated that if the Board is not doing what the citizens feel they should be doing, the citizens should be able to vote all of the Board members out of office.

Mr. Onizuk stated that he can appreciate both sides of the argument. He stated that his position has changed over the course of the last year after talking to citizens. He stated that uniform terms are the historical precedent for James City County and the citizens of the County appear to be in favor of uniform terms. He stated that he will support uniform terms this evening as the will of the citizens that have contacted him and the ones that he spoke to during his campaign.

Mr. McGlennon stated that he finds it disturbing that staggered terms would be likened to socialism. He stated that staggered terms have not been ruled out in the Constitution and is allowed in the US Senate. He stated that there are arguments for both sides. He stated that the County has had staggered terms for many years, which is why some citizens recognize a continuity of government here in the County. He stated that he believes the real issue that concerns citizens is that staggered terms was brought up for political gain. He stated that voters see this issue as a tit-for-tat, with the political agenda shifting every time there is a political shift on the Board. He stated that one citizen recommended this issue be put out as a referendum for the citizens to vote on and that might be a good idea to solve the issue once and for all. He stated that he will be voting to maintain the status quo and does not want to send the message that the institutions may be changed to suit the political advantage.

Ms. Jones stated that one of the reasons this issues seems to be a power play to suit the political advantage is because it keeps getting repeated. She stated that the County is a growing, dynamic community and the County has experienced population growth and populations shifts. She stated that when going through the redistricting process, incumbency was not looked at as part of the decision. She stated that the redistricting process is to maintain contiguous, compact election districts, and had there not been staggered terms, then the Board would not have had to deal with the appointment process. She stated that it is extremely concerning that some citizens in the County were not allowed to vote for six years, so she will support the return to uniform terms.

Mr. Hipple made a motion to approve the ordinance.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. Onizuk, Ms. Jones (4). NAY: Mr. McGlennon (1).

4. Case No. SUP-0012-2013. Human Services Building Communications Tower

RESOLUTION

CASE NO. SUP-0012-2013. HUMAN SERVICES BUILDING COMMUNICATIONS TOWER

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. Paul Knight has applied on behalf of David Media LLC for an SUP to allow for the construction of a 104-foot-tall communications tower on a parcel of land zoned PL, Public Land, located at 5249 Olde Towne Road; and

WHEREAS, the property can be further identified as James City County Real Estate Tax Map Parcel No. 3240100029A; and

WHEREAS, the Planning Commission, following its public hearing on November 6, 2013, voted 5-0 to recommend approval of the 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, hereby approves the issuance of SUP-0012-2013 as described herein with the following conditions:

1. Term of Validity: This SUP shall be valid for one monopole communication tower at a total height of 104 feet including all appurtenances at the location shown in the application narrative titled "Davis Media Studio Microwave Tower" dated October 16, 2013.
2. Time Limit: Final building inspection shall be obtained within 24 months of approval of this SUP, or the permit shall become void.
3. Tower Color: The tower color shall be gray. Any alternative color used shall be approved by the Planning Director, or his designee, prior to final site plan approval.
4. Advertisements: No advertising material or signs shall be placed on the tower.
5. Guy Wires: The tower shall be freestanding and shall not use guy wires for support.
6. Removal: Prior to final site plan approval, the owner of the tower shall post a performance bond, cash surety, or letter of credit in an amount sufficient to fund the removal of an abandoned or unused tower or any disused portion thereof, and site restoration as approved by the County Attorney. This bond or other financial mechanism shall remain in effect throughout the life of the tower. The tower shall be considered abandoned or unused if it is not being utilized for the purpose of providing wireless communication service for a period of six months.
7. Enclosure: All equipment enclosures shall be screened from public view with fencing. Fencing materials shall be reviewed and approved by the Planning Director prior to final site plan approval.
8. Collapse Radius: The tower shall be set back from all property lines a minimum of 110 percent of the documented collapse radius.
9. Tree Buffer: To minimize disturbance of the tree canopy, the Planning Director shall approve any tree trimming or clearing plan prior to final site plan approval.
10. Lease Agreement: A leasing agreement shall be approved by the County Attorney prior to final site plan approval.
11. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

5. Lease of County Property Located at 5249 Olde Towne Road

Ms. Jones stated that Case Nos. 4 and 5 on the agenda will be considered together and the Public Hearings were left open from the December 10, 2013, meeting.

1. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board in opposition to both cases.
2. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board in opposition to both cases.

3. Mr. Thomas G. Davis, President and CEO of Davis Media, LLC, the applicant, addressed the Board stating that he received a call from Mr. Wilson, the generator of the site plan map that was part of his original application, informing him that he was not allowed to use that site plan map. He stated that after having a conversation with Mr. Wilson, he is allowed to continue using the site plan map as the applicant, but the County needs to mark the document or make sure that it is used properly.

Ms. Jones stated that the County Attorney did weigh in on this issue and it has been addressed. She stated that the site plan map is a public document at this point.

Mr. Tom Davis stated that he does not intend to go through his entire presentation again; however, he did bring some supplemental information based on the comments that he heard during the last meeting. He stated that the County has entered into several public-private partnerships, including Go Ape which is a private for-profit business that operates on County-owned land for the purpose of providing entertainment. He stated that the most notable public-private partnership is the Williamsburg Indoor Sports Complex (WISC), which is a 38,000-square-foot complex that was placed on County-owned land. He stated that he brings these businesses up because the Board decides which public-private partnerships that it wants to enter into based on the merits of the benefits for the community. He stated that in 2006, the emergency operations personnel decided to invest in a generator for the Tide Radio to be able to stay on the air during emergency situations. He stated that it was a direct result of not being able to find a radio station that was on the air, during Hurricane Isabel, to communicate information out to the citizens of the County.

Ms. Jones asked when was the most recent time when the County has overtaken the Tide Radio in an emergency.

Mr. Davis stated the most recent tornado that nearly passed through the County several weeks ago. He stated that the Tide Radio was off the air for a brief amount of time during that weather event and if this radio tower had been in place they would not have gone off the air.

Ms. Jones stated that WYDaily News is what is heard on the Tide Radio Station, correct.

Mr. Davis stated no, the Tide Radio is a music station. There are news breaks, but it is predominantly a music station.

Ms. Jones stated that WYDaily is the source of the news breaks, correct.

Mr. Davis stated yes, but it is a music station. He asked if the Tide Radio did not use the WYDaily news breaks would this SUP then get approved.

Ms. Jones stated that this public-private partnership would be very different than Go Ape which provides general recreation for all citizens. She stated that the Tide Radio disseminates information and is part of a media group which is very different. She asked if he has any concerns over conflict of interest with the County being the landowner and them being in the business of disseminating information.

Mr. Davis asked if this question was put to Verizon or any of the other media or communications groups that have received SUPs in the County.

Ms. Jones stated that those companies provide a service. She stated that she is just trying to clarify the situation with WYDaily.

Mr. Davis again asked if this case would be approved if WYDaily was not the news source.

Ms. Jones stated that she is not saying that, just trying to clarify.

Mr. Hipple stated that he wanted to do some research on the microwave tower and some of the history regarding this case. He asked Mr. Davis to clarify the microwaves used for the benefit of the citizens.

Mr. Davis stated that the microwaves are the same that go through a person's head when they place a cellphone up to their ear. He stated that it puts off the same energy at a lower frequency as every other tower in this County. He stated that it is not new technology, that it has been here in the County for decades.

Mr. Hipple stated that he is just asking questions that citizens have brought to him. He stated that the radio station being up and running during weather events is important for the citizens.

Mr. Onizuk asked Mr. Davis to restate what other possible options are available for shared services or co-location.

Mr. Davis stated that if the County decides to allow other cellular companies to co-locate on the tower and pay the County rent, then the County may do so. He stated that once Davis Media builds the tower and gets the line of sight that they need, then the County can allow other companies to be added onto the tower.

Mr. Kennedy asked if the topography of the County site is more desirable than the topography of the site where the station currently resides.

Mr. Davis stated that the topography is similar; however, the zoning is totally prohibitive of a tower and a variance would have to be applied for. He stated that on the County site it is allowed by zoning and does not cause any issue for anyone and the County would receive rent for the tower, hence the approval from the Planning Commission.

Mr. Kennedy asked about the footprint of the tower and how big it would be.

Mr. Davis stated that the base of the tower is approximately 12 inches wide. He stated that the concrete slab would be approximately 40 square feet. He stated that the tower is a monopole, so there would be no guide wires. He stated that very few trees would have to come out to build it. He stated that the intent is for the trees to remain to shield it from view of the housing nearby.

Mr. Kennedy asked if the microwaves would be used daily or only in emergencies and if it increases the strength of the signal for the radio station.

Mr. Davis stated that it does not increase the strength of the signal, it just carries the signal the same way that the T1 line does. He stated that it will be used all the time, because there is no knowing when the T1 line will go down. He stated that the T1 phone line would remain as a backup. He stated that if the T1 line had gone down during that most recent tornado, then the Emergency Broadcast System (EBS) message would not have continued to be broadcast.

Mr. Kennedy asked if the tower is really too short to offer any other co-location.

Mr. Davis yes, it would need to be extended to really offer co-location. He stated that it is very easy to add additional height to the tower. He stated that the radio station only needs to go up to 104 feet in order to have line of sight with the transmitter.

Mr. Rogers stated that the lease does address this question and would allow the County to increase the height of the tower as long as the 104-foot spot is maintained.

Mr. Kennedy asked for Mr. Luke Vinciguerra, Planner I, to come forward to answer a few questions.

Mr. Kennedy asked if the surrounding homeowners and property owners were notified.

Mr. Vinciguerra stated that yes they were notified.

Mr. Kennedy asked if there were any concerns stated.

Mr. Vinciguerra stated that he has not been contacted by any surrounding property owners in regards to this case.

Mr. Kennedy asked if a balloon test was required.

Mr. Vinciguerra stated that to his knowledge a balloon test was not required because it is not a cellular tower; however, staff did conduct a balloon test for this case.

Mr. Kennedy asked if any complaints or concerns were filed as a result of the balloon test.

Mr. Vinciguerra stated that he has not received any.

4. Mr. Bobby Hornsby, 2 Kensington Court, addressed the Board stating that he owns the property where the radio station has its office. He stated that the LB zoning of his property does not allow a tower of this height period. He stated that there is no SUP process allowed. He stated that every opportunity was investigated to build this tower privately, but zoning does not allow it.

5. Mr. Walker Ware, 5004 River Drive, addressed the Board stating that the County does not have any definitive policy on the disposition or lease of County property.

6. Mr. Tim Stewart, 401 Hempstead Road, addressed the Board in support of the case.

7. Mr. Chris Henderson, 101 Keystone, addressed the Board raising several concerns over the utilities and backup power provided to the tower.

8. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in opposition to the case.

9. Ms. Marjorie Ponziani, 4852 Bristol Circle, addressed the Board in opposition to the case.

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

Mr. Kennedy stated that citizens raised some questions that Mr. Davis may be able to shed light on.

Mr. Davis stated that microwave lengths are regulated by the Federal Communications Commission (FCC), it is not the same process as an FM or AM license, but a license is required and they are regulated. He stated that he believes in these instances that he and the County would separately meter and Davis Media would be responsible for all of their utilities to the tower. He stated that there is a backup generator at the Human Services Building and it would be easier to tie into theirs and work out whatever is a reasonable amount to pay for that service.

Mr. Kennedy asked for clarification on the generator in question. He stated that the \$25,000 came from the Williamsburg Community Health Foundation and the County was just a pass through.

Mr. Davis stated that is correct.

Mr. Rogers stated that is correct.

Mr. Kennedy stated that the County did not take \$25,000 of taxpayer dollars and put it into this generator.

Mr. Rogers stated that is correct.

Mr. Kennedy stated that if he was to base his decision off of the content of the station and the news breaks that occur on the station, then his answer would be no. Mr. Kennedy asked is this a fair price, probably so for a relatively small tower. He stated that there is a commercial side to this, but there is a public benefit. He stated that he believes it is reasonable for the tower to be placed where it is applying to be. He stated that it is a reasonable land use, is not a public health hazard, and provides a public benefit. He stated that he agrees that the County needs to have some policies about who it leases land to and for what purpose. He stated that he can support the application this evening.

Mr. McGlennon stated that he has never heard of public-private partnerships being linked to communism like he has heard this evening. He stated that he is willing to support this application this evening, because the citizen benefit far outweighs the benefits that the applicant will receive. He stated that one of the problems that the County has repeatedly faced during emergencies is the lack of consistent communication once the power goes out. However, radios allow citizens to get that link to information on where there might be water available, where there is ice available, and how to get medical services if needed. He stated that the politics of the business should not be a factor in this case as it is a land use case.

Mr. Onizuk stated that he promised to serve the interest of the citizens as well as the businesses of this County. He stated that the businesses are the backbone of this County. He stated that he looks at this case as supporting a local business and supporting the best interests of the citizens during an emergency. He stated that the content of the radio station is not relevant to the application. He stated that he does not have any concerns over the health hazards of microwaves and he intends to support this case this evening.

Mr. Hipple stated that being in the volunteer fire department he knows that it is hard to get the word out during emergencies. He stated that perhaps he does not agree with the entire package of the application, but if this tower can save the life of one person then it is worth it.

Ms. Jones stated that she agrees with the speaker earlier as far as the process. She asked staff if this opportunity was offered to any other private business.

Mr. Powell stated no.

Ms. Jones stated that out of this case has come an excellent suggestion, that there needs to be a policy. She stated that there could have been other businesses out there that might not have known that the ability to use this property even existed. She stated that she appreciates the community service provided. She stated that content is a consideration for her because the County is authorizing the tower to be on public land. She stated that it will provide for uninterrupted service when the T1 line goes down. She stated that this is a media group and by allowing it on County property it is promoting that media group. She stated that she continues to have concerns over the conflict of interest. She stated that looking at this as just the tower, then she has been strongly supportive of towers in the community. She stated that she will support this application because there is a lease involved and a payment. She stated that she strongly supports the Board look in to a process for this in the future so that it is fair to all local businesses.

Mr. McGlennon made a motion to approve the resolution for the SUP and for the lease of the property associated with the case.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

RESOLUTION

LEASE OF COUNTY PROPERTY LOCATED AT 5249 OLDE TOWNE ROAD

WHEREAS, James City County currently owns a certain parcel of land located in the County of James City at 5249 Olde Towne Road and further identified as James City County Real Estate Tax Parcel No. 3240100029A and commonly known as the Human Services Building (the "Property"); and

WHEREAS, Davis Media has applied for a Special Use Permit (SUP) to allow the construction of a 104-foot-tall communications tower on the Property; and

WHEREAS, the proposed communications tower would allow Davis Media's local radio station to transmit information during those times when the Verizon wireless service is inoperable; and

WHEREAS, Davis Media has proposed rent payments in the amount of \$250/month, along with the ability to alter the tower, to keep any co-location income, and to allow the County to break into Davis Media's programming during emergencies; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that the County should lease a portion of the Property to Davis Media for the construction of a 104-foot-tall communications tower.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the Acting County Administrator to execute those documents necessary for the lease of the Property to Davis Media.

Mr. Kennedy asked for a five minute recess.

At 10:06 p.m., Ms. Jones recessed the Board for a break.

At 10:11 p.m., Ms. Jones reconvened the Board.

6. Sale of County Property Located at 225 Meadowcrest Trail-\$600,000

RESOLUTION

SALE OF COUNTY PROPERTY LOCATED AT 225 MEADOWCREST TRAIL - \$600,000

WHEREAS, James City County currently owns a certain parcel of land located in the County of James City, containing approximately 15 acres located at 225 Meadowcrest Lane and further identified as James City County Real Estate Tax Map Parcel No. 1330100016 (the "Property"); and

WHEREAS, the Property is situated adjacent to the Windsor Ridge neighborhood, which is currently being developed by NVR, Inc.; and

WHEREAS, NVR, Inc., has offered to purchase the Property for \$600,000 so that it may be incorporated into the Windsor Ridge development; and

WHEREAS, the Property is assessed at \$453,800 and the County has not identified any current or future need for the Property; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that the County should sell the Property to NVR, Inc. for \$600,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to execute those documents necessary for the sale and transfer of the Property to NVR, Inc.

7. Case No. Z-0002-2013/SUP-0005-2013. Wellington, Windsor Ridge, Section 4

Ms. Jones stated that Case Nos. 6 and 7 on the agenda will be considered together and the Public Hearings were left open from the December 10, 2013, meeting.

1. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in opposition to the case.
2. Mr. Chris Henderson, 101 Keystone, addressed the Board in opposition to the case.
3. Mr. Heath Richardson, 4001 Penzance Place, President of the Wellington Homeowners Association (HOA), addressed the Board in favor of the case.
4. Mr. Walker Ware, 5004 River Drive, addressed the Board requesting a map of all County-owned property that may be up for lease or purchase.

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

Mr. Kennedy stated that the issue of this land goes back many, many years. He stated that in the years that the County has owned the property, the County has been poor neighbors. The County has never done anything with it. He stated that he has been of the opinion of that if the County is going to sell the property that it should be put out to bids. He stated that he has been of the opinion that nothing should be done with the property at all, but he understands the plight of the homeowners out there that the property is being used for things that it should not be used for. He stated that he has tossed around ideas for working with small, local

builders, but those ideas never really went anywhere. He stated that unfortunately the days of small local builders in James City County are pretty much gone. He stated that outside gated communities, large tract homebuilders own most of the lots in the County and they are buying up more every day. He stated that he believes the \$600,000 sale price is low. He stated that the neighbors out there would like to see something done with the property. He stated that at this point he feels he has to support this.

Mr. Hipple stated that he spoke to Mr. Richardson and he believes that the 2/3 vote can be reached to add these homes into the HOA. He stated that he understands the concerns of the homeowners out there and that something needs to be done with the property. He stated that out of this situation comes the realization that the County needs to look at its policies and the way it is handling the land it is stewards of. He stated that he would like to have seen this opened up more to other builders in the community, but it is too far down the road for that now. He stated that the homeowners in the neighborhood would like to see more homes out there and boost up their HOA. He stated that it is a tough situation.

Mr. Onizuk stated that the parcel is tucked in between two neighborhoods and there is no foreseeable County use for the land other than to let it be. He stated that he understands that it has been a long road to get to this point and wished there were other options available, but it does not seem possible. He stated that the development of the property would conform to the Comprehensive Plan and would complete the two developments on either side of the property. He stated that he is concerned that the County has not maintained the land over the years. As there does not seem to be any other options on the table, he stated that he would support the wishes of the Stonehouse representative and the wishes of the homeowners in those developments.

Ms. Jones stated that she would like to thank the community members that have been involved in this process. She stated that she is always supportive of taking property out of the hands of the County and putting it back on the tax rolls; however, she wants to be sensitive to the wishes of the homeowners of the neighborhoods. She stated that she would have preferred that the property be put out for bid; however, this sale will provide consistency in the development of the homes in those neighborhoods. She stated that she is supportive of this case and the HOA has worked diligently to do what needs to be done to bring these homes into the HOA.

Mr. McGlennon stated that everyone agrees that this is a difficult case. He stated that there is one issue that weighs in favor of the case and that is that the neighborhood favors the application. He stated that he is reasonably sure that if someone else could have made the County a better offer, then they would have come forward. He stated that it should also be recognized that the County did not solicit this offer for the purchase either. He stated that the land is not one that cries out for preservation and it is already developed in a sense since it has infrastructure already in place.

Mr. Kennedy stated that over a year ago he was opposed to this. He stated that the analyzing of what to do with this property is what has caused the change in opinion. He stated that there is a division between Wellington and Mirror Lakes and the property is fallow between the two. He stated that with reluctance he will support this after listening to his constituents.

Mr. Kennedy made a motion to approve the resolution for the sale of the property and the rezoning resolution.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

RESOLUTION

CASE NO. Z-0002-2013. WELLINGTON, WINDSOR RIDGE, SECTION 4

- 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-0002-2013, for rezoning ± 15.00 acres from PL, Public Lands, to R-1, Limited Residential, with proffers; and
- WHEREAS, the proposed project is shown on an Exhibit prepared by AES Consulting Engineers, entitled “Windsor Ridge Master Plan for Rezoning and Special Use Permit,” and dated December 21, 2012; and
- WHEREAS, the Planning Commission of James City County, following its public hearing on August 7, 2013, recommended approval, by a vote of 5 to 0; and
- WHEREAS, the property is located at 225 Meadowcrest Trail and can be further identified as James City County Real Estate Tax Map No. 1330100016.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-0002-2013 and accept the voluntary proffers.

RESOLUTION

CASE NO. SUP-0005-2013. WELLINGTON, WINDSOR RIDGE, SECTION 4

- 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, James City County has applied to allow the development of up to 28 single-family lots at a gross density of 1.87 dwelling units per acre; and
- WHEREAS, the proposed project is shown on a master plan prepared by AES Consulting Engineers, entitled “Windsor Ridge Master Plan for Rezoning and Special Use Permit,” and dated December 21, 2012; and
- WHEREAS, the property is zoned R-1, Limited Residential, with proffers, and can be further identified as James City County Real Estate Tax Map No. 1330100016; and
- WHEREAS, the Planning Commission, following its public hearing on August 7, 2013, voted 5 to 0 to recommend approval of this application.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approve the issuance of Special Use Permit No. SUP-0005-2013 as described herein with the following conditions:
1. Commencement of Construction. If construction has not commenced on this project within 36 months from the issuance of an SUP, the SUP shall become void. Construction shall be defined as obtaining a land disturbing permit for the project.

2. Landscape Buffer. The applicant shall submit a landscape plan along with the plan of development which demonstrates that the proposed 20-foot landscape buffer adjacent to residential properties within the Mirror Lakes subdivision will screen the development to the same degree as a 35-foot buffer as determined by the Planning Director.
3. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

J. BOARD CONSIDERATIONS – None

K. PUBLIC COMMENTS

1. Mr. Jay Everson, 103 Branscome Boulevard, addressed the Board continuing his comments on Lake Peleg that overflows into the yards of the even numbered homes on Branscome Boulevard.

2. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board continuing his comments on climate change and carbon emissions.

3. Ms. Rosanne Reddin, 4700 President's Court, addressed the Board continuing her comments regarding the article in the paper about Mr. Icenhour's tenure on the Board.

4. Mr. Chris Henderson, 101 Keystone, addressed the Board agreeing with the comment that the County should not be in the land development business and agreeing with the comment that the County is not very business friendly.

5. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board regarding the microwaves that will be emanated from the tower that was approved unanimously.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Powell stated that the 38th Citizens Police Academy begins on February 5 and anyone interested may visit the County website or call the Police Department at 757-253-1800 for more information. He stated that dog tags must be on County dogs by January 31. He stated that a valid Rabies Certificate is required and tags may be purchased at the Treasurer's Office or the Satellite Offices. He also stated that Christmas tree recycling ends soon; trees may be dropped off at any of the three convenience centers free of charge until January 31. He stated that Mr. Rogers would like to update the Board on an item as well.

Mr. Rogers stated that there is a potential appeal of the State Corporation Commission (SCC) decision regarding the Virginia Dominion Power transmission line. He stated that he has polled the Board and there is majority, if not unanimous, support for appealing the SCC ruling to the State Supreme Court. He stated that it would involve the decision on the zoning regarding the transmission station as well as the fact that the SCC did not take into account all of the historical impacts that the line would have. He stated that the Save the James Alliance has partnered with the County in the past on the case and are looking for County assistance in filing the appeal. He stated that there would not be an outside attorney cost and the Save the James Alliance stated that they would cover any out of pocket expenses. He stated that he is looking for the Board's consent to keep the Save the James Alliance in the appeal.

Ms. Jones made a motion to affirm to Mr. Rogers the appeal with the Save the James Alliance.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

M. BOARD REQUESTS AND DIRECTIVES

Ms. Jones asked if any of the Board members had anything they would like to discuss before addressing the item on the agenda.

Mr. Kennedy stated that the most recent storm created a lot of debris and damage in the upper County. He has been asked by many citizens if fees can be waived at the County Convenience Centers for dropping off debris. He stated that he has also received requests about the bulk pick up fees. He stated that these storms are becoming more prevalent and the Board needs to make a decision on how it is going to handle these situations as they arise. He stated that he believes that the County should be doing these pickups after citizens are hit hard with these storms.

Mr. McGlennon stated that he can be supportive of offering some type of service in these cases, but he would have a hard time offering an exception to the current policy this evening, after the citizens in his district were not offered an exception last year. He stated that he would be open to a broader discussion on offering some type of service to the citizens after these weather events.

Mr. Powell stated that the Virginia Department of Transportation (VDOT) was out in Elmwood today, but staff was not able to confirm with VDOT before the end of the business day, how extensively they will be cleaning up out there. He stated that once he has answer from VDOT, he will let the Board know. He stated that if the Board would like the fees waived at the Convenience Centers than he would need that guidance from the Board. He stated that the fee waiver would have to be County-wide as there is no way to really limit by geographical area. He stated that he would recommend waiving fees starting this coming Saturday and running through the following Sunday, for storm debris only.

Mr. Kennedy and the other members affirmed their support of waiving fees at the Convenience Centers for storm debris for one week for non-commercial vehicles.

Mr. Powell asked if the Board desires to appoint a member to the Council for Workforce Development. He stated that the organization meets the fourth Thursday of the month at 8 a.m. in Newport News.

The Board agreed to address this issue at its January 28 meeting to allow members to check their schedules for availability.

1. Discussion of Search Process for County Administrator

Ms. Jones stated that the Board has had some discussions with each other recently and staff has already solicited the Requests for Proposals (RFPs) from outside companies. She stated that the RFPs are due back to the County by January 30. She stated that it seems to be the consensus of the members to have a meeting shortly thereafter to review the RFPs. Ms. Jones asked if Tuesday, February 4, 2014, at 4 p.m. would be agreeable with all the members. The Board voiced its agreement.

Mr. Powell stated that staff would deliver the RFPs to the Board on Friday, January 31.

Ms. Jones stated that the Board will meet and review the companies and decide which companies they would like to interview. She stated that from that point, the Board can bring in the companies it would like to interview and make its selection. Once the selection is made, the company will probably want to speak to Board members, members of the community, and other leaders in the area to get a sense of what the County is looking for in a new County Administrator. She stated that when the search gets down to the final few, she believes that it would be beneficial for the citizens to have a meet and greet, or town hall type of meeting with the finalists. She stated that it would allow the Board to see its interaction with the citizens. She did note that if that is something that the Board decides it wants to do, then the applicants need to be notified up front.

Mr. Kennedy and Mr. Hipple expressed concern that a public engagement requirement might limit the number of applicants that are received.

Mr. Onizuk agreed that having that as a requirement would exclude a lot of potentially great candidates from applying.

Mr. Kennedy stated that it is a catch-22 that public input is important, but the Board does not want to limit its potential pool of candidates either. He stated that during the last search, the Board did a good job of protecting the privacy of the applicants and believes that should be done again.

Mr. McGlennon stated that he would like this issue to be a central question for the executive search companies that the Board will be interviewing. He stated that there will be a bias with those firms to want to do this privately and the Board needs to recognize that. He stated that he has been a part of open and private search committees and does not believe that there is much difference in the pool of applicants.

Mr. Kennedy and Ms. Jones agreed that this decision is one that does not have to be made this evening.

Mr. Powell stated that a motion needs to be made to amend the Board's calendar to add the meeting on February 4.

Mr. McGlennon asked for clarification if the meeting would be open or closed since the Board would be reviewing RFPs.

Mr. Rogers stated that it is an open meeting, but the Board may go in to Closed Session. So, it does have to be an advertised meeting. He stated that he would recommend the Board go in to Closed Session.

Mr. McGlennon made a motion to amend the Board's calendar to add a meeting on February 4, 2014, at 4 p.m.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

N. ADJOURNMENT – to 8:30 a.m. on January 25, 2014, for the Budget Retreat.

Mr. Hipple made a motion to adjourn.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

At 11:15 p.m., Ms. Jones adjourned the Board.



M. Douglas Powell
Clerk to the Board

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