

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 11TH DAY OF SEPTEMBER, 2001, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

John J. McGlennon, Chairman, **Jamestown** District
Bruce C. **Goodson**, Vice Chairman, Roberts District

Jay T. **Harrison**, Sr., Berkeley District
James G. Kennedy, Stonehouse District
Ronald A. **Nervitt**, **Powhatan** District

Sanford B. Wanner, County Administrator
Frank M. Morton, **III**, County Attorney

B. PLEDGE OF ALLEGIANCE

Mr. McGlennon, without objection from the Board, requested that following the Pledge of Allegiance a moment of silence be observed for those affected by the terrorist attacks today.

Ms. Alexandra Armstead, a student at Toano Middle School, led the Board and citizens in the Pledge of Allegiance following which a moment of silence was observed.

C. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, stated that a sample SOL question posted for 6th grade children in a local paper referred to water a . being vital.

D. RECOGNITION

Mr. McGlennon, on behalf of the **Board and** staff, recognized Ms. Carol **Swindell**, Assistant Manager of Financial and Management Services, and thanked her for her service to the County during her employment, gave an overview of her accomplishments, and wished her the best in her new position in the City of Oceanview, California.

Ms. **Swindell** thanked the Board, stated that she enjoyed working with the County staff and Board, and stated that the County has an outstanding reputation.

E. CONSENT CALENDAR

Mr. **McGlennon** inquired if a Board member wished to pull an item from the consent calendar,

Mr. Nervitt requested Item Number 6, Award of Contract – Video Center Equipment, and Item Number

7. Utility Agreement – Cox Communications and Dominion Virginia Power, be pulled,

Mr. Nervitt made a motion to approve the remaining items on the consent calendar

On a roll call, the vote was: AYE: **Harrison, Kennedy, Nervitt, Goodson, McGlennon** (5). NAY: (0).

I. Minutes

a. August 14,2001, Regular Meeting

2. Transit Appreciation Week – September 9-15.2001

RESOLUTION

WHEREAS, public transportation is vital to the quality of life and economic well-being of the citizens of James City County and the region; and

WHEREAS, tourists, employees, children, senior citizens, people with disabilities, and those not having access to automobiles use public transportation to gain access to jobs, shopping, schools, medical facilities, and social services; and

WHEREAS, the James City County Transit Company, American Public Transit Association, and the Federal Transit Administration have declared September 9–15, 2001, as Transit Appreciation Week.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, proclaims the week of September 9–15, 2001, as Transit Appreciation Week and calls upon County citizens to observe this week with appropriate programs, ceremonies, and activities.

3. Code Violation Lien – 710 Lee Drive

RESOLUTION

CODE VIOLATION LIEN - 710 LEE DRIVE

WHEREAS, the Zoning Administrator has certified to the Board of Supervisors of James City County, Virginia, that the property owners as described below have failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owners and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, that in accordance with Sections 10-7 and 10-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Properties to wit:

Cleaning of Trash/Debris and/or Cutting of Grass. Weeds. etc.:

ACCOUNT:	Robert P. Brown 6703 W. Roxbury Place Littleton, CO 80128-4558
DESCRIPTION:	710 Lee Drive Williamsburg, VA 23185-5316
TAX MAP NO.:	(41-3) (04-0-0012) James City County, Virginia
FILING FEE:	\$ 5
TOTAL AMOUNT DUE:	\$300

4. Revisions to Chapter 4, Compensation Plan, of the James City County Personnel Policies and Procedures Manual

RESOLUTION

REVISIONS TO CHAPTER 4. COMPENSATION PLAN, OF THE JAMES CITY COUNTY

PERSONNEL POLICES AND PROCEDURES MANUAL

WHEREAS, the current Compensation Plan must be revised to comply with changes in the Code of Virginia, Sections 2.1-116.9:7 through 2.1-116.9:13 regarding overtime compensation for fire protection employees; and

WHEREAS, the current Compensation Plan must be revised to reflect changes to the salary structure which was approved in the FY 02 Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the attached revisions to Chapter 4, Compensation Plan, of the James City County Personnel Policies and Procedures Manual.

5. School Resource Officer **Program** Agreement

R E S O L U T I O N

SCHOOL RESOURCE OFFICER PROGRAM AGREEMENT

WHEREAS, the Board of Supervisors of James City County has previously approved a School Resource Officer (SRO) Program partnership between James City County and the **Williamsburg-James City County (WJC) Public Schools**; and

WHEREAS, the most recent agreement between James City County and the WJC Public Schools governing the operation of the SRO Program expired June 30,2001, and must be renewed for the **2001-2002** school year; and

WHEREAS, the agreement for 2001-2002 contains no material changes **from the** one signed last school year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the Chairman to execute, on its behalf, a new agreement with the WJC Public Schools.

8. Virginia Electric and Power **Company** Agreement

R E S O L U T I O N

VIRGINIA ELECTRIC AND POWER COMPANY AGREEMENT

WHEREAS, the Virginia Municipal League and the Virginia Association of Counties have negotiated an agreement **for the** provision of electrical services to localities located in the Commonwealth; and

WHEREAS, execution of this Agreement will enable James City County to obtain electrical services for the period from July 1,2000 to June 30, 2007 at the rates available to municipalities and counties.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute the Agreement for the Provision of Electric Service to the Municipalities and Counties of the Commonwealth of Virginia from the Virginia Electric and Power Company.

9. Colonial Narcotics Task Force Grant/Police Budeet

RESOLUTION

COLONIAL NARCOTICS TASK FORCE

WHEREAS, the Board of Supervisors of James City County is the fiscal agent for a regional law enforcement program known as the Colonial Narcotics Task Force and the Task Force received **\$24,000** instead of the **\$20,000** budgeted and previously appropriated.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the budget and appropriates **\$4,000** in grant funds to the **N 2001** budget of the Police Department for the benefit of the Colonial Narcotics Task Force.

6. Award of Contract – Video Center Enuipment

Mr. Nervitt inquired how the new vidw equipment would fit into the scenario of a new Board Room

Ms. Nowak stated that the new equipment would be independent of the Board Room, and utilized in the Vidw Center's studio to provide better service in studio productions. The Board Room video needs will be addressed separately.

Mr. Nervitt inquired if new equipment will allow the Board the option to hold its meetings in locations outside the Board Room.

Ms. Nowak stated that the new equipment would be tailored to the needs of the Video Center broadcasts and when the Board Room video equipment is addressed, that option would be considered.

Mr. Nervitt made a motion to adopt the resolution **awarding** the contract to the **Whitlock** Group.

On a roll call, the vote was: AYE: **Harrison, Kennedy, Nervitt, Goodson, McGlennon** (5). NAY: (0).

RESOLUTION

AWARD OF CONTRACT – VIDEO CENTER EQUIPMENT

WHEREAS, Purchasing advertised and issued bids and one bid was received to design, **furnish**, and install fully functional remote controlled studio equipment at the Community Vidw Center; and

WHEREAS, staff has reviewed the bid and determined that the **Whitlock** Group submitted a responsive bid and **determined** the **Whitlock** Group to be qualified to complete the project; and

WHEREAS, the bid is within the Capital Budget allocated for the Community Video Center.

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 the **Whitlock** Group in the amount of **\$156,204.24**.

7. Underground Utility Agreements – Cox Communications and Dominion Virginia Power

Mr. John T. P. Home, Development Manager, stated that staff has worked with local utility providers to place overhead utilities underground in a number of locations in the County and request the Board adopt the resolution authorizing the County Administrator to sign agreements with Dominion Virginia Power and Cox Communications for the **undergrounding** of utilities in front of **Jamestown** High School, Five Forks, Route 5 and Route 199, and Sandy Bay Road at **Jamestown** Road.

Mr. **Nervitt** inquired if there is a matching grant for this work.

Mr. Home stated there is not a matching grant for this work

Mr. **Nervitt** inquired about the criteria in choosing the four locations to underground the overhead utilities.

Mr. Home stated that these four locations were the most visible **corridors**, **will** have high traffic for Jamestown 2007, were identified and targeted in the adopted Comprehensive Plan.

Mr. **Nervitt** inquired if additional areas are being targeted that are susceptible to storm damage and subsequent outages of utility services.

Mr. Home stated that Virginia Dominion Power is undertaking projects in some locations to address these concerns.

Mr. **Wanner** **recommended** **this** issue be added to the discussion **of when** the representative **from Virginia** Dominion Power comes before the Board.

Mr. **Nervitt** made a motion to adopt the resolution

On a roll call, the vote was: AYE: **Harrison**, **Kennedy**, **Nervitt**, **Goodson**, **McGlennon** (5). NAY: (0).

R E S O L U T I O N

VIRGINIA ELECTRIC AND POWER COMPANY AGREEMENT

WHEREAS, the Virginia Municipal League and the Virginia Association of Counties have negotiated an agreement for the provision of electrical **services** to localities located in the Commonwealth; and

WHEREAS, execution of this Agreement will enable James City County to obtain electrical services for the period from July 1, 2000 to June 30, 2007 at the rates available to municipalities and counties.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute the Agreement **for the** Provision of Electric Service to the Municipalities and Counties of the Commonwealth of Virginia from the Virginia Electric and Power Company.

F. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner provided an **overview** of the County's action in response to the terrorist attacks.

- The Emergency Operation Center (EOC) was opened.
- The Federal Emergency Management Agency (**FEMA**) activated Task Force and some of the County's firefighters have been deployed to Virginia Beach for staging.
- The crisis counseling teams were activated in the schools.
- The schools remained in session for the regular classroom day.
- The after-school activities were cancelled for today.
- The **Surry** siren drill has been cancelled for Wednesday.

Mr. Wanner stated that the County would continue to monitor the situation and open the EOC if necessary.

Mr. Wanner stated that Mr. Morton has prepared a resolution for the Board for the purchase of a scenic open space easement.

Mr. Morton stated that at its meeting on March 28, 2001, the Board reviewed a potential acquisition of a scenic open space easement along Forge Road. Since that meeting, the specific terms of the easement have been negotiated with the landowner. Mr. R. M. **Hazelwood, Jr.**, property owner, is prepared to close the sale of the scenic open space easement and staff recommends the Board authorize the County to acquire the scenic open space easement.

Mr. **Goodson** inquired if the property would become County property.

Mr. **Nervitt** inquired if buildings would be permitted on the easement property.

Mr. Morton stated that the land would belong to Mr. **Hazelwood**, and the County would have an open space easement across the frontage to protect the Community Character Corridor. Limited uses and structures could be placed in the easement.

Mr. **Goodson** made a motion to adopt the resolution authorizing the purchase of the property

On a roll call, the vote was: AYE: **Harrison, Kennedy, Nervitt, Goodson, McGlennon** (5). NAY: (0)

R E S O L U T I O N

PURCHASE OF SCENIC OPEN SPACE EASEMENT ALONG FORGE ROAD

WHEREAS, the Board of **Supervisors** of James City County is interested in acquiring a scenic open space easement over 18.45 +/- acres of real property along Forge Road (being a portion of James City County Tax Map Parcels **(21-1)(1-19)** and **(21-1)(1-19A)**); and

WHEREAS, the Board of Supervisors of James City County has previously reviewed the specific location and valuation of **this** easement in closed session on March 28, 2001; and

WHEREAS the owner of the above-referenced properties is **willing** to sell such easement rights to James City County for the amount of \$32,287.50 (\$1,750.00 per acre); and

WHEREAS sufficient funds exist in the Greenspace Fund to acquire said easement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs Frank M. Morton **III**, County Attorney, to effect the purchase of the above-described scenic open space easement for the sum of \$32,287.50 plus closing costs and to accept such conveyance on behalf of the County.

Mr. Wanner recommended that upon completion of the Board's meeting tonight, that it recess to 4 p.m. Wednesday for a work session.

Mr. Wanner stated that an appointment of an individual to a County Commission is on the closed session agenda and suggested the Board could make this appointment in open session.

Mr. Kennedy made a motion to reappoint Mr. **Willis** Barnes to the Clean County Commission for a three-year term, term to expire on September 11, 2004.

On a roll call, the vote was: AYE: **Harrison**, Kennedy, Nervin, **Goodson**, **McGlennon** (5). NAY: (0).

G. BOARD REQUESTS AND DIRECTIVES

Mr. **Goodson** presented a resolution for Board consideration regarding the Courthouse Maintenance Fund for the irrigation system at the Courthouse. Mr. **Goodson** stated that the County and City have discussed the Board's concern regarding the **irrigation** and the City has agreed to either use well water from an on-site well or will use the James City **Service** Authority ground water sources.

Mr. **Larry** Foster, General Manager of the James City Service Authority, stated that it is preferable for the Courthouse irrigation water to be supplied from a well drilled into the Upper Potomac Aquifer.

Mr. **Goodson** inquired if the City will use water conservation techniques as suggested by the County.

Mr. Foster stated that the City is willing to follow the County's lead.

Mr. Kennedy stated that he would like to see the Water Conservation Coordinator involved in **County/City** water conservation discussions, that he would prefer not to see the Courthouse irrigation **running** at midday or shortly after a rain storm.

Mr. Wanner stated that the City is in agreement with conservation suggestions; and that County staff and the City are in contact; and **the** City is aware of **the** Board's desire to conserve.

Mr. **Nervitt** inquired if the Upper Potomac Aquifer well for the Courthouse will affect the Chickahominy-Piney Point Aquifer.

Mr. Foster stated that the Upper Potomac Aquifer is feasible for a well, will not use potable water, and will not compete with the Chickahominy-Piney Point Aquifer.

The Board voted on Mr. Goodson's motion to adopt the Courthouse Maintenance Fund resolution concerning the **irrigation** system at the Courthouse.

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On a roll call, the vote was: AYE: **Harrison, Kennedy, Nervitt, Goodson, McGlennon** (5). NAY: (0).

RESOLUTION

COURTHOUSE MAINTENANCE FUND

WHEREAS, the Board of Supervisors of James City County has previously authorized the assessment of a courthouse maintenance fee; and

WHEREAS, the **County** jointly operates the courthouse in partnership with the City of **Williamsburg**; and

WHEREAS, funds are available in a **City/County** Courthouse Maintenance Fund to allow for the irrigation of the Courthouse property; and

WHEREAS, the City of Williamsburg has previously approved spending for Courthouse irrigation using well water, either from an on-site well or using James City Service Authority groundwater sources.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes an expenditure of up to \$45,000 from the current balance of the Courthouse Maintenance Fund for the Courthouse Irrigation System and authorizes the County Administrator to execute an operational agreement that sets out prudent water conservation objectives.

Mr. McGlennon welcomed that Mr. Russell **Tabb**, City of Williamsburg Council member, to the Board meeting.

Mr. McGlennon stated that letters were sent home with school children for parents with tips on how to deal with the events of the day and possible consequences.

Mr. Harrison stated that a town meeting will be held for the Berkeley District on Thursday at the James **City/Williamsburg** Community Center and all citizens are welcome to attend. The topics of discussion and feedback will be:

- "Let's Be Water Smart" program;
- U. S. Homes; and
- Friends of the Green Spring – potential closure of a portion of Centerville Road.

The Board recessed for a James City Service Authority Board of Directors meeting at 7:37 p.m.

The Board reconvened into open session at 7:44 p.m.

Mr. Kennedy made a motion to go into Closed Session pursuant to Section 2.1-244 (A) (5) of the Code of Virginia, to discuss prospective business where no previous announcement has been made.

On a roll call, the vote was: AYE: **Harrison, Kennedy, Nervitt, Goodson, McGlennon** (5). NAY: (0).

The Board reconvened into open session at 8:15 p.m.

Mr. Harrison made a motion to adopt the certification of closed session resolution.

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On a roll call, the vote was: AYE: Harrison, Kennedy, **Nervitt, Goodson, McGlennon** (5). NAY: (0).

R E S O L U T I O N


CERTIFICATION OF CLOSED MEETING

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

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each members's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and, ii) only such public business matters were heard, discussed or considered by the Board as were identified in the motion, Section **2.1-344(A)(5)**, prospective business where no previous announcement has been made.

At 8:16 p.m., Mr. **McGlennon** recessed the Board to Wednesday 4:00 p.m.


Sanford B. Wanner
Clerk to the Board

**SCHOOL RESOURCE OFFICER PROGRAM
JAMES CITY COUNTY
AND
THE WILLIAMSBURG-JAMES CITY COUNTY PUBLIC SCHOOLS**

This agreement is made as of the 11th day of ~~September~~, 2001, by and between James City County, Virginia ("the County"), and the Williamsburg-James City County Public Schools ("WJC Schools").

Introduction

The School Resource Officer (SRO) Program is a joint venture of the WJC Schools and the County. The Program has a Community Policing character and is strengthened through collaboration with other community agencies. The program's purpose includes enhancing communication and rapport; delivering prevention, intervention, and criminal justice education services; and maintaining safe school learning environments.

Now, therefore, in consideration of the mutual **promises** and covenants contained herein, the **County** agrees to employ School Resource **Officers** to **perform** the duties described in **this** agreement, according to the terms and conditions set forth below:

I. County Obligation

1. Upon the full approval and execution of this agreement by the County and WJC Schools and appropriation of funds necessary to pay the costs associated therewith, the County, with the concurrence of the Superintendent of Schools shall assign trained Police Officers to work full-time out of each of the three WJC Middle Schools — James Blair, Berkeley, and ~~Toano~~— on such days as they are in regular session. The County also will assign trained Police Officers to work full-time out of Jamestown and Lafayette High Schools on such days as they are in regular session. Additionally, the County will assign a sixth trained police officer to work full-time at the off-site alternative education facility. The Officers shall be made available no later than the opening day of the regular 2001-2002 school year.
2. Prior to being assigned to duties with WJC Schools, the Officers shall be certified as law enforcement Officers through the Virginia Department of Criminal Justice Services (DCJS) and shall have obtained such other training as is usual and customary for Officers in the James City County Police Department.
3. The Officers shall be assigned to the schools on days when they are in session during the regular academic school term. The Officers shall be in uniform as may be directed by the Chief of Police. Whenever practical, the Officers will be on site prior to the **arrival** of students and after school has ended for the day. The Officers' hours will be flexible, subject to the approval of the Chief of Police, in order to carry out the purpose of the Program as outlined in Section III of this agreement. From time to time, the Chief of Police with concurrence of the Superintendent of Schools may assign the Officers to work at WJC Schools other than the ones to which they are primarily assigned.

4. On days when schools are not in session, the Chief of Police shall assign the **Officers** to such duties as the Chief of Police deems appropriate.

II. WJC Schools Obligation

1. The WJC Schools shall provide the Officers with the following: offices in the schools during the regular school year; office equipment and supplies; telephones, **textbooks**, and related curricula materials for classes; teaching supplies; and other such materials as may be necessary for the Officers to carry out their educational duties assigned.
2. On a school-day to school-day basis, the Officers shall work in cooperation with the School Principals. The **Officers** remain the employees of the County and as such are ultimately supervised, evaluated, and directed by the Chief of Police. The WJC Schools shall provide training to the Officers on topics such as school discipline procedures, adolescence, and special needs.

III. Purpose of the School Resource Officer Program

1. The Program focuses on developing rapport with students, presenting **information** to students on various crime prevention subjects; providing law enforcement assistance to school personnel, **parents**, and **students**; and **identifying** and counseling troubled youth, thereby diverting them from the criminal justice system. Through such activities in the schools and the community, the **program** helps students, parents, and educators to develop a better understanding of the role of the law enforcement **Officer** and to create a more positive concept of **our** legal and judicial system.
2. The Officers **provide** educational benefits to students **by teaching curriculum** units and providing classroom presentations and assemblies covering topics such as law education, legal systems, substance abuse, sexual harassment, child abuse, crime awareness and **prevention**, safety, and **Community** Policing activities.
3. The Officers provide discussion and **counseling** services **through** classroom, small Group, and individual sessions with students and conferences with parents in those matters pertaining to law enforcement. Non-law enforcement issues will be referred to the School Principals.
4. The Officers build rapport and **trust** with students by maintaining a high level of visibility on campus during the regular school day and by attending such activities as athletic events, school dances, student clubs and activities, field trips, PTSA meetings, back-to-school nights, and other school and community programs. Such assignments will be part of the Officers' regular duties as much as possible in order to avoid the need for overtime compensation.
5. The Officers will be available to school administrators as an educational resource for assistance in understanding the application and enforcement of criminal laws.

6. The **Officers** maintain liaison with various community youth services agencies and work with school personnel in making student referrals to programs conducted by these agencies.
7. The Officers shall respond to emergency situations as requested by the School Principals. The **Officers** shall respond, in a customary manner according to the Officers' training and standard law enforcement techniques, to criminal activity which is observed or suspected by the Officers. At the request of school administration, the Officers will assist in the enforcement of the code of student conduct and school board rules.

IV. Planning Meetings

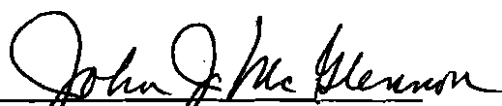
The Police Chief and Superintendent of Schools shall make themselves or their representatives available periodically for joint meetings as may be requested by either party for the purpose of resolving any issues which may arise with respect to the administration and execution of this joint agreement.


V. Term of Agreement


The term of this agreement shall be for one (1) year beginning July 1, 2001, through June 30, 2002, unless otherwise extended by the parties. Notwithstanding anything in this agreement to the contrary, this agreement automatically terminates in the event that, in any fiscal year, the County fails to appropriate funds sufficient to meet the costs of this program. In addition, this agreement may be terminated at any time by 15 days written notice of one party to the other.

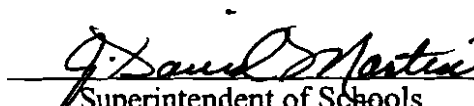
James City County, Virginia

Williamsburg-James City County
Public Schools


Chair, James City County
Board of Supervisors


Chair, Williamsburg-James City
County School Board


Chief of Police


Superintendent of Schools

Approved as to Form:


County Attorney