

A G E N D A

JAMES CITY SERVICE AUTHORITY BOARD OF DIRECTORS

County Government Center Board Room

February 26, 2013

7:00 P.M.

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. CONSENT CALENDAR**
 - 1. Minutes
 - a. January 22, 2013, Regular Meeting
- D. PUBLIC HEARING**
- E. BOARD CONSIDERATIONS**
- F. BOARD REQUESTS AND DIRECTIVES**
- G. ADJOURNMENT – to 7 p.m. on March 26, 2013**

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AT A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE JAMES CITY SERVICE AUTHORITY, JAMES CITY COUNTY, VIRGINIA, HELD ON THE 22ND DAY OF JANUARY 2013, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

James G. Kennedy, Chairman
James O. Icenhour, Jr., Vice Chairman
Mary K. Jones
John J. McGlennon

Robert C. Middaugh, Secretary to the Board
Leo P. Rogers, County Attorney
Larry M. Foster, General Manager

C. ORGANIZATIONAL MEETING

1. Nominations for Chairman and Vice-Chairman, with Elections to Follow
2. Establishment of Meeting Dates and Times
3. Adoption of Robert's Rules of Order

Mr. McGlennon stated that Mr. Kennedy made the motion, during the Board of Supervisors Organizational Meeting, to defer nominations of Chairman and Vice Chairman until there is a full five-member Board. He stated that he would like to make the same motion in regard to the Board of Directors. He stated that the current Chairman would continue until that time.

Mr. Kennedy stated that he was in agreement. He also stated that he was not sure why the Board of Supervisors and the Board of Directors have different Chairmen, but he would like to see the positions merged and the same Board member fill both positions.

Mr. McGlennon made a motion to approve the Organizational Meeting resolution establishing meeting dates and times and the Robert's Rules of Order.

The motion passed by a unanimous voice vote.

D. CONSENT CALENDAR

1. Minutes –
 - a. December 11, 2012, Regular Meeting

2. Bid Award – Lift Station 1-5 Area 1 Flextran Rehabilitation

Mr. McGlennon made a motion to approve the Consent Calendar.
The motion passed by a unanimous voice vote.

RESOLUTION

BID AWARD – LIFT STATION 1-5 AREA 1 FLEXTRAN REHABILITATION

WHEREAS, the James City Service Authority has publicly advertised for competitive bid the Lift Station 1-5 Area 1 Flextran Rehabilitation project; and

WHEREAS, four firms submitted bids on the project with Layne InLiner, who has been determined to be responsive and responsible, submitting the lowest bid of \$1,345,070.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority, James City County, Virginia, hereby awards the bid for the Lift Station 1-5 Area 1 Flextran project to Layne InLiner in the amount of \$1,345,070.

E. PUBLIC HEARING – None

F. BOARD CONSIDERATIONS – None

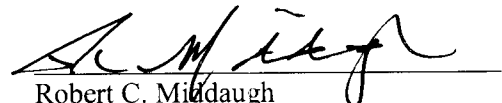
G. BOARD REQUESTS AND DIRECTIVES – None

H. ADJOURNMENT – to 7 p.m. on February 26, 2013.

Ms. Jones made a motion to adjourn.

Motion passed by a unanimous voice vote.

Mr. Kennedy adjourned the Board at 7:59 p.m.


Robert C. Mindaugh
Secretary to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 12TH DAY OF FEBRUARY 2013, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

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

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

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Hannah Johnson, a fourth-grade student at J.B. Blayton Elementary School led the Board and citizens in the Pledge.

E. PRESENTATIONS

1. Virginia Department of Transportation (VDOT) Quarterly Update

Mr. Ken Shannon, Assistant Residency Administrator from the Virginia Department of Transportation (VDOT), addressed the Board giving the VDOT Quarterly Transportation Update. He stated that VDOT has completed 215 maintenance requests, and still has 70 outstanding for the quarter. He stated 44 of those outstanding requests are for drainage issues. He stated that VDOT continues to treat and respond to potholes due to the large amount of rain and snow that the area has had in the last month. He stated that if citizens identify a pothole to please call VDOT's customer assistance number at 1-800-FOR-ROAD (1-800-367-7623). He stated that the current projects include area wide sidewalk repair beginning on February 19. Mr. Shannon continued to list the upcoming projects for the area and stated that he would provide the list to staff and the Board. He stated that VDOT has accomplished several projects including: repairing shoulders on Centerville Road, repaired gutters in Governor's Land, repaired cracks in the Capital Trail, and repaired curb and gutter issues in Windsor Forest. He stated that pending maintenance issues include: cleaning up trees and debris on Routes 620 and 601, shoulder work on Route 755, re-grading the ditches on Route 199 between Routes 31 and 5, culvert repair on Route 60 Bypass, re-grading the shoulders on Route 5, and repairing culvert and pavement on Two Rivers Road in Governor's Land. Mr. Shannon stated that VDOT crews worked both snow events and were able to utilize pre-treating for the January 25 snow event which kept the snow from adhering as well to the roadways where it was applied.

Mr. Icenhour thanked VDOT for their work on the Old News Road. He stated that with all of the rain events lately large trucks have gotten into the ditches and chewed up the grading that was done, and is probably worth VDOT looking at to prevent drainage problems. He stated that the potholes on News Road are getting worse and he is glad to hear from the report that News Road is on the list of upcoming projects.

Ms. Jones questioned if adequate notification would be given to the neighborhoods and citizens that will be affected by the slurry seal work projects. She also asked if there could be a follow-up inspection on the neighborhoods that have previously seen slurry seal work because of emergency vehicles driving on it soon after the application.

Mr. Bradshaw complimented VDOT's website road reporting and stated that there are some road signs in Toano and on Route 60 that have been vandalized. He asked that those be looked at and repaired.

Mr. McGlennon stated that he appreciated the report on upcoming projects. He asked if the County would be seeing the same slurry seal that was used before, and if there had been any re-evaluation of the slurry seal. He stated that there were many problems with the slurry seal before and many citizens complained about the black marks left on their driveways because of it.

Mr. Shannon stated that yes it would be the same slurry seal previously used.

Mr. McGlennon thanked VDOT for coming out and inspecting the intersection of Lake Powell and Rolling Woods Drive in the Rolling Woods subdivision. He stated that there was a crew out there doing a good amount of work; however it does not seem to have solved the problem and the ditch is not draining well at all.

F. PUBLIC COMMENT

1. Ms. Judy Fuss, 3509 Hunter's Ridge, a representative of the James City County Citizen Coalition (J4C), addressed the Board in regards to the J4C's support of the PDR and Land Acquisition Programs. She stated that J4C would like to see the Board apply for the extension on the borrowing ability authorized by the referendum.

2. Mr. Keith White, 6309 Adams Hunt Drive, addressed the Board in regard to the appointment of the Supervisor for the Powhatan District.

3. Mr. Randy O'Neil, 109 Sheffield Road, addressed the Board in regard to the health of children and the schools in the County. He questioned the rebuilding of Mid-County Park and the benefit it will have on the health of the children.

4. Ms. Betty Walker, 101 Locust Place, addressed the Board in regard to the statement made by Sheriff Robert Deeds stating that he would not encroach on the 2nd Amendment rights of the citizens of the County. She stated that a day later, Sheriff Deeds' statement could no longer be found anywhere on the County website.

5. Ms. Marjorie Ponziani, 4852 Bristol Circle, addressed the Board in regard to Sheriff Deeds' statement on 2nd Amendment rights of the citizens of the County that was pulled from the County website. She also questioned why Board members are being allowed to utilize the County website for their political campaigns.

6. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board in regard to Sheriff Deeds' statement on 2nd Amendment rights of the citizens of the County that was pulled from the County website. He questioned why Mr. Icenhour would be allowed to utilize the County website for his political campaign yet a Constitutional statement from the Sheriff was pulled off the website.

7. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in regard to gun-control and 2nd Amendment Rights.

8. Mr. Ed Oyer, 139 Indian Circle Drive, addressed the Board in regard to Mr. Bradshaw's voting record from his previous tenure on the Board. He also stated that due to the declining birth rate in this country, we should be cutting back on the school system's budget.

9. Mr. John Filichko, 9615 Richmond Road, addressed the Board in regard to Mr. Bradshaw's appointment, and he thanked the Circuit Court Judges for appointing an independent. He stated that the Board members represent the citizens, not their political parties, and should be working for the citizens.

G. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy thanked Police Chief Harmon and Mr. Middaugh for getting back to him in regards to an issue while he was driving home one night.

Ms. Jones stated that she would like to extend her appreciation to Sheriff Deeds for his statement and his willingness to take a stand for the right to bear arms. She stated that the 2nd Amendment is not a hunting issue; it is the right of the people to bear arms to protect themselves from a tyrannical government. She stated that she does not see defending the Constitution as a political statement.

Mr. Icenhour stated that he and Mr. McGlennon attended a meeting on January 30 of the Soil and Water Conservation District. He stated it was a strategic planning meeting and was very informative on ways that the County can help them achieve their goals. He stated that he also attended the VML and VaCO Legislative Day in Richmond which was rather informative. He stated that also on January 31, he attended a J4C event on uranium mining in the County which was a very good program. On February 5, there was a Habitat for Humanity ribbon cutting event for a family in Ironbound Square.

H. CONSENT CALENDAR

Mr. Icenhour made a motion to approve the Consent Calendar.

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

1. Minutes -
 - a. January 22, 2013 – Work Session
 - b. January 22, 2013 – Regular Meeting
 - c. January 26, 2013 – Budget Retreat

2. Contract Award – Replacement Fire Pumps – \$1,274,702

RESOLUTION

CONTRACT AWARD - REPLACEMENT FIRE PUMPERS - \$1,274,702

WHEREAS, funds are available in the FY 2013 Capital Improvements Program (CIP) budget for the purchase of two replacement fire pumps; and

WHEREAS, cooperative procurement action is authorized by Chapter 1, Section 5 of the James City County Purchasing Policy and the Virginia Public Procurement Act, and the Houston-Galveston Area Council issued a cooperative purchasing contract to Atlantic Emergency Solutions as a result of a competitive sealed Invitation for Bid; and

WHEREAS, Fire Department, Fleet, and Purchasing staff determined the contract specifications meet the County's performance requirements for pumps and negotiated a price of \$1,274,702 with Atlantic Emergency Solutions for two Pierce Velocity PUC Pumps.

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 Atlantic Emergency Solutions for two Pierce Velocity PUC Pumps in the amount of \$1,274,702.

3. Contract Award – Replacement Ambulance – \$221,962

RESOLUTION

CONTRACT AWARD - REPLACEMENT AMBULANCE - \$221,962

WHEREAS, funds are available in a Rescue Squad Assistance Fund (RSAF) grant award and the FY 2013 Capital Improvements Fund (CIP) budget for the purchase of a replacement ambulance; and

WHEREAS, cooperative procurement action is authorized by Chapter 1, Section 5 of the James City County Purchasing Policy and the Virginia Public Procurement Act, and the Houston-Galveston Area Council issued a cooperative purchasing contract to FESCO Emergency Sales as a result of a competitive sealed Invitation for Bid; and

WHEREAS, Fire Department, Fleet, and Purchasing staff determined the contract specifications meet the County's performance requirements for an ambulance and negotiated a price of \$221,962 with FESCO Emergency Sales for a Horton medium-duty ambulance.

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 FESCO Emergency Sales for a Horton medium-duty ambulance in the amount of \$221,962.

4. Grant Award – Commonwealth Attorney – Virginia Domestic Violence Victim Fund – \$37,981

RESOLUTION

GRANT AWARD – COMMONWEALTH ATTORNEY –

VIRGINIA DOMESTIC VIOLENCE VICTIM FUND – \$37,981

WHEREAS, the Commonwealth Attorney for the City of Williamsburg and James City County has been awarded a \$37,981 grant from the Virginia Domestic Violence Victim Fund through the State Department of Criminal Justice Services; and

WHEREAS, this grant would fund the personnel costs and travel expenses of a position in the prosecution of misdemeanors and felonies involving domestic violence, sexual abuse, stalking, and family abuse through December 31, 2013; and

WHEREAS, no local match is required for this grant.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the Special Projects/Grants Fund through December 31, 2013, for the purposes described above:

Revenue:

CY 13 Virginia Domestic Violence Victim Fund	<u>\$37,981</u>
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Expenditure:

CY 13 Virginia Domestic Violence Victim Fund	<u>\$37,981</u>
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5. Reimbursement Grant Award – Purchase of Development Rights Program – \$160,715

RESOLUTION

REIMBURSEMENT GRANT AWARD –

PURCHASE OF DEVELOPMENT RIGHTS PROGRAM – \$160,715

WHEREAS, the James City County Purchase of Development Rights (PDR) Program has been awarded a reimbursement grant in the amount of \$160,715 from the Office of Farmland Preservation, Virginia Department of Agriculture and Consumer Services (VDACS), pursuant to the Code of Virginia, § 3.2-201; and

WHEREAS, these grant funds will reimburse James City County for up to 50 percent of eligible expenses, not to exceed \$160,715 incurred in purchasing one or more conservation easements on qualifying rural lands approved by VDACS; and

WHEREAS, qualifying expenses include the easement purchase price, title insurance premium, property appraisal fees, property survey fees, and fees for outside legal counsel; and

WHEREAS, this grant requires no additional 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 appropriation of these funds to the PDR Program:

Revenue:

Purchase of Development Rights Program \$160,715

Expenditure:

Purchase of Development Rights Program \$160,715

I. PUBLIC HEARING

1. Z-0008-2012/SUP-0017-2012. Jamestown Beach

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

As there were no Board questions for staff, Mr. McGlennon opened the Public Hearing.

1. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board in opposition to the Rezoning and SUP application.
2. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in opposition to the Rezoning and SUP application.
3. Ms. Marjorie Ponziani, 4852 Bristol Circle, addressed the Board in opposition to the Rezoning and SUP application.
4. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in opposition to spending money on the project.
5. Mr. John Filichko, 9615 Richmond Road, addressed the Board in regard to the Board members keeping the citizens more informed, and that the Board members should be giving feedback to the citizens who come to speak at the Board meeting.

Mr. McGlennon stated that there has been a request to defer this action. He also stated that the County Administrator has made the suggestion to discuss this case during the Board's Work Session on February 26, 2013. He stated that if the Board is in agreement to defer, then he would like to keep the Public Hearing opened.

Ms. Jones stated that she would like to honor the request to defer this case. She stated that were she to vote on the case now, she would be opposed to rezoning 94 acres of B1 land to public lands. She stated that she has concerns over taking Business lands that could be utilized at some point in the future and making them

public lands. She stated that she was opposed to the purchase of the lands and would have liked to see the County sell the property, however given the real estate market that is no longer feasible.

Mr. Kennedy stated that he is in support of keeping the public hearing open. He stated that he is opposed to the project, and the impact on small businesses in the County. He stated that he would like to see County businesses protected if this project goes forward. He stated if this is opened up for weddings and events, then he would like to see a requirement of County businesses be utilized for the events. He stated that it is something that the Board should be looking into, if the Board is going to go forward with this project then the Board should be looking into some public-private ventures or ways to utilize businesses within the County. He stated that the County should also be looking at companies that might be interested in operating this. He stated that we entered into this contract in 2006 or 2007.

Mr. Rogers, County Attorney, stated that the County entered into the contract in 2006 but did not close on the property until 2007.

Mr. Kennedy stated that there have been different variations of the Board since then, understanding that this is one of those projects that the current Board has inherited. He stated that this property was purchased with bond funds, and that there was a reimbursement as well, he believes.

Mr. Rogers stated that there was a considerable reimbursement of the purchase price recouped by the County.

Mr. Kennedy asked if that was from the Federal government or the State.

Mr. Rogers stated that it was many sources, including the Trust for Public Lands, private donations, and from different branches of the state and federal government.

Mr. Kennedy asked if the County borrowed \$6 million of the \$20 million bond.

Mr. Rogers stated he did not have the answer for that question at this time.

Mr. McGlennon stated that it is important to recognize that many of the funds used to reimburse the County came with conditions that essentially limit the uses of the property. He stated that he believes having the Work Session is important, so that everyone's minds can be refreshed. He stated that in 2009, during the Shaping our Shores plan, Mr. Kennedy and Ms. Jones joined in support of the project.

Ms. Jones stated that she supported the plan; however, she would have preferred that the County not own the property to begin with.

Mr. McGlennon stated that perhaps there needs to be a refresher on what the plan is for the property.

Ms. Jones asked if the Shaping our Shores plan can be accomplished without the rezoning if there are already these limitations on the property in place.

Mr. McGlennon stated that that is the purpose of the Work Session. It will allow the Board and the citizens to refresh our minds and come up with any questions.

Mr. Bradshaw thanked the Board for the accommodation of the deferral.

Mr. Icenhour stated that he supported the deferral and the Work Session.

Mr. Kennedy stated that he recommends if there is going to be a Work Session, then the case should be deferred until the first meeting in March to allow citizens to watch the Work Session and then express their views.

Mr. Icenhour stated he was in agreement and he does have some questions and concerns that he would like to bring up to staff. He stated that he wants to make sure that there is a clear delineation between the rezoning of the land to public use and the expenditure of money. He stated that the Shaping our Shores plan has a series of priorities that the Board has not even begun to address, and the Board needs to make sure that it is getting its money's worth for the citizens.

The Board was in agreement to defer the case until the first meeting in March 2013, and to have a Work Session on the case on February 26, 2013.

Mr. Rogers stated that a motion and a vote were not necessary if the Board was in agreement.

J. BOARD CONSIDERATION – None

K. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in regard to Mr. Bradshaw's voting record during his previous tenure on the Board.

2. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in regard to the County Charter and the ability of the County to acquire land for public use.

3. Mr. John Filichko, 9615 Richmond Road, addressed the Board in regard to the Board working with and listening to County staff instead of outside consultants.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh stated that a compilation of the requested material from the Budget Retreat was placed at the Board's seats.

He also stated that a meeting of neighborhood leaders would be held on February 21, at 6:30 p.m. at the Law Enforcement Center.

M. BOARD REQUESTS AND DIRECTIVES

Mr. Icenhour stated that his newsletter is on a website paid for with personal funds, not County or campaign funds.

1. Consideration of a personnel matter(s), the appointment of individuals to County boards and/or commissions pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia

a. PDR Committee Appointments

Mr. Icenhour made a motion to appoint Mr. Randall Davis and Mr. Thomas Belden to the PDR Committee for three year terms.

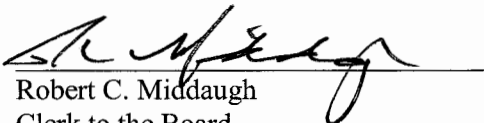
On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Bradshaw, Mr. Kennedy, Ms. Jones, Mr. McGlennon, (5). NAY: (0).

N. **ADJOURNMENT** – to 4:00 p.m. on February 26, 2013, for the Work Session

Mr. Icenhour made a motion to adjourn until 4:00 p.m. on February 26, 2013.

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

Mr. McGlennon adjourned the meeting at 8:15 p.m.


Robert C. Middaugh
Clerk to the Board

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AT A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE JAMES CITY SERVICE AUTHORITY, JAMES CITY COUNTY, VIRGINIA, HELD ON THE 22ND DAY OF JANUARY 2013, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

James G. Kennedy, Chairman
James O. Icenhour, Jr., Vice Chairman
Mary K. Jones
John J. McGlennon

Robert C. Middaugh, Secretary to the Board
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Mr. Kennedy stated that he was in agreement. He also stated that he was not sure why the Board of Supervisors and the Board of Directors have different Chairmen, but he would like to see the positions merged and the same Board member fill both positions.

Mr. McGlennon made a motion to approve the Organizational Meeting resolution establishing meeting dates and times and the Robert's Rules of Order.

The motion passed by a unanimous voice vote.

D. CONSENT CALENDAR

1. Minutes –
 - a. December 11, 2012, Regular Meeting

2. Bid Award – Lift Station 1-5 Area 1 Flextran Rehabilitation

Mr. McGlennon made a motion to approve the Consent Calendar.
The motion passed by a unanimous voice vote.

RESOLUTION

BID AWARD – LIFT STATION 1-5 AREA 1 FLEXTRAN REHABILITATION

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E. PUBLIC HEARING – None

F. BOARD CONSIDERATIONS – None

G. BOARD REQUESTS AND DIRECTIVES – None

H. ADJOURNMENT – to 7 p.m. on February 26, 2013.

Ms. Jones made a motion to adjourn.

Motion passed by a unanimous voice vote.

Mr. Kennedy adjourned the Board at 7:59 p.m.

Robert C. Middaugh
Secretary to the Board