

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF JULY 2014, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

ADOPTED

AUG 12 2014

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

A. CALL TO ORDER

B. ROLL CALL

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

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

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Mason Hibbard, a rising 1st-grade student and Kasey Lovelace, a rising 5th-grade student at J.B. Blayton Elementary School, and residents of the Powhatan District, led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATION - None

F. PUBLIC COMMENTS

1. Ms. Betty Walker, 101 Locust Place, addressed the Board regarding Common Core.
2. Mr. Nate Walker, 101 Locust Place, addressed the Board regarding the actions of the Board over the last month.
3. Ms. Mary Bressler, 4405 Pleasant View Drive, addressed the Board regarding sidewalks and bike paths.
4. Ms. Petra Nadel, 106 Indian Circle, addressed the Board regarding the recent meeting in the Grove community.
5. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board regarding the Primary Service Area (PSA).

6. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board regarding Purchase of Development Rights (PDR) and Greenspace.

7. Ms. Rosanne Reddin, 4700 President's Court, addressed the Board regarding policies of the United Nations and the World Bank.

8. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding the Gatehouse Proffer Amendment and development.

9. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding the Gatehouse Proffer Amendment.

G. BOARD REQUESTS AND DIRECTIVES - None

H. CONSENT CALENDAR

Ms. Jones noted that Item 5 on the Consent Calendar needed to be removed as it was a duplicate of Item 6.

Mr. McGlennon made a motion to approve the items on the Consent Calendar, minus Item 5.

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. June 24, 2014, Work Session
 - b. July 1, 2014, Continuation of Meeting
 - c. July 8, 2014, Regular Meeting
2. Contract Award – Advanced Life Support (ALS)/Basic Life Support (BLS) Revenue Recovery Services

RESOLUTION

CONTRACT AWARD - ADVANCED LIFE SUPPORT (ALS)/BASIC LIFE SUPPORT (BLS)

REVENUE RECOVERY SERVICES

WHEREAS, James City County has a revenue recovery program that charges fees to help offset the costs of Advanced Life Support (ALS)/Basic Life Support (BLS) ambulance transports; and

WHEREAS, a Request for Proposals (RFP) for ALS/BLS revenue recovery services was publicly advertised and staff reviewed proposals from seven firms interested in providing the service; and

WHEREAS, upon evaluating the proposals, staff determined that EMS Management and Consultants was the most fully qualified and best suited among those submitting proposals and negotiated a price for these services of 5.2 percent of net collections; and

WHEREAS, the contract includes an initial one-year term with four additional one-year renewal periods upon mutual agreement of both parties.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with EMS Management and Consultants for ALS/BLS revenue recovery services.

- 3. Grant Award – Virginia E-911 Services Board Public Safety Answering Point (PSAP) – \$2,000

RESOLUTION

GRANT AWARD - VIRGINIA E-911 SERVICES BOARD

PUBLIC SAFETY ANSWERING POINT (PSAP) - \$2,000

WHEREAS, the James City County Fire Department Emergency Communications Division has been awarded a grant in the amount of \$2,000 from the Virginia E-911 Services Board under the FY 2015 Public Safety Answering Point (PSAP) Grant Program for the Wireless E-911 PSAP Education Program; and

WHEREAS, the funds are to be used for 9-1-1 and geographic information system (GIS) specific group education and training opportunities; and

WHEREAS, the grant does not require a local match.

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

<u>Revenue:</u>	
PSAP Grant-Education	<u>\$2,000</u>
<u>Expenditure:</u>	
PSAP Grant-Education	<u>\$2,000</u>

- 4. Grant Award – Office of Emergency Medical Services (OEMS) Rescue Squad Assistance Fund (RSAF) – \$97,512

RESOLUTION

GRANT AWARD - OFFICE OF EMERGENCY MEDICAL SERVICES (OEMS)

RESCUE SQUAD ASSISTANCE FUND (RSAF) - \$97,512

WHEREAS, the James City County Fire Department has been awarded a Rescue Squad Assistance Fund (RSAF) grant in the amount of \$97,512 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 Monitor/Automatic External Defibrillators (AEDs) with accessories, video laryngoscopy systems, and devices for wireless connectivity for ambulances; and

WHEREAS, the grant requires a 50 percent local match of \$48,756, which is budgeted in the FY 2015 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:

<u>Revenue:</u>	
OEMS-RSAF-EMS/Wireless Equipment	\$48,756
Transfer from General Fund	<u>48,756</u>
Total	<u>\$97,512</u>

<u>Expenditure:</u>	
OEMS-RSAF-EMS/Wireless Equipment	<u>\$97,512</u>

6. Contract Renewal – Three-Year Enterprise Agreement

RESOLUTION

CONTRACT RENEWAL - THREE-YEAR ENTERPRISE AGREEMENT

WHEREAS, James City County has a software license program that provides services to the County, James City Service Authority, and Sheriff users; and

WHEREAS, a per user fee was negotiated resulting in significant cost savings per year for the County; and

WHEREAS, upon evaluating the agreement, staff determined that Software House International (SHI) provided a fair and reasonable cost for services; and

WHEREAS, the contract includes an initial one-year term with two additional one-year renewal periods upon mutual agreement of both parties.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract renewal with SHI for software license program services.

7. Award of Contract – Freedom Park Expansion

RESOLUTION

AWARD OF CONTRACT – FREEDOM PARK EXPANSION

WHEREAS, this project and associated playground represent the final phase of Freedom Park projects as part of the approved masterplan and are allocated projects within the Capital Projects budget; and

WHEREAS, funds are available from the Capital Projects accounts; and

WHEREAS, three bids were considered for award and David A. Nice Builders, Inc. was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract in the amount of \$307,500 for the Freedom Park Expansion to David A. Nice Builders, Inc.

8. Reinstating Part-Time Regular Position and Eliminating Part-Time Temporary Position in the Treasurer’s Office

RESOLUTION

REINSTATING PART-TIME REGULAR POSITION AND

ELIMINATING PART-TIME TEMPORARY POSITION IN THE TREASURER’S OFFICE

WHEREAS, the part-time regular position in the Treasurer’s Office was eliminated with the FY 15 budget; and

WHEREAS, the intention in eliminating this position was to create another full-time position for a delinquent collections supervisor while not affecting the current employee in the part-time position; and

WHEREAS, the cost to the County will be an additional \$505 for FY 15 which will be covered by the cost savings related to the vacancy for the delinquent collections supervisor not yet hired.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the reinstatement of the part-time regular position (1,664 hours) and the elimination of the part-time temporary position in the Treasurer’s Office effective July 1, 2014.

I. PUBLIC HEARING

1. Vietnam Veterans of America, Chapter 957, Exemption from County Real and Personal Property Taxes

Ms. Suzanne R. Mellen, Assistant Director of Financial and Management Services, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

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

1. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in support of the ordinance.

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

Mr. McGlennon made a motion to approve the ordinance included in the Agenda Packet.

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

J. BOARD CONSIDERATION

1. Case No. Z-0004-2014. Gatehouse Farms Proffer Amendment

Mr. Christopher Johnson, Principal Planner, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Mr. Onizuk asked if the drainage study would have impacted any of the surrounding properties.

Mr. Johnson stated no, it would only have been for the subject property and would have been exclusive to the proposed development.

Mr. Onizuk questioned if there would be any benefit of the study on surrounding properties at this time.

Mr. Johnson stated no.

Mr. McGlennon requested clarification on when the drainage study would have to be completed.

Mr. Johnson replied that the drainage study would have to be completed during the subdivision development plan stage of the proposed development.

Mr. McGlennon clarified that since that development will never occur, due to the conservation easement purchased last year, there is no need for the drainage study requirement.

Mr. Johnson stated correct.

Mr. McGlennon made a motion to approve the resolution included in the Agenda Packet.

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-0004-2014. GATEHOUSE FARMS PROFFER AMENDMENT

WHEREAS, in accordance with §15.2-2302 of the Code of Virginia, which allows waiver of public hearings for amendments of conditions which do not affect use or density, the Planning Commission and Board of Supervisors have considered Case No. Z-0004-2014 Gatehouse Farms Proffer Amendment; and

WHEREAS, Case No. Z-0004-2014 proposes to strike Proffer Condition Nos. 1, 2, and 4 from the existing Gatehouse Farms proffers recorded on October 19, 1987, in Deed Book 366, Pages 508 – 511 and retain all other proffers; and

WHEREAS, the properties can be further identified as Parcel Nos. (1-40) and (1-41) on James City County Real Estate Tax Map No. (47-4); and property formerly identified as of October 19, 1987, as Parcel No. (1-42A) on James City County Real Estate Tax Map No. (47-4); and

WHEREAS, the Planning Commission of James City County, following its consideration on July 2, 2014, recommended approval of Case No. Z-0004-2014 by a vote of 6-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-0004-2014 as described herein.

K. PUBLIC COMMENTS

1. Ms. Petra Nadel, 106 Indian Circle, addressed the Board continuing her previous comments regarding the recent meeting in Grove.

2. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board regarding PDR and Greenspace purchases.

3. Ms. Rosanne Reddin, 4700 President's Court, addressed the Board regarding land grabbing policies of the Federal government.

4. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding the PSA.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Powell stated that the Federal Emergency Management Agency (FEMA) is in the process of updating the Flood Insurance Rate Maps for James City County. A Public Open House has been scheduled for August 13, 2014, at Legacy Hall between the hours of 5 - 7 p.m. to allow citizens to review these new maps and learn more about flood risk. FEMA and County staff will be present to discuss the changes and answer questions. If citizens are unable to attend, they may also review copies of the draft maps at the Department of Development Management, 101 Mounts Bay Road, Building A.

Mr. Powell stated that Tuesday, August 5 is National Night Out and citizens are encouraged to spend the evening outdoors with their neighbors and Police. Many neighborhoods have already made plans for block parties and visits from James City County Police. If interested in having Police attend your community event, please contact Master Police Officer Kelly Cross at 603-6023.

M. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy requested the Dominion Virginia Power be contacted regarding the power lines in Toano. He stated that many of them are overgrown with tree limbs and with hurricane season coming soon, that is concerning. He stated that there is kudzu growing up power poles and getting close to transformers in Toano as well. He stated that Route 199 needs to be addressed by the Virginia Department of Transportation (VDOT) as the trash is out of control and unsightly.

Mr. Hipple requested an update on the Courthouse roof and had previously asked for information on other products that could be used on the new roof. He stated that for informational purposes, the tearing down of the old Outlet Mall begins today, so citizens should be cautious in that area. He stated that he attended the Williamsburg Area Destination Marketing Committee (WADMC) meeting yesterday. He stated that it is still a slow economy and we all need to continue to be conservative.

Mr. McGlennon stated that he sponsored a meeting on July 15 in Grove on transportation. He thanked Colonial Manor Senior Center for making space available for the meeting. He stated that he looks forward to further discussions on improving transportation resources in the community and seeing some of the projects discussed begin.

Mr. Kennedy stated that a County resident called him this week regarding ambulance services, saying that he had been picked up by the City of Williamsburg EMS and was billed for the amount that his insurance would not cover. He stated that there seems to be a glitch in the system because the County does not charge residents for the amount not covered by their insurance. But apparently because of the shared services, the County charges the City of Williamsburg (the City) and the City charges the County, which is being passed on to the resident. He asked that staff look into this flaw in the system and see if there is something that can be done with the City.

Mr. Hipple stated that he spoke with Mr. Carl Lum from Busch Gardens about putting in a bus stop closer inside the park so that employees could utilize the bus system. However, Williamsburg Area Transit Authority (WATA) cannot go onto private property to access a bus stop. Busch Gardens is taking the lead on the project to get a bus stop put in.

Mr. McGlennon stated that Mr. Lum attended the meeting in Grove as well. It was brought up that the WATA buses stop running at 9 p.m. which does not help many of the employees at Busch Gardens who do not get off work until 11 or 12 p.m.

Mr. Onizuk stated that he attended some of the National Softball Association events this past week in the Community. He stated that he spoke to the Director of the Association and they were thrilled to be back in the area for a second year in a row. Unfortunately, the tournament will not be returning next year, as they made an exception to be here two years. He stated that he is speaking highly of our community to other sports organizations, tournaments, and programs, so hopefully that will lead to more activities and visitors to the area.

At 7:53 p.m., Ms. Jones recessed the Board to conduct the James City Service Authority (JCSA) Board of Directors meeting.

At 7:54 p.m., Ms. Jones reconvened the Board of Supervisors.

N. CLOSED SESSION

Mr. McGlennon made a motion to enter into Closed Session for consideration of a personnel matter involving performance, specifically the County Attorney, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia.

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

1. Consideration of a personnel matter involving performance pursuant to Section 2.2-3711(A)(1) of the Code of Virginia

a. County Attorney

At 8:55 p.m. the Board reentered into Open 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), the consideration of personnel matter(s) involving performance of the County Attorney.

O. RECESS – until 2:30 p.m. on July 28, 2014, for the purpose of interviewing candidates for the County Administrator, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia.

At 8:55 p.m., Ms. Jones recessed the Board.

A handwritten signature in black ink, appearing to read "M. Douglas Powell", is written over a horizontal line.

M. Douglas Powell
Clerk to the Board

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