

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF FEBRUARY 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**

**MAR 25 2014**

Mary K. Jones, Chairman, Berkeley District  
Michael J. Hipple, Vice Chairman, Powhatan District  
James G. Kennedy, Stonehouse District  
Kevin D. Onizuk, Jamestown District  
John J. McGlennon, Roberts 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** – Margaret Sheppard, an 8<sup>th</sup> grade student at Toano Middle School and a resident of the Stonehouse District led the Board and citizens in the Pledge of Allegiance.

**E. PRESENTATION**

1. Williamsburg Area Arts Commission

Mr. Greg Lilly, Chair of the Williamsburg Area Arts Commission (WAAC), addressed the Board giving a report on the WAAC program this year and highlights of the recent grant program.

2. Planning Commission Annual Report

Mr. Al Woods, Chair of the Planning Commission for 2013, addressed the Board giving highlights of the 2013 Planning Commission Annual Report included in the Agenda Packet.

Mr. Kennedy thanked Mr. Woods for his service on the Planning Commission.

Ms. Jones recognized Mr. Rich Krapf as the Planning Commission Representative in attendance tonight.

**F. PUBLIC COMMENTS**

1. Mr. John Pottle, 4233 Teakwood Drive, addressed the Board offering a thought on a biblical quote.

2. Ms. Betty Walker, 101 Locust Place, addressed the Board regarding the Federal Reserve Bank and monetary reform.

3. Mr. Randy O'Neill, 109 Sheffield Road, addressed the Board regarding K-12 health and wellness.

4. Mr. Nate Walker, 101 Locust Place, addressed the Board regarding an article in the last word section of the newspaper.

5. Ms. Landra Skelly, 6572 Wiltshire Road, addressed the Board regarding the Hybrid Sewer Plan.

6. Mr. John Haldeman, 1597 Founders Hill North, addressed the Board regarding the Hybrid Sewer Plan.

7. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding green building initiatives.

8. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding the Reimbursement Grant Award for the Purchase of Development Rights Program on the Consent Calendar.

9. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board regarding the Cool Counties Resolution.

10. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board regarding the Cool Counties Resolution.

11. Ms. Rosanne Reddin, 4700 President's Court, addressed the Board regarding local and states' rights.

12. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding the School's Budget.

13. Mr. Jim Icenhour, 101 Shinnecock, addressed the Board regarding a drainage issue off of Centerville Road that is affecting an individual property owner.

14. Mr. Walker Ware, 5004 River Dr., addressed the Board regarding the platting of the sewer lines in the County.

**G. BOARD REQUESTS AND DIRECTIVES - None**

**H. CONSENT CALENDAR**

Ms. Jones requested that Item 3 be pulled for discussion and a separate vote.

Mr. McGlennon requested that Item 2 be pulled for a separate vote, as he is an employee of the College of William and Mary, and while he cannot think of a conflict of interest, he will be abstaining from the vote.

Mr. McGlennon made a motion to approve Consent Calendar Items 1 and 4.

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

1. Establishment of Part-Time Position, Benefits Coordinator

**RESOLUTION**

**ESTABLISHMENT OF PART-TIME POSITION, BENEFITS COORDINATOR**

WHEREAS, the part-time position of County Benefits Coordinator was eliminated when those duties were re-assigned to a shared position that was fully funded by the Williamsburg-James City County Schools (Schools); and

WHEREAS, in exchange for discontinuing the shared position, the Schools will reimburse the County \$23,000; and

WHEREAS, although there are no added costs or added hours, Board approval is needed because it is a new County position.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the transfer of \$23,000 from School reimbursement to the FY 2014 Human Resources budget establishes the position of part-time Benefits Coordinator (1,040 hours per year) effective February 26, 2014.

4. Establishment of a Full-Time Regular Groundskeeper Position

**RESOLUTION**

**ESTABLISHMENT OF A FULL-TIME REGULAR GROUNDSKEEPER POSITION**

WHEREAS, the James City County Department of General Services desires to provide outstanding grounds maintenance services to all County and Williamsburg-James City County (WJCC) school facilities; and

WHEREAS, a WJCC grounds employee has resigned and there is a continuing need for that position to provide the needed services; and

WHEREAS, the approved interagency agreement between James City County and WJCC Schools requires that school positions be replaced by County positions as they become vacant.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes one full-time regular groundskeeper position in the Department of General Services effective March 1, 2014.

2. Bill of Sale Document Donation

Mr. Onizuk made a motion to approve Item 2.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. Onizuk, Ms. Jones, (4). NAY: (0). ABSTAIN: Mr. McGlennon, (1).

**RESOLUTION**

**BILL OF SALE DOCUMENT DONATION**

WHEREAS, the County owns an original copy of the 1868 Bill of Sale for the Richardson Grist Mill which has been stored in a Development Management file cabinet for a number of years; and

WHEREAS, the College of William and Mary's Earl Gregg Swem Library has indicated a desire to conserve, preserve, and display the document if the County donates it to the library; and

WHEREAS, the Library of Virginia has concurred that the Earl Gregg Swem Library is the most appropriate repository for this historical document; and

WHEREAS, at its meeting on February 4, 2014, the James City County Historical Commission voted unanimously to recommend that the document be donated to the College of William and Mary's Earl Gregg Swem Library.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that in accordance with Section 15.2-951 of the *Code of Virginia*, 1950, as amended, the Acting County Administrator is hereby authorized to execute any and all documents necessary to donate the 1868 Bill of Sale for the Richardson Grist Mill to the College of William and Mary's Earl Gregg Swem Library.

3. Reimbursement Grant Award - Purchase of Development Rights Program - \$149,678.46

Ms. Jones noted that this grant award requires a 50% match from the County, and she believes that there are other priorities in the County where this money could be utilized.

Mr. McGlennon stated that these are State funds that are available to the County should the County decided to utilize them during a PDR purchase which would save local tax dollars. He stated that accepting the Grant Award does not require the County to spend money if there is not a purchase that the County wishes to make.

Mr. McGlennon made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. McGlennon, (2). NAY: Mr. Hipple, Mr. Onizuk, Ms. Jones, (3). Motion defeated.

**I. PUBLIC HEARING - None**

**J. BOARD CONSIDERATIONS**

Ms. Jones stated that she attended the retreat for the HRTPO and the HRPDC, and Mr. Aubrey Lang, Secretary of the Commonwealth, spoke about the strong support from the Governor's Office for regional taxation authority. She stated that there are those who have challenged the constitutionality of regional taxation; however, the Virginia Supreme Court has ruled that tolls are constitutional if there is regional taxation authority. She stated that there has been significant discussion at the HRTPO on how to best handle regional taxation authority if it is granted, and the possibility of an increase in staffing. She stated that she distributed a report to the Board from the Secretary for Transportation.

**K. PUBLIC COMMENTS**

1. Ms. Landra Skelly, 6572 Wiltshire Road, addressed the Board regarding the Cool Counties Resolution and climate change.

2. Mr. Randy O'Neill, 109 Sheffield Road, addressed the Board regarding the School Health Initiative Program (SHIP).

3. Ms. Rosanne Reddin, 4700 President's Court, addressed the Board regarding the Environmental Protection Agency (EPA).

4. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board regarding climate change.

5. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding the appointment of the police chief.

6. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding climate predictions for this winter and the Cool Counties Resolution.

**L. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Powell stated that the Board has recently scheduled two meetings that are not on their calendar. The Board will be meeting with the Executive Search Firm Consultant on Thursday at 3 p.m. and the Joint Meeting with the School Board and the City Council is scheduled for March 11 and 4 p.m.

**M. BOARD REQUESTS AND DIRECTIVES**

Mr. Kennedy stated that several citizens have asked who voted for the proffer policy. He stated that three members of this current Board and two members of a past Board; Mr. Goodson, Mr. Icenhour, Mr. McGlennon, Ms. Jones, and himself voted on them in 2008/2009 and again in 2010. He also stated that as far as he has been able to find out, there is no cost associated with the Cool Counties Resolution, there are principles that may be applied, but there is no membership associated with it.

Mr. McGlennon requested that the General Services department post the cost savings that have accrued since 2007 and the Cool Counties Initiatives. He stated that the membership with ICLEE was dropped at the Board's direction, and a commercial vendor software program was purchased, Planet Footprint, to help manage the County's energy consumption and show areas of savings.

Ms. Jones stated that she does not recall any conversation about the purchase of the Planet Footprint software. So, it is a cost that has been incurred as a result of the initiatives of the Cool Counties Resolution. She stated that she does not see the need for the use of Planet Footprint, that common sense can be applied here in the County. She also stated that Cool Counties Initiatives is part of NACo, and the County does pay a membership fee to NACo. She stated that several policies, including land use and zoning, and the PDR program are byproducts of the Cool Counties Initiatives, and those are costs as well.

Mr. McGlennon stated that the PDR program was around prior to the Cool Counties Resolution, and there has been a referendum and several opinion polls of citizens that overwhelming support the PDR program.

Mr. Kennedy stated that he had requested information regarding Planet Footprint from Mr. John Horne, Director of General Services. He stated that the information he received back is that Planet Footprint is a private firm that takes the County's utility bill information and some fuel consumption information that is provided by the County and consolidates it into tracking reports and helps to identify when areas are having anomalies that could causing increases in utility costs. He stated that the cost for the service is \$5,000 annually.

Mr. Onizuk asked if NACo is supporting Cool Counties. He stated that most of what he has seen is from the Sierra Club and is somewhat dated.

Ms. Jones stated that yes; NACo supports Cool Counties and showed a printed document from the NACo website regarding Cool Counties.

Ms. Jones stated that during the Work Session two appointments were made.

Mr. Kennedy stated that Mr. Heath Richardson was appointed to fill the Stonehouse Seat vacancy on the Planning Commission.

Ms. Jones stated that Mr. Hipple was appointed as the Board representative to the Hampton Roads Economic Development Alliance for this year.

Ms. Jones requested a motion to recess the Board in order to conduct the JCSA Board of Directors Meeting.

Mr. Kennedy made the motion.

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

At 8:30 p.m., Ms. Jones recessed the Board of Supervisors.

At 10:34 p.m., Ms. Jones reconvened the Board of Supervisors.

## **N. CLOSED SESSION**

Mr. McGlennon made a motion to certify the Closed Session.

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

**RESOLUTION**

**CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1) of the Code of Virginia, to consider a personnel matter related to the Acting County Administrator.

Ms. Jones made a motion to reappoint Mr. M. Douglas Powell as Acting County Administrator, as well as the General Manager of the JCSA.

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

**O. CONTINUATION** – to 3 p.m. on February 27, 2014, for the meeting with the Search Firm Consultant.

Mr. Kennedy stated that he would not be in attendance on Thursday, February 27th, due to family business out of state.

Mr. Onizuk made a motion to recess.

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

At 10:36 p.m., Ms. Jones recessed the Board until 3 p.m. on February 27, 2014.

  
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M. Douglas Powell  
Clerk to the Board