

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

November 12, 2008

7:00 P.M.

| | <u>Page</u> |
|--|-------------|
| A. ROLL CALL | |
| B. MOMENT OF SILENCE | |
| C. PLEDGE OF ALLEGIANCE – Madalyn Campbell, a fourth-grade student at Clara Byrd Baker Elementary School | |
| D. RECOGNITION – Employee and Volunteer Outstanding Service Awards..... 1 <i>Supports County's Strategic Pathway 5.a - institutionalize a customer service philosophy</i> | |
| E. PUBLIC COMMENT | |
| F. CONSENT CALENDAR | |
| 1. Minutes – | |
| a. October 28, 2008, Work Session..... 3 | |
| b. October 28, 2008, Regular Meeting 5 | |
| 2. Grant Award – Kiwanis Club of Williamsburg – \$350..... 17 <i>Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes</i> | |
| 3. Grant Award – State Homeland Security Program – \$50,000 19 <i>Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes</i> | |
| 4. Award of Bid – James City County Library Roof Replacement – \$217,827 21 <i>Supports County's Strategic Pathway 3.d - invest in the capital project needs of the community</i> | |
| G. PUBLIC HEARING | |
| 1. Adjustments to the Fiscal Year 2009 Adopted Budget 23 | |
| H. BOARD CONSIDERATION | |
| 1. Acceptance of Offer to Sell a Conservation Easement under the Purchase of Development Rights Program 27 <i>Supports County's Strategic Pathway 4.g - preserve greenspace</i> | |
| I. PUBLIC COMMENT | |
| J. REPORTS OF THE COUNTY ADMINISTRATOR | |

-CONTINUED-

K. BOARD REQUESTS AND DIRECTIVES

L. CLOSED SESSION

1. Consideration of the disposition of parcel(s) of public property pursuant to Section 2.2-3711(A)(3) of the Code of Virginia

M. ADJOURNMENT to 4 p.m. on November 25, 2008

111208bos_age

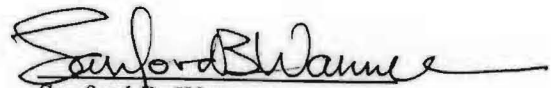
M E M O R A N D U M

DATE: November 12, 2008
TO: The Board of Supervisors
FROM: Sanford B. Wanner, County Administrator
SUBJECT: Employee and Volunteer Outstanding Service Awards

The Recognition Program is designed to provide meaningful recognition of exceptional achievement, performance, and improvements by employees and volunteers of James City County and James City Service Authority.

The following individuals and teams recognized at the November 12, 2008, Board of Supervisors meeting exemplify the County's Mission and demonstrate its Values:

- Four Volunteer Teams; and
- Two Employee Teams; and
- Three Individual Employees; and
- One Lifesaving.


Sanford B. Wanner

SBW/nb
EmpVolSA_mem

Attachment

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF OCTOBER 2008, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

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

Sanford B. Wanner, County Administrator
Leo P. Rogers, County Attorney

C. BOARD DISCUSSIONS

1. County Investments

Ms. Ann Davis, Treasurer, gave an overview of the County's investments and introduced Mr. Nelson Bush, of PFM Investment Firm. Mr. Bush presented the County's portfolio of investments and gave in-depth information on the relationship of the investments to the current economic climate.

Discussion was held regarding the negative return of securities due to market value changes, school fund investments, interest rate projections for the next year, and public depository protection.

2. Financial Trends

Ms. Sue Mellen, Assistant Manager, Financial and Management Services, gave a presentation outlining financial trends and projected revenues in light of the current economic trends. Ms. Mellen outlined various fees, earnings, and revenues and explained the impact of consumer spending and growth on these funds.

Mr. John McDonald, Manager, Financial and Management Services, reviewed the County expenditures and potential adjustments to meet reductions due to budget shortfalls. He explained the strategies and schedule for reduced spending in FY 2009 and FY 2010. He stated that deferring or delaying the construction of the Community Gym at Warhill would save approximately \$1.2 million; Operations budgets would be reduced by \$1 million; Non-departmental budgets would be reduced by \$395,000; contributions to outside agencies would be reduced by \$250,000; and there would be a reduction in the contribution to schools by \$150,000; for a total budget reduction of \$3 million. Mr. McDonald explained that there were no proposed reductions to debt service or reserve funds. He explained that many of these cuts were pass-through reductions from room tax revenue shortfalls and State sales tax shortfalls. He stated projected increases for FY2010 would be eliminated.

The Board and staff discussed adjusting the FY 2010 Budget Plan and potential savings and carry-forward funds, particularly in relation to the school funds. The Board and staff discussed HB 599 Funds and the possibility of additional cuts of this source of revenue from the Commonwealth. Ms. Mellen explained that for FY 2010 the HB 599 revenue source was eliminated. The Board discussed bringing this matter up during discussions with the County's General Assembly delegation on November 26, 2008, since the elimination of these funds would affect Public Safety.

The Board and staff discussed the \$400,000 that would be returned to the State.

Discussion was held about County-funded versus State-funded positions in Constitutional Officers' offices.

Mr. Goodson asked to add provisions about the funding level for the schools in addition to the other recommendations.

The Board discussed the potential for change with the current economic conditions.

3. Human Resources Update

Ms. Carol Luckam, Human Resources Manager, presented the Board with an update on the County Human Resources, as well as employment trends and retention techniques.

The Board discussed employee uniforms and cost-sharing of those expenses; deferred compensation participation; employer-assisted home ownership program grant enhancement, and take-home vehicles for non-County residents; enhanced Virginia Retirement System (VRS) benefits for public safety employees; and public safety turnover.

Ms. Luckam highlighted feedback from an employee discussion group on why it was appealing to work for the County and what would cause them to seek other employment.

Discussion was held about benefit costs in comparison to the private sector.

D. ADJOURNMENT

The Board discussed the need for a closed session and determined that the closed session appointments could be made in open session during the regular meeting.

At 5:43 p.m., the Board broke for dinner.

Sanford B. Wanner
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF OCTOBER 2008, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

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

Sanford B. Wanner, County Administrator
Leo P. Rogers, County Attorney

C. PLEDGE OF ALLEGIANCE – Dylan Williams, a fourth-grade student at James River Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATIONS

1. Resolution of Appreciation – Henry C. Lindsey

Mr. Goodson presented a Resolution of Appreciation to Mr. Henry C. Lindsey in recognition and thanks for his 24 years of service on the Wetlands Board and his years on the Chesapeake Bay Board.

2. PaintFest Mural Certificate of Appreciation Presentation

Mr. Goodson recognized Mr. Bob Tubbs, on behalf of the Williamsburg Rotary Club and Hospital Arts Foundation PaintFest. Mr. Tubbs presented a Certificate of Appreciation to the Chairman in appreciation for James City County's participation in the PaintFest Mural project.

3. Measuring Progress: FY 2008

Ms. Rona Vrooman, Training and Quality Performance Coordinator, gave an overview of the performance measures and progress on meeting goals and accomplishments for Fiscal Year 2008. She highlighted goals that were completed as well as those that were changed or delayed. She noted performance measures and strategic actions that are set by the County and those set by the International City/County Management Association.

Mr. Icenhour asked how the 81-percent completion compared to previous years.

Ms. Vrooman stated that she would gather the requested information for comparison, but she believed that the past years have been between 80- and 85-percent.

E. HIGHWAY MATTERS

Mr. Todd Halacy, Virginia Department of Transportation (VDOT) Residency Administrator, introduced Mr. Bradley Winehammer, the new VDOT Williamsburg Assistant Residency Administrator.

Mr. Halacy commented on projected transportation revenue declines, which have been projected to decrease between \$2.1 and \$2.6 billion. He stated that VDOT has planned to reduce staff and services to account for State and Federal revenue reductions.

Mr. Kennedy asked about a 45 mph speed sign at Route 60 West that was changed to a 35 mph sign. He also asked about a letter from William Ayers on Barnes Road and asked for an update on this item.

Mr. McGlennon asked if there was an idea that could be provided about the change in the level of service. He asked when that could be anticipated.

Mr. Halacy stated that the Commissioner has established committees to evaluate this, and an update should be available within the next 60 days.

Mr. McGlennon asked if significant changes in services could be expected.

Mr. Halacy stated that there would be major changes in services and safety would continue to be the primary priority.

Mr. McGlennon asked if this would affect drainage issues, as well as other off-road maintenance that VDOT would normally handle for citizens.

Mr. Halacy stated that it would and that each of these requests would be evaluated for safety hazards to determine priority.

Mr. Icenhour stated that he appreciated Mr. Halacy's correspondence on issues prior to the Board meetings.

Mr. Goodson asked that VDOT look at the traffic light configuration at the Grove interchange.

F. PUBLIC COMMENT

1. Mr. Jack Fowler, 109 Wilderness Lane, commented on blight and houses in disrepair in the County.

2. Mr. Randy O'Neill, 109 Sheffield Road, commented on his efforts to implement physical activity programs for County students.

3. Mr. Robert Richardson, 2786 Lake Powell Road, commented on the County's Code of Ethics and members of the Board of Supervisors.

4. Mr. Cliff Allen, 125 John Pott Drive, stated that he was a parent of a student at Greenwood Christian Academy. He stated that the students of the school are a priority as the Board considered the Greenwood Special Use Permit application.

5. Ms. Jennifer Morris, 3330 Derby Lane, stated that her daughter was a student of Greenwood Christian Academy and has received a positive influence from the school.

6. Mr. Ed Oyer, 139 Indian Circle, commented on the findings of the James City County Citizen Budget Advisory Committee on school expenditures, and reliable water supply provisions for development.

G. CONSENT CALENDAR

Mr. Icenhour made a motion to adopt the items on the Consent Calendar.

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

1. Minutes – October 14, 2008, Regular Meeting
2. Resolution of Appreciation – Henry C. Lindsey

RESOLUTION OF APPRECIATION

HENRY C. LINDSEY

WHEREAS, Henry C. Lindsey has served the citizens of James City County as a member of the Wetlands Board since May 7, 1984; and

WHEREAS, Henry C. Lindsey has served as a member of the Chesapeake Bay Board since January 1, 2004; and

WHEREAS, Henry C. Lindsey was instrumental in providing guidance, leadership, and knowledge to the Boards; and

WHEREAS, throughout his 24 years of service, Henry C. Lindsey has given freely of his time and energy for the betterment of his County and has consistently demonstrated the essential qualities of fairness, diplomacy, perseverance, and dedication to protecting the natural resources of the County, while providing exceptional service to the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby recognizes his long and distinguished service and dedication to the County and its citizenry, and extends its appreciation to:

Henry C. Lindsey

3. Emergency Home Repair Program Application

RESOLUTION

EMERGENCY HOME REPAIR PROGRAM APPLICATION

WHEREAS, the Virginia Department of Housing and Community Development has issued a request for applications to provide services under the Emergency Home Repair Program; and

WHEREAS, assistance is needed to effectively and adequately address the emergency home repair needs of low-income persons in James City County; and

WHEREAS, an application for a grant under this program for Fiscal Year 2010 has been prepared; and

WHEREAS, James City County agrees to provide emergency home repair services to those in need, in conformance with the regulations and guidelines of this State program; and

WHEREAS, the County Administrator is authorized to act on behalf of James City County and will sign all necessary documents required to complete the grant transaction; and

WHEREAS, a local dollar-for-dollar match is required under the program and will be provided.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to apply for and accept the grant, to enter into a Grant Agreement with the Virginia Department of Housing and Community Development, and to undertake any and all actions and responsibilities in relation to such Agreement.

H. PUBLIC HEARINGS

Mr. Goodson recognized Planning Commissioner Rich Krapf in the audience.

I. Authorization of Conveyance of Warhill High School Property to Williamsburg-James City County Public Schools

Mr. Leo Rogers stated that the resolution would convey the Warhill High School property to the school system. He stated that the school was built and he recommended the resolution authorizing conveyance be approved as per State Code.

Mr. Icenhour asked about the procedure of conveyance for school buildings. He asked if this was the last school that needed to be titled over to the school system.

Mr. Rogers stated that the other schools, including the 4th Middle and 9th Elementary Schools which have not yet been constructed, as well as Matoaka Elementary School, have not yet been conveyed to the school system.

Mr. Icenhour asked why this property was being conveyed and others were not being conveyed at this time.

Mr. Rogers stated that this property should have been conveyed some time ago. He stated that when the Matoaka Elementary School site was finalized, it would then be conveyed by resolution.

Mr. Icenhour asked if, once the debt was paid off, there was any further action needed or any retention of rights.

Mr. Rogers stated that the County had rights in that it had equity interest in the event the school building was not used for the purpose of a school, but that there was no further action needed.

Mr. Goodson opened the Public Hearing.

As no one wished to speak to this matter, Mr. Goodson closed the Public Hearing.

Mr. Kennedy made a motion to approve the resolution.

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

RESOLUTION

AUTHORIZATION OF CONVEYANCE OF WARHILL HIGH SCHOOL PROPERTY TO

WILLIAMSBURG-JAMES CITY COUNTY PUBLIC SCHOOLS

WHEREAS, the County is the owner of certain real property identified as Parcel No. 3210100012 on the James City County Real Estate Tax Map (the "Property"); and

WHEREAS, the County desires to transfer ownership of a portion of the Property to the Williamsburg-James City County Public Schools (the "Schools") under certain terms and conditions to be set forth by deed; and

WHEREAS, the portion of the Property to be conveyed contains 54.177 acres and is more commonly known as 4615 Opportunity Way, Williamsburg, Virginia 23188 (the "School Site"), on which Warhill High School was built and has been operating since August 2007; and

WHEREAS, Section 22.1-125 of the Code of Virginia, (1950), as amended, requires that title to all school property be held by the School Board; and

WHEREAS, the Board of Supervisors of James City County, following a public hearing, is of the opinion that it is in the public interest to convey the school site to the Schools; and

WHEREAS, the School Site is shown on a plat entitled "PLAT SHOWING 54.177 ACRES OF LAND LYING SOUTH OF OPPORTUNITY WAY AND WEST OF HUMELSINE PARKWAY - ROUTE 199" dated July 22, 2008, revised September 3, 2008, and made by Timmons Group, Richmond, Virginia (the "Plat").

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute any and all documents necessary to convey to the Schools the 54.177 acres as shown on the above-referenced Plat.

2. Ordinance to Amend Chapter 20, Taxation, Article II, Exemption of Certain Persons from Real Estate Taxes, Section 20-10, Qualifications for Exemption; and Section 20-11, Amount of Exemption; to Change the Criteria for the Elderly and Disabled Tax Exemption by Increasing the Maximum Household Income Qualifying for Tax Relief from \$40,000 to \$45,000; and to Increase the Exemption from Taxes Due on the First \$110,000 of Value to the First \$120,000

Mr. John McDonald, Financial and Management Services Manager, stated that the County participates in a program to exempt elderly and disabled citizens for a certain amount of qualifying property and income. He stated that this resolution would increase the eligible tax relief on household income from \$40,000 to \$45,000, and to increase exemption from taxes due on the first \$110,000 of value to the first \$120,000 of value. He recommended adoption of the ordinance amendment.

Mr. Goodson opened the Public Hearing.

As no one wished to speak to this matter, Mr. Goodson closed the Public Hearing.

Mr. McGlennon stated that he supported this initiative, but he noted that the increase in exemptions from last year increased the eligible population by 15 percent. He stated that this change would increase the eligibility by almost 50 percent of the people eligible and 60 percent of the revenue would be foregone. He requested that the Board consider this ordinance within the scope of the revised fiscal guidance.

Ms. Jones stated that these citizens have been severely impacted by economic distress and stated her support for this item.

Mr. McGlennon stated that this was only for a select group of citizens. He stated that some citizens fall into the income category but do not qualify for exemption and end up bearing a larger tax burden.

Mr. Goodson stated that many older citizens would be facing a challenge in the upcoming year due to the financial situation. He asked if these reductions were factored into the budget projection.

Mr. McDonald stated that these reductions were figured into the projections for FY 2010. He stated it was a matter in which the Board should consider its priorities.

Mr. Goodson stated that this does not meet the State maximum for exemption.

Mr. McDonald stated that was correct.

Mr. Icenhour asked how much the maximum allowable exemption would be.

Mr. McDonald stated that the State allowed the County flexibility to determine whether to raise the exemption amount or to exempt.

Mr. Goodson stated that he would support this item, but that he would like to revisit the question of deferral.

Mr. McGlennon stated that he would be prepared to support the item, but that he would like to be provided more information about the impacts of this tax relief.

Mr. McDonald stated that this item would be incrementally implemented over three years. He stated that if this was deferred, the Board could revisit this anytime before January 1, 2009, which would be the effective date.

Mr. Icenhour stated that he could support this item at this time, but that he had reservations based on the financial projections. He stated that he would like to take a closer look at the impact of the exemptions.

Mr. Goodson stated that this was discussed in detail in a work session, and that he would prefer to move forward on this item.

Mr. McGlennon made a motion to approve the ordinance amendment.

Mr. Kennedy stated that he would support further discussion on this subject.

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

I. BOARD CONSIDERATION

1. Case No. SUP-0009-2008. Greenwood Christian Academy at the King's Way Church (deferred from October 14, 2008)

Mr. Jason Purse, Planner, stated that the application is the same as the item before the Board two weeks ago. He stated that two resolutions were provided, which included a one-year sunset clause, a 36-month sunset as recommended by the Planning Commission, and one resolution provided for June 30, 2010. He stated that the applicant has applied for a Special Use Permit (SUP) in case the Board should approve the one-year sunset clause.

Mr. McGlennon stated that he would like to move the resolution that included a sunset clause for June 30, 2010. He stated that the issue was never whether or not the operation of an elementary school within Greenwood Christian Academy was appropriate, but whether or not it was appropriate within the confines of the property. He stated that he had spoken with some individuals involved in this case and that they would not object to continuing the school until June 30, 2010. He stated that at that time, there would be adequate time to explore new options, evaluate the operation of the school, and provide peace of mind to parents and students. He stated that the 36-month resolution created issues since it expired during a new school year, which would cause distress to parents, teachers, and students.

Mr. Goodson stated that he could support the June 30, 2010 resolution, which satisfied his concerns with the ability to return with an appropriate change.

Ms. Jones stated that she supported the resolution which would keep the case moving forward, but she would support no sunset clause on the resolution.

Mr. Icenhour stated that he could support this resolution. He stated that his question was whether this parcel of property was of an appropriate size and appropriate use since it was not previously approved. He stated that it was important to assure the students and families of the school's operation for the near future. He stated that he would like to see what the long-term plans would be and that he felt it would be a greater benefit on another property.

Ms. Jones stated that if there is no surety in the short-term to operate, an expansion would not be viable.

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

RESOLUTION

CASE NO. SUP-0009-2008. GREENWOOD CHRISTIAN ACADEMY EXPANSION

AT KING'S WAY CHURCH

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. Chris Basic has applied on behalf of King's Way Church for an SUP to allow for the expansion of the Greenwood Christian Academy to include grades pre-K through 5, but not to increase the maximum number of enrolled students past 200 on approximately 4.56 acres of land on parcels zoned R-1, Limited Residential; and

WHEREAS, the conditions for this application replace the originally approved SUP conditions (SUP-0030-2001) for this parcel; and

WHEREAS, the property is located at 5100 John Tyler Highway and can be further identified as James City County Real Estate Tax Map/Parcel No. 4720100057; and

WHEREAS, the Planning Commission of James City County, following its public hearing on September 10, 2008, recommended approval of this application by a vote of 5-2.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP No. 0009-2008 as described herein with the following conditions:

1. This SUP shall be valid for the operation of a preschool within the existing church, limited to hours of operation from 8 a.m. to 5 p.m., Monday-Friday, and limited to an enrollment capacity of 200 children maximum. The operation of the school shall be confined to the existing footprint of the church.

The operation of an elementary school for grades K through 5 shall be permitted until June 30, 2010.

2. Should a new exterior site or building lighting be installed for the operation of the school, such fixtures shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from any side. Fixtures, which are horizontally mounted on poles, shall not exceed 15 feet in height. No glare defined as 0.1 footcandle or higher shall extend outside the property lines.

3. Any new exterior signage advertising the day care and/or school shall be combined with existing signage for the church and shall be in accordance with Article II, Division 3, of the James City County Zoning Ordinance.
4. The applicant shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (the "JCSA") prior to final development plan approval. The standards shall include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-resistant native and other adopted low-water-use landscaping materials and warm-season turf where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
5. Any new playground equipment and associated fencing installed shall be landscaped so as to screen the new playground equipment and fencing from adjacent property owners. Prior to final site plan approval, the landscaping plan shall be reviewed and approved by the Planning Director.
6. On or before September 30 of each year, the Church shall provide the Zoning Administrator actual school enrollment data for the previous school year and projected (and actual, if known) school enrollment data for the school year immediately followed. The school enrollment data shall include, at a minimum, the total number of children enrolled and the total number of children in each grade taught.
7. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

J. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on fines for inadequate stormwater controls at construction sites; real estate assessments; and the housing market.
2. Mr. Robert Richardson, 2786 Lake Powell Road, commented on the James City County Code of Ethics versus the Virginia Conflicts of Interests regulations.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner thanked Mr. Steven Hicks for his six months of service as Acting Assistant County Administrator through the Succession Management project. He stated that Mr. Hicks is now the Manager of the Development Management department, effective November 1, 2008. Mr. Wanner indicated that Mr. Allen Murphy would continue as Acting Planning Director.

Mr. Wanner stated that Mr. Doug Powell has been named the new Assistant County Administrator. He stated that Mr. Powell has served as the Assistant Community Services Manager and Community Services Manager. He indicated that Mr. Powell has served as Assistant County Administrator and County Administrator in Fluvanna and Nelson Counties. He further stated that Mr. Powell's new position would go into effect on December 15, 2008, and that the 45-day interim was a cost-savings effort for the County.

Mr. Wanner noted that Ms. Barbara Watson would become Acting Community Services Manager after Mr. Powell's promotion to Assistant County Administrator.

L. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson stated that he, Mr. Icenhour, and Mr. McGlennon attended the Virginia Municipal League (VML) Annual Conference from October 19-21, 2008, and that he accepted a 3rd Place VML Go Green Virginia Award for localities of similar size on behalf of the County.

Mr. Goodson asked about the schedule for the property reassessment notices.

Mr. Wanner stated that the assessments have gone out, but that the County will not reassess property until 2009. He stated that the reassessment process was designed to come into alignment with the budget process.

Mr. McGlennon made a motion to reappoint Mr. William Pennock and Mr. Roger Guernsey to five year terms on the Board of Building Code Adjustments and Appeals, terms to expire May 31, 2013. He also made a motion to reappoint Ms. Beth Crowder and Mr. Alan Jenner as first and second alternates respectively, terms to expire May 31, 2013, for Mr. Guernsey.

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

Mr. McGlennon highlighted the award received from VML and noted that although the County received 3rd place, the County had the highest number of points of the surrounding localities.

Mr. McGlennon asked Mr. Wanner to elaborate on the bids received for the 4th middle and 9th elementary schools.

Mr. Wanner stated that the bids were received this afternoon, with the budget set including buildings and improvements at \$67 million, and the bids received were between \$48 million and \$53 million. He stated that in coming months the discussion would be held on how to reallocate these additional funds.

M. ADJOURNMENT to 7 p.m. on November 12, 2008

Mr. Wanner reminded the audience that the next Board meeting would be held on Wednesday, November 12, 2008, due to the Veteran's Day Holiday on Tuesday, November 11, 2008.

Mr. McGlennon made a motion to adjourn.

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

At 8:23 p.m., Mr. Goodson adjourned the Board to 7 p.m. on November 12, 2008.

Sanford B. Wanner
Clerk to the Board

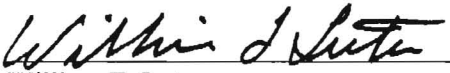
102808bos_min

MEMORANDUM

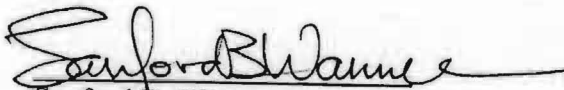
DATE: November 12, 2008
TO: The Board of Supervisors
FROM: William T. Luton, Fire Chief
SUBJECT: Grant Award – Kiwanis Club of Williamsburg – \$350

The James City County Fire Department has been awarded a grant in the amount of \$350 from the Kiwanis Club of Williamsburg. The funds are to be used for the purchase of *The Great Escape* DVD Series, which will augment the Department's fire education programs. The grant requires no match.

Staff recommends adoption of the attached resolution to appropriate funds.


William T. Luton

CONCUR:


Sanford B. Wanner

WTL/nb
KiwanisGrnt_mem

Attachment

RESOLUTION

GRANT AWARD – KIWANIS CLUB OF WILLIAMSBURG – \$350

WHEREAS, the James City County Fire Department has been awarded a grant in the amount of \$350 from the Kiwanis Club of Williamsburg; and

WHEREAS, the grant requires no match; and

WHEREAS, the funds are to be used for the purchase of *The Great Escape* DVD Series, which will augment the Department's fire education programs.

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 appropriation amendment to the Special Projects/Grants Fund:

Revenue:

| | |
|--|--------------|
| Kiwanis Grant – <i>The Great Escape</i> DVD Series | <u>\$350</u> |
|--|--------------|

Expenditure:

| | |
|--|--------------|
| Kiwanis Grant – <i>The Great Escape</i> DVD Series | <u>\$350</u> |
|--|--------------|

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2008.

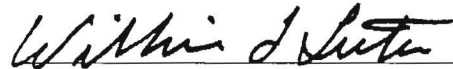
KiwanisGrnt_res

MEMORANDUM

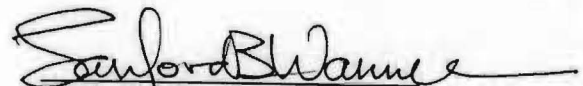
DATE: November 12, 2008
TO: The Board of Supervisors
FROM: William T. Luton, Fire Chief
SUBJECT: Grant Award - State Homeland Security Program - \$50,000

The Virginia Department of Emergency Management (VDEM) has awarded the James City County Fire Department funds for a Citizens Alerting System Project in the amount of \$50,000. There is no requirement for local matching funds. The funds will be used to purchase a Citizen Alert Subscription System that will send messages to all electronic devices including cell phones and pagers. This system will fill an existing gap in the ability to send timely emergency notifications to citizens.

Staff recommends adoption of the attached resolution.


William T. Luton

CONCUR:


Sanford B. Wanner

WTL/nb
HmeIndSec_mem

Attachment

RESOLUTION

GRANT AWARD – STATE HOMELAND SECURITY PROGRAM - \$50,000

WHEREAS, the Virginia Department of Emergency Management (VDEM) has awarded the James City County Fire Department State Homeland Security Program funds in the amount of \$50,000; and

WHEREAS, the funds will be used to purchase a Citizen Alert Subscription System as a component of its Emergency Alert System.

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

Revenue:

| | |
|---------------------------------------|-----------------|
| State Homeland Security Program Funds | <u>\$50,000</u> |
|---------------------------------------|-----------------|

Expenditure:

| | |
|---------------------------------------|-----------------|
| State Homeland Security Program Funds | <u>\$50,000</u> |
|---------------------------------------|-----------------|

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2008.

HmeIndSec_res

MEMORANDUM

DATE: November 12, 2008
TO: The Board of Supervisors
FROM: Rose M. King, Contracts Administrator
SUBJECT: Award of Bid – James City County Library Roof Replacement – \$217,827

The County Library at Norge has had continuous problems with roof leakage since 2003. The number of unsustainable repairs warranted services of a qualified professional roof inspector to provide a detailed analysis of the roofing system. Infra-Red testing during the roof survey verified high levels of entrapped moisture. Due to the number of splits, blisters, cracking, and other defects, it was determined that the best solution to safeguard County assets is replacement of the entire roofing system.

Eight competitive bids were received on October 22, 2008, for replacement of the James City County Library roof.

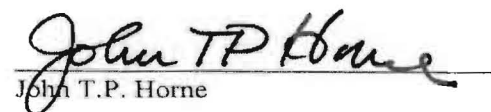
| <u>Firm</u> | <u>Amount</u> |
|----------------------------|---------------|
| AAR of North Carolina | \$217,827 |
| N. W. Martin and Brothers | 242,668 |
| Westar Roofing Corporation | 265,235 |
| Charley Company | 292,000 |
| Roof Services Corporation | 292,425 |
| Melvin T. Morgan Roofing | 310,613 |
| States Roofing | 325,700 |
| Roof Systems of Virginia | 330,800 |

AAR of North Carolina has previously installed a roofing system for the James City/Williamsburg Community Center and has been determined capable to install the system specified for the library.

Staff recommends approval of the attached resolution authorizing the County Administrator to execute a contract with AAR of North Carolina, the lowest responsive and responsible bidder, in the amount of \$217,827. The FY 09 Capital Improvements Project budget includes an allocation to cover the roof repair expenditure.


Rose M. King

CONCUR:


John T.P. Horne

RMK/nb
RoofReplmt_mem

Attachment

RESOLUTION

AWARD OF BID – JAMES CITY COUNTY LIBRARY ROOF REPLACEMENT – \$217,827

WHEREAS, plans and specifications have been advertised and competitively bid for replacement of the James City County Library roof; and

WHEREAS, eight firms submitted bids, ranging from \$217,827 to \$330,800 with AAR of North Carolina submitting the lowest, responsive, and responsible bid at \$217,827; and

WHEREAS, funds are available in the Fiscal Year 2009 Capital Improvements Program budget for this project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract to AAR of North Carolina in the amount of \$217,827.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2008.

RoofReplmt_res

M E M O R A N D U M

DATE: November 12, 2008

TO: The Board of Supervisors

FROM: John E. McDonald, Manager of Financial and Management Services

SUBJECT: Adjustments to the Fiscal Year 2009 Adopted Budget

On October 28, 2008, the Board of Supervisors held a work session on several proposed revisions to the FY 2009 budget. The proposal presented by staff suggested a reduction in both revenues and spending in the General Fund of \$3,000,000.

The revenue reductions include the following and reflect a softening of the local economy as construction slows and consumer spending declines. The expected reduction in personal property taxes results from a projected decline in values of vehicles and boats that are not fuel efficient.

| | |
|-------------------------|----------------|
| Personal Property Taxes | \$ 650,000 |
| Sales Taxes | 600,000 |
| Meals Taxes | 350,000 |
| Lodging Taxes | 420,000 |
| Recordation Taxes | 600,000 |
| Building Permits | <u>380,000</u> |
| | \$3,000,000 |

The expenditure reductions will occur across every department, both in personnel and in operating spending, but are shown by category as follows:

| | |
|-----------------------|----------------|
| Personnel Contingency | \$ 700,000 |
| Operating Contingency | 500,000 |
| Local Grants Match | 180,000 |
| Innovation | <u>15,000</u> |
| Non-Departmental | \$1,395,000 |
| Capital Projects | \$1,205,000 |
| Outside Agencies | 250,000 |
| Schools | <u>150,000</u> |
| | \$3,000,000 |

The resolution allows the County Administrator to reduce departmental budgets, both in personnel and operating expenses, and shift the savings to Non-Departmental contingency accounts.

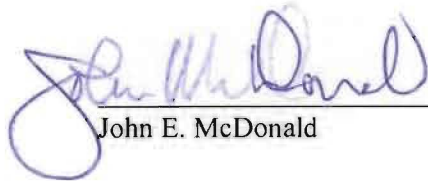
The Capital Project reduction would occur in the funds set aside for the Warhill Community Gymnasium. The Outside Agency reduction is a pass through of 60 percent of the reduction in lodging taxes, the contribution to the Williamsburg Area Chamber and Tourism Alliance will be reduced by \$100,000, and a program that set aside \$150,000 for tourism enhancement grants would be eliminated. The reduction in the contribution to the Williamsburg-James City County Schools of \$150,000 passes through the estimated reduction in State Sales Taxes for Education.

Two resolutions are attached. The first amends the budget and the appropriations in FY 2009 by reducing revenues and spending, including the capital budget, as shown above.

The second resolution focuses on FY 2010 and a previously adopted FY 2010 financial plan. Current revenue projections indicate that FY 2010 will fall short of the \$176 million in the adopted fiscal plan by \$9 million. The County Administrator will propose a budget for FY 2010 within the constraints imposed by these reduced estimated revenues and that budget will be presented to the Board in March, 2009. However, that fiscal plan included a projected increase in the contribution to the Williamsburg-James City County Schools that is not now expected to occur.

The second resolution formally advises the Schools that an increase in County funding for the FY 2010 operating budget is not now anticipated. The County's FY 2009 contribution of \$74,694,700 should be used by the Superintendent and the School Board for planning purposes as the expected County's FY 2010 contribution to the School operating budget.

Staff recommends the approval of the attached resolutions.



John E. McDonald

JEM/nb

09ABudAdj_mem

Attachment

RESOLUTION

ADJUSTMENTS TO THE FISCAL YEAR 2009 ADOPTED BUDGET

WHEREAS, in a work session on October 28, 2008, the Board of Supervisors of James City County, Virginia, agreed to consider a \$3,000,000 reduction in the FY 2009 budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, shall adopt the following revisions to the FY 2008 budget and amend appropriations as follows:

General Fund Revenues:

| | |
|-------------------------------|---------------|
| General Property Taxes | (\$ 650,000) |
| Other Local Taxes | (1,820,000) |
| Licenses, Permits and Fees | (380,000) |
| Revenue from the Commonwealth | (150,000) |
| | (\$3,000,000) |

General Fund Expenditures:

| | |
|------------------|---------------|
| Non-Departmental | (\$1,395,000) |
| Capital Projects | (1,205,000) |
| Schools | (150,000) |
| Outside Agencies | (250,000) |
| | (\$3,000,000) |

Capital Budget Revenues:

| | |
|-----------------------------|---------------|
| Contribution – General Fund | (\$1,205,000) |
|-----------------------------|---------------|

Capital Budget Expenditures:

| | |
|-----------------------------|---------------|
| Warhill Community Gymnasium | (\$1,205,000) |
|-----------------------------|---------------|

BE IT FURTHER RESOLVED that the County Administrator be authorized to reduce operating budgets as needed to transfer to the Non-Departmental category to meet the targeted spending reductions.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2008.

09ABudAdj_res

RESOLUTION

FISCAL YEAR 2010 BUDGET PLANNING

WHEREAS, the Board of Supervisors of James City County, in a work session on October 28, 2008, determined that revised revenue projections for the fiscal year ended June 30, 2010 (FY 2010) were insufficient to generate an increase in the County's contribution to the operating budget of the Williamsburg-James City County Public Schools.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, wishes to formally communicate to the Superintendent and the School Board that the FY 2010 contribution of County funds to the FY 2010 School budget will be approximately the same as the funding provided by the County in FY 2009 and that the budget planning for FY 2010 should be based on that assumption.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2008.

2010BudgetPn_res

MEMORANDUM

DATE: November 12, 2008

TO: The Board of Supervisors

FROM: Edward T. Overton, Jr., Administrator, Purchase of Development Rights Program

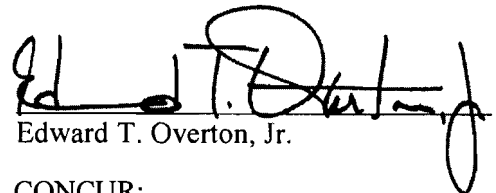
SUBJECT: Acceptance of Offer to Sell a Conservation Easement Under the PDR Program

Cynthia Cowles Cragg and Robert Patrick Cragg, landowners and Purchase of Development Rights (PDR) Applicants, have accepted the conservation easement appraisal value and agreed upon terms of a conservation easement on their property consisting of 103.26 acres located at 8000 Diascund Road. The appraisal report prepared by Simerlein Appraisals, Ltd., concludes that the conservation easement value is \$495,000 or \$4,793.72 per acre.

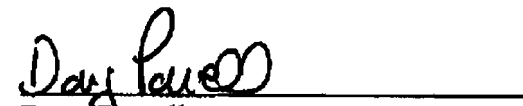
In accordance with the PDR Ordinance, the County Administrator invited the landowners to sell to the County a conservation easement on their property. The landowners signed and returned an offer letter to the PDR Administrator on October 28, 2008. The letter offers to sell a conservation easement to the County for the appraised value of \$495,000 on the parcels identified as James City County Real Estate Tax Map No. 1040100003, subject to the terms and conditions set forth in the proposed deed of easement.

The PDR Ordinance states in Section 16A-12(e) that "an offer to sell a conservation easement shall be accepted by the Board in writing, following an action by the Board authorizing acceptance." If the Board accepts the offer, final closing documents, including the deed of easement will be prepared and approved by staff and the County Attorney.

The PDR Committee and staff recommend approval of the attached resolution accepting the offer by Cynthia Cowles Cragg and Robert Patrick Cragg to sell a conservation easement for the appraised value of \$495,000, and authorizing the County Administrator to execute all documents necessary for completing the acquisition.


Edward T. Overton, Jr.

CONCUR:


Doug Powell

ETO/nb
PDRProg_mem

Attachment

RESOLUTION

ACCEPTANCE OF OFFER TO SELL A CONSERVATION EASEMENT UNDER

THE PDR PROGRAM

WHEREAS, the County has received an offer to sell a conservation easement under the Purchase of Development Rights (PDR) Program from the owners of the property known as 8000 Diascund Road, on James City County Real Estate Tax Map Parcel No. 1040100003; and

WHEREAS, the owners offered to sell a conservation easement on the property for an appraised value of \$495,000, subject to the conditions set forth in the proposed deed of easement enclosed with the County's invitation of offer.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the offer to sell a conservation easement described above, or as modified by the County Attorney, and authorizes the County Administrator to execute all documents necessary for completing the acquisition.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby directs the PDR Administrator to send a copy of this resolution to the owners of the property identified herein.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2008.

PDRProg_res



COUNTY ADMINISTRATION

101-C MOUNTS BAY ROAD, P.O. BOX 8784, WILLIAMSBURG, VIRGINIA 23187-8784
(757) 253-6605

E-MAIL: cadm@james-city.va.us
Fax: (757) 253-6833

VIA E-MAIL AND U. S. MAIL

October 28, 2008

Mr. and Mrs. Robert P. Cragg
8000 Diascund Road
Lanexa, Virginia 23089-9105

Dear Mr. and Mrs. Cragg:

RE: PDR Program: Invitation to Offer to Sell A Conservation Easement

I invite you to offer to sell to the County of James City, a perpetual conservation easement on your 103.26 acre parcel located in the County at 8000 Diascund Road, also identified as Tax Map Number 1040100003, for a purchase price of Four Hundred Ninety Five Thousand and 00/100 Dollars (\$495,000.00). You have already received a copy of the proposed deed of easement setting forth the terms and conditions of the conservation easement for your review; should you need another copy, please let me know.

If you elect to offer to sell the conservation easement to the County, your offer must be received by the PDR Administrator by Friday, November 7, 2008. An offer form has been enclosed.

If you have questions about this invitation, your voluntary offer, or the proposed deed, please contact Ed Overton, PDR Administrator at (757) 259-5404.

Sincerely,

Sanford B. Wanner
County Administrator

SBW/ARK/eto

cc: Edward T. Overton, PDR Administrator

October 30, 2008
Mr. Edward T. Overton, Jr.
PDR Administrator
Purchase of Development Rights Program
5320 Palmer Lane, Suite 2A
Williamsburg, VA 23188

Dear Mr. Overton:

RE: PDR Program: Offer to Sell a Conservation Easement

We voluntarily offer to sell a perpetual conservation easement to the County of James City, Virginia for the sum of Four Hundred Ninety Five Thousand and 00/100 Dollars (\$195,000.00) on our 103.26 acre parcel located at 8000 Diascund Rd., also identified as Tax Map Number 1040100003, subject to the terms and conditions set forth in the proposed deed of easement enclosed with the invitation to offer to sell.

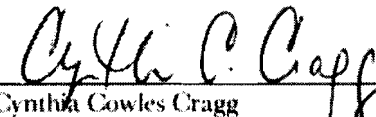
Sincerely,



Robert Patrick Cragg

10/30/08

Date



Cynthia Cowles Cragg

10/30/08

Date

Cragg Farm
8000 Diascund Road
103.26 Acres

