

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF APRIL, NINETEEN HUNDRED NINETY-SEVEN, AT 5:03 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Robert A. Magoon, Jr., Chairman, Jamestown District
Jack D. Edwards, Vice Chairman, Berkeley District

David L. Sisk, Roberts District
Perry M. DePue, Powhatan District
Stewart U. Taylor, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. EXECUTIVE SESSION

Mr. Magoon called the meeting to order.

Mr. Sisk made a motion to convene into executive session pursuant to Section 2.1-344 (A)(7) of the Code of Virginia to consult with legal and staff members on a specific legal matter; Section 2.1-344(A)(1) of the Code of Virginia to consider a personnel matter, appointment of individuals to County Boards and/or Commissions; and Section 2.1-344 (A)(3) to consider acquisition of parcels of property for public use.

On a roll call, the vote was: Edwards, Taylor, Sisk, DePue, Magoon (5). NAY: (0).

Mr. Magoon reconvened into open session at 5:50 p.m.

Mr. DePue made a motion to approve the executive session resolution.

On a roll call, the vote was: AYE: Edwards, Taylor, Sisk, DePue, Magoon (5). NAY: (0)

RESOLUTION

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened an executive 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 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive 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

executive meeting to which this certification resolution applies; and, ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board.

Mr. Magoon recessed the Board for dinner at 5:51 p.m.

Mr. Magoon reconvened the Board at 7:00 p.m.

C. PRESENTATION

1. Industrial Development Authority, Jon A. Nystrom

Mr. Keith A. Taylor, Economic Development Director, introduced Mr. Jon A. Nystrom, Chairman, Industrial Development Authority gave an update on progress during 1996 and the regional economic development efforts.

D. MINUTES -March 25, 1997

Mr. Magoon asked if there were additions or corrections to the minutes.

Mr. Edwards made a motion to approve the minutes.

On a roll call, the vote was: AYE: Edwards, Taylor, Sisk, DePue, Magoon (5). NAY: (0).

E. CONSENT CALENDAR

Mr. Magoon asked if a Board member wished to remove any items from the Consent Calendar.

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

1. National County Government Week, April 13-19, 1997

PROCLAMATION

NATIONAL COUNTY GOVERNMENT WEEK

APRIL 13-19, 1997

WHEREAS, County government traces its roots to the English shire of a thousand years ago, serving as the citizen's local government voice since its inception; and

WHEREAS, James City County is one of the eight original shires created in America; and

WHEREAS, when the Federal government was formed, the framers of the Constitution chose to provide states the freedom to create County governments; and

WHEREAS, the County will pursue initiatives to raise public confidence and increase understanding about the roles and responsibilities of counties.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby proclaims the week of April 13-19, 1997, as National County Government Week in James City County.

2. National Telecommunicator's Week, April 13-19, 1997

RESOLUTION

NATIONAL TELECOMMUNICATOR'S WEEK

WHEREAS, Central Dispatch provides a vital contribution to the quality of life enjoyed by citizens and visitors to James City County; and

WHEREAS, a 911 center dramatically improves the response to a Police, Fire, or Emergency Medical call; and

WHEREAS, National Telecommunicator's Week will serve to recognize the telecommunicators of James City County for their vital role in public safety operations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby proclaims the week of April 13-19, 1997, as National Telecommunicator's Week in James City County and encourages County citizens to observe this week with appropriate programs, ceremonies, and activities.

3. National Volunteer Week, April 13-19, 1997

PROCLAMATION

VOLUNTEER APPRECIATION WEEK

WHEREAS, in the proud tradition of our rich heritage, James City County volunteers continue to be our most valuable resource; and

WHEREAS, volunteerism offers opportunities to every citizen to participate in their government in order to meet community needs; and

WHEREAS, the citizens of James City County are deserving of recognition for their commitment and hard work in improving the quality of life for all James City County residents by providing services that might otherwise not be provided.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby designates the week of April 13-19, 1997, as Volunteer Appreciation Week and calls the significance of volunteerism to all of our citizens.

4. Child Abuse Prevention Month**PROCLAMATION****CHILD ABUSE PREVENTION MONTH**

WHEREAS, the incidence and prevalence of child abuse and neglect have reached alarming proportions in the United States, where 10,423 cases of child abuse and neglect were substantiated in Virginia and 25 children died in Virginia during the fiscal year 1996; and

WHEREAS, Congress has expressed its commitment to seeking and applying solutions to this problem by establishing April as Child Abuse Prevention Month nationwide; and

WHEREAS, in James City County, Virginia, we have dedicated individuals and organizations who work daily to counter the problem of child abuse and neglect and to help parents obtain the assistance they need; and

WHEREAS, it is vital that we join forces to reach out to parents and children and prevent the reoccurrence of child abuse and neglect.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, proclaims the month of April 1997, as **CHILD ABUSE PREVENTION MONTH** and calls upon County citizens to observe the month with appropriate programs, ceremonies, and activities.

5. James City County Transit Company, FY 98 Section 5311 Grant Application**RESOLUTION****FTA SECTION 5311 RESOLUTION****REQUEST FOR FEDERAL MATCHING FUNDS - FY 98**

WHEREAS, the Federal Government has made funds available for nonurban public transportation; and

WHEREAS, the Board of Supervisors is desirous of securing said funds in support of the James City County Transit Company's operations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized to execute and file an application to the Virginia Department of Rail and Public Transportation, Commonwealth of Virginia, for a grant for Federal public transportation assistance under Section 5311 of the Intermodal Surface Transportation Efficiency Act of 1991. The amount requested for Section 5311 Federal Assistance is \$34,897 to assist in administrative and operating expenses. The County Administrator shall be authorized to accept grant funds awarded and to furnish the Virginia Department of Rail and Public Transportation documents and other information as may be required for processing this grant request.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, certifies that the funds shall be used in accordance with the requirements of FTA Section 5311 Program and that James City County may be subject to audit by the Virginia Department of Rail and Public Transportation and by the State Auditor of Public Accounts.

6. Appropriation to Division of Social Services, Child Day Care

RESOLUTION

APPROPRIATION TO THE DIVISION OF SOCIAL SERVICES

WHEREAS, the State Department of Social Services has provided additional funding for Child Day Care - Education and Training - Temporary Assistance for Needy Families and Fee Block Grant; and

WHEREAS, child day care services have been identified as a significant community concern; and

WHEREAS, sufficient local matching funds are available in the current Social Services budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendments within the Virginia Public Assistance Fund:

Revenues:

From the Commonwealth	\$72,502
From Fund Balance	<u>1,868</u>
Total	<u>\$74,370</u>

Expenditures:

Child Day Care - Temporary Assistance for Needy Families	
Education and Training	\$18,686
Undesignated Local Match	1,868
Child Day Care Fee Block Grant	<u>53,816</u>
Total	<u>\$74,370</u>

Mr. Magoon read and presented the National Telecommunicator's Week resolution to Mr. Greg Johnson and Ms. Diane Malechek; the Volunteer Appreciation Week resolution to Ms. Michelle Houle; and the Child Abuse Prevention Week resolution to Ms. Mary Ann Lee.

Mr. Sanford B. Wanner, County Administrator, stated that the Graphic Design Team of Lafayette High School had produced the artwork portrayed in the County Budget document for 1998. He presented a certificate and budget book to: Rebecca Davidson, Jason Yoffy, Allen Miller, Emily Hughes, Scott Woolwine and Amelia Taber. He also presented a donation for classroom supplies to Ms. Paula Reynolds, Graphic Design Instructor.

F. PUBLIC HEARINGS

1. Case No. SUP-17-96. PrimeCo Personal Communications (Sand Hill Road) (Continued from March 11, 1997)

Mr. Paul D. Holt, III, Planner, stated that the applicant had asked for an indefinite deferral of the application for a special use permit to allow construction of a 190-foot communications tower and related equipment located on the east end of Sand Hill Road, further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (13-1).

Staff recommended an indefinite deferral with readvertisement and sending out adjacent property owner notification letters when the item is placed back on the agenda.

The Board and staff discussed the definition of adjacent property owners as directly contiguous to the property.

Mr. Magoon opened the public hearing.

1. Mr. R. Dee Curtis, 113 Sand Drive, asked staff to respond to a list of ten questions that he had prepared.
2. Ms. Annie Penn, 115 Sand Hill Road, spoke in opposition to the tower being placed in the Sand Hill neighborhood and asked that conflict of interest correspondence for Mr. Taylor and Mr. Magoon be provided as a matter of public record.
3. Mr. Edward Hoopes, 204 Sand Drive West, asked the reason for deferral when, in his opinion, the applicant can not meet the requirements of buffers on the property.
4. Ms. Alice H. Walton, 133 Sand Hill Road, spoke to concerns of lower property values, neighborhood aesthetics, and public health safety should the tower be approved.

Without objection, Mr. Magoon continued the public hearing.

Mr. DePue asked staff to respond to the list of questions from Mr. Curtis and to notify the citizens who spoke at the public hearings when the item would be brought back on agenda.

Mr. DePue asked the County Attorney to respond to procedural aspects of the request by Ms. Penn regarding Conflict of Interest correspondence for Mr. Taylor and Mr. Magoon.

Mr. Frank M. Morton, III, County Attorney, responded that the Commonwealth's Attorney has a duty under State law to render a Conflict of Interest interpretation and that decision can not be overruled by the Board of Supervisors. He further stated that he would provide the disclosure correspondence under the Freedom of Information Act.

2. Proposed Fiscal Year 1998 Budget
3. Capital Improvements Program, Fiscal Years 1998-2002

Ms. Carol O. Davis, Assistant Manager, Financial and Management Services, stated that no action would be needed on the presentation.

Ms. Davis presented a breakdown of the projected increase in the budget and gave the percentage for schools, library, safety, outside agencies and others in the total budget.

Mr. Magoon opened the public hearings.

1. Ms. Joyce O'Brien, Director of Avalon: A Center for Women and Children, requested financial support in the amount of \$100,000 over a three year period to help provide a new emergency shelter.

Mr. DePue asked Ms. O'Brien to provide a document/information sheet for this request.

Mr. Magoon recessed the Board for the James City Service Authority Board of Directors to convene at 8:14 p.m.

Mr. Magoon reconvened the Board at 8:15 p.m.

2. Mr. Earle Wagner, 54 Priorslee Lane, Director of Heritage Humane Society, gave a review of the past year's statistics and asked the Board to support the humane society in the 1998 budget.

3. Ms. Mary Jane Bell-Grizzard, owner of Aerobics Plus, spoke in opposition to County subsidizing the recreation fees as that provided unfair competition to tax paying businesses. She suggested tax monies should be used for other areas of County needs.

4. Mr. R. M. Hazelwood, Jr., Toano, stated that his tax assessment had increased and requested that his property near Anderson's Corner not be designated Low Density Residential.

Mr. Magoon closed the public hearings.

4. Budget Ordinance Amendments

Ms. Davis stated the ordinance amendments to implement twice a year tax collection and the Fiscal Year 1998 budget were: Sections 18-27.1, when real property taxes due and payable (effective for 1997); Section 18-27.1, when real property taxes due and payable (effective January 1, 1998); Section 18-13.1, when personal property taxes are due and payable (effective January 1, 1998); Section 18-7.4, penalties and interest for late payment of taxes (effective July 1, 1997); Section 18-25, tax imposed, enhanced 911 emergency telephone service from \$0.90 to \$1.20 (effective July 1, 1997); and Section 18-14, tax levied, increased transient lodging tax from 2 percent to 4 percent (effective July 1, 1997).

Mr. Magoon opened the public hearing.

1. Mr. R. M. Hazelwood, Toano, stated that twice a year tax collection was not a good deal for the taxpayer because personal money would be taken out of circulation six months earlier.

Mr. Magoon closed the public hearing.

Mr. Wanner stated that all items and issues would be addressed during the upcoming budget work sessions.

G. BOARD CONSIDERATIONS

1. Regional Bikeways, Phase II, Engineering

Mr. Wayland N. Bass, County Engineer, stated that the governing bodies of James City County, Williamsburg, and York County authorized staff to sign a four-party agreement with Virginia Department of Transportation for funding of a 13.7 mile Regional Bikeway System. He further stated that eight firms responded to the Request for Proposal and the parties to the agreement selected AES Consulting Engineers to perform Phase I, preliminary engineering services.

Mr. Bass stated that the Phase II engineering tasks would include: preparing State/Federal historical and archaeological forms, preparing State/Federal geotechnical documents, right-of-way research, construction surveying, right-of-way surveying, preliminary design sketches, preparing supplemental construction

specifications, preparing VDOT quantity reports, preparing accounting spread sheet, and assisting with VDOT utility field inspections and preadvertisement meetings.

Staff recommended approval of the resolution.

The Board and staff discussed that the source of funds was 80 percent State/Federal and 20 percent local.

Mr. Edwards made a motion to approve the resolution.

On a roll call, the vote was: AYE: Edwards, Sisk, DePue, Magoon (4). NAY: Taylor (1).

RESOLUTION

REGIONAL BIKEWAYS - PHASE II - ENGINEERING CONTRACT

WHEREAS, James City County, together with York County and the City of Williamsburg, applied for and received funding for a regional bikeway system under the Transportation Enhancements and Congestion Mitigation and Air Quality Improvement (CMAQ) programs; and

WHEREAS, a four-party agreement between James City County, York County, the City of Williamsburg, and the Virginia Department of Transportation has been approved and signed to allow these projects to proceed to implementation; and

WHEREAS, the bikeways to be constructed under the agreement are in accordance with the Regional Bikeways Plan adopted by the Board and are in conformity with the James City County Comprehensive Plan; and

WHEREAS, James City County is the Lead Agency responsible for administering the Engineering Contract for planning and design of these facilities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute an agreement between James City County and AES Consulting Engineers for Phase II - Engineering Services in the amount of \$176,939.61.

2. Software Application Upgrade for Taxes and Cash Receipts.

Ms. Davis stated that the new software would provide the capability of handling high the volume semiannual billing system, interfaced with real estate system to allow printing of the Landbook according to State Code, administer the Land Use Program and real estate tax exemption for elderly and disabled citizens. She further stated that three firms submitted offers from the Request for Proposal and staff, Treasurer and Commissioner of Revenue recommended award of contract to CPC Software Solutions.

Ms. Betty Pettengill, Treasurer, and Mr. Cariyle Ford, Commissioner of the Revenue, emphasized the need for an upgrade of the current obsolete software system.

Mr. Sisk made a motion to approve the resolution.

Mr. Taylor questioned the need. The Treasurer and the Commissioner addressed the need.

On a roll call, the vote was: AYE: Edwards, Taylor, Sisk, DePue, Magoon (5). NAY: (0).

RESOLUTION

CONTRACT AWARD - COMPUTER SOFTWARE UPGRADE

- WHEREAS, the software upgrades are required in order to implement a semiannual billing system; and
- WHEREAS, the cost of the upgrade will eventually be paid by revenue generated from the conversion to semiannual billing; and
- WHEREAS, James City County has prepared and advertised a Request for Proposal to upgrade the software application for Taxes and Cash Receipts; and
- WHEREAS, three firms submitted proposals to perform the update and two of the firms were interviewed; and
- WHEREAS, CPC Software Solutions was selected as the most capable firm to perform the update; and
- WHEREAS, a fee of \$261,000 was negotiated with CPC Software Solutions to complete the Scope of Service.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the Software Upgrade to CPC Software Solutions.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the following transfer of funds:

Capital Improvements Fund

From:

Capital Contingency	<u>\$261,000</u>
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To:

Tax Software	<u>\$261,000</u>
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H. PUBLIC COMMENT

1. Mr. Melvin Randall, 136 East DeHaven Court, stated concern for his mother, Helen V. Randall, who, after acquiring a new manufactured home, wanted to move her former manufactured home to another location on her property as a residence for a son, but was informed by Code Compliance that the manufactured home would have to be removed from the property. He stated the manufactured home was located on Berkeley Town Road in the Stonehouse District.

Mr. Taylor asked staff to contact Ms. Helen Randall regarding placement of the older manufactured home to another site on her property.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that Mr. William Lawrence, 1 Jonathon Court, had been provided a copy of the memorandum from staff that all County building code violations had been corrected and the County would not inspect the other issues being completed by the contractor, Atlantic Homes.

Mr. Wanner recommended the Board make an appointment to the Williamsburg Area Medical Association Corporation.

Mr. DePue made a motion to reappoint Mr. Anthony Conyers, Jr. for a one-year term to the Williamsburg Area Medical Association Corporation, term expiring April 1, 1998.

On a roll call, the vote was: AYE: Edwards, Taylor, Sisk, DePue, Magoon (5). NAY: (0).

Mr. Wanner recommended that the Board recess to 7:00 p.m., Thursday, April 10, 1997, for a budget work session.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Sisk reminded citizens that the work session was open to the public, but not a public hearing, and was also televised live.

Mr. Sisk asked for a status report on the abandoned cars issue in the Roberts District.

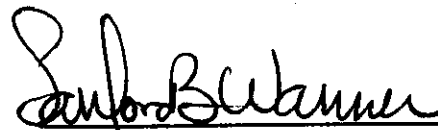
Mr. Wanner stated that he had toured the area and informed Ms. Jackie White to monitor within legal limits at our disposal.

Mr. Magoon asked about the status of Greensprings Road being designated a scenic byway.

Mr. Taylor made a motion to recess until 7:00 p.m., Thursday, April 10, 1997, for a budget work session..

On a roll call, the vote was: AYE: Edwards, Taylor, Sisk, DePue, Magoon (5). NAY: (0).

The Board recessed at 9:02 p.m.



Sanford B. Wanner
Clerk to the Board