

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF JULY 2005, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Michael J. Brown, Chairman, Powhatan District
Jay T. Harrison, Sr., Vice Chairman, Berkeley District
Bruce C. Goodson, Roberts District
John J. McGlennon, Jamestown District
M. Anderson Bradshaw, Stonehouse District

Sanford B. Wanner, County Administrator
Michael Drewry, Assistant County Attorney

B. MOMENT OF SILENCE

Mr. Brown requested the Board and citizens observe a moment of silence.

C. PLEDGE OF ALLEGIANCE

McKenna Knowles, who will be a sixth-grade student at the James Blair Middle School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATIONS

1. Resolution of Appreciation – Dr. Carol S. Beers

Mr. Brown presented Dr. Carol S. Beers with a Resolution of Appreciation in recognition of her 22 years of dedicated service to the citizens of James City County and for her commitment and pursuit of excellence in the education of the County's youth during that time.

Dr. Beers thanked the Board and Mr. Wanner for the recognition and thanked the citizens for supporting the School Division.

2. Planning Commission Annual Report

Mr. Jack Fraley, Vice Chairman of the Planning Commission, made a few brief comments in memory of Joseph McCleary, sent sympathy to the family of Donald Hunt, Chairman of the Planning Commission, in the passing of Mr. Hunt's father, and provided an overview of the Annual Report of the Planning Commission.

Mr. Fraley stated concern about the high rate of turnover in the Development Management Division, and requested adequate staffing levels and retention be addressed by the County, including the compensation of staff.

Mr. Fraley highlighted several high-profile planning projects including the review of the site plan review process, and commented on the rate and quality of development in the County as viewed by the Planning Commission. Mr. Fraley stated that the Commission is concerned about the quality of by-right development in the County that seem to view the standards for by-right development to be the maximum requirements; and requested that the existing by-right standards be reviewed and methods developed to update those standards.

Mr. Fraley recommended that a Sub Area Study be performed for Anderson's Corner and the Toano area.

Mr. McGlennon thanked the Planning Commission for addressing increased public interest in studies and for its forethought to encourage consideration of issues now in anticipation of the 2007 Comprehensive Plan update.

Mr. Brown thanked Mr. Fraley for the informative report and presentation.

Mr. Brown recognized Mary Jones, Planning Commission member, in the audience.

E. HIGHWAY MATTERS

Mr. Jim Brewer, Virginia Department of Transportation (VDOT) Residency, stated that the Route 199 Segment II, from the South Henry Street Intersection to Brookwood Drive, is well underway; that the main line should be completed in the next few weeks; that in a month pavement striping will be completed; and that in August there will be another lane shift of traffic into the new eastbound lanes of Route 199 in preparation for resurfacing and repaving the west-bound lanes.

Mr. Brewer stated that shoulder work is also underway along Segment I of Route 199, from Route 60 to the Colonial Parkway overpass, in preparation for resurfacing and repaving.

Mr. Brewer stated that the approaches to the Route 199/Monticello Avenue overpass are in the contract pipeline to be repaved and resurfaced to eliminate the dips before the bridge.

Mr. Brewer stated that the traffic signal lights installation at the intersection of Longhill Road and the entrance to the Regency Apartments is underway and work is scheduled to be completed in 45 days.

Mr. Brewer stated that the pothole on Olde Towne Road (Route 658) has been patched.

Mr. Brewer stated that the maintenance contract for Interstate work is in place and Williamsburg Residency crews can now be pulled into primary and secondary road work within the County.

Mr. Brewer stated that the traffic engineers have been provided several suggestions to consider when they perform the signal study at the Route 199/Mounts Bay Road intersection.

Mr. Bradshaw thanked VDOT for the work on Richmond Road and requested VDOT continue to make progress on the road improvements on Croaker Road, Ware Creek, and Sycamore Landing Road.

Mr. McGlennon requested the weeds along Brookwood Drive be trimmed back.

Mr. McGlennon inquired about the status of the speed studies requested by the Board.

Mr. Brewer stated that several studies have just arrived and he is reviewing them.

Mr. Brown inquired if VDOT has access to street sweeper.

Mr. Brewer stated that the Williamsburg Residency office does have access to a street sweeper.

F. PUBLIC COMMENT

1. Mr. Walt Rybak, 9808 Turning Leaf Drive, stated that a letter and a list of members of the neighborhood representatives for the Stonehouse development was sent to the Board; provided an overview of the letter including the residents' concern about private streets in development; requested that the Board not approve the request for private streets in the Stonehouse Development or at least defer until all concerns are addressed; stated that existing residents do not want private streets in the subdivision; and cited several concerns the existing residents have about the proposal.

2. Mr. Jeff Miller, 3008 Hartwood Crossing, stated concern that the proposed condominiums are not indicated on the site plan to be so close to adjacent existing structures as is now being reported; inquired why the project is being permitted to be constructed so close to existing structures; and why is the developer's proposal not being held to the same standards that the other Stonehouse development proposals were held to.

3. Mr. Mike Inman, 420 53rd Street, Virginia Beach, attorney representing the applicant, Futura LLC, who has requested the waiver for private streets in the Fairways and Clubhouse Point condominiums in the Stonehouse development, stated that the Board deferred action on this item in June because residents wanted input from the developer on the proposal and residents stated that the developer has been non-responsive to their requests for information.

Mr. Inman stated that the developer shared plans and renderings of the Fairways and Clubhouse Point with the Stonehouse residents on June 6; that the residents had submitted a letter to the County that indicated the residents like the looks of the project; requested that the Board approve the request for private streets in the Fairways and Clubhouse Point condominiums; and stated that the concerns of the residents are unfounded in this situation.

4. Ms. Angela Miller, 3008 Hartwood Crossing, stated concern about the potential conflict of interest involving Mr. Inman representing Futura LLC because Mr. Inman was hired by Stonehouse subdivision residents for research against the developer and now Mr. Inman is representing the developer against the residents.

Ms. Miller stated that the private streets in the Stonehouse development is a concern to residents and the developer has not provided a rendering of the roads that would answer questions residents have about the public safety issue of the private streets.

5. Mr. Ed Oyer, 139 Indian Circle, stated that Newport News turned down a proposal to put a Wal-Mart on major road; commented that Monticello Avenue should be considered an existing or classified as a future traffic problem zone; commented on a recent Wall Street Journal article regarding taxes and expenditure limits; and stated that traffic on Route 60 East was backed up to due to traffic again.

6. Ms. Shereen Hughes, 103 Holly Road, stated support for the DRC changes and recent stand on Marywood site proposal, and requested the Board and staff tackle by-right development issues now and do not wait until the 2007 Comprehensive Plan Review Update to address the issues.

Ms. Hughes requested the Board support Development Management and provide adequate staffing and incentive for longevity of staff to help the citizens.

7. Mr. Darrell Hooker, 158 Wellington Circle, stated concern that staff is enforcing sign regulations non-uniformly for businesses and requested justification for such actions.

G. CONSENT CALENDAR

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

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw, Brown (5). NAY: (0).

1. Minutes

- a. June 28, 2005, Regular Meeting
- b. July 12, 2005, Regular Meeting

2. Department of Criminal Justice Services – Grant Award – \$27,500

RESOLUTION

DEPARTMENT OF CRIMINAL JUSTICE SERVICES - GRANT AWARD - \$27,500

WHEREAS, the Virginia Department of Criminal Justice Services (DCJS) has approved a grant to the James City County Police Department for the amount of \$27,500, with a State share of \$20,625 for the enhancement of the Department’s current Records Management System (RMS); and

WHEREAS, the grant requires a cash local match of \$6,875, which is available in the County’s Special Projects/Grants Fund; and

WHEREAS, the grant will be administered by DCJS with a grant period of July 1, 2005, through June 30, 2006.

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

Revenues:

DCJS - Criminal Justice Record Systems Improvement	\$20,625
County Special Projects/Grants Fund	<u>6,875</u>
Total	<u>\$27,500</u>

Expenditure:

DCJS - Criminal Justice Record Systems Improvement \$27,500

3. Award of Contract – Ambulance Purchase

RESOLUTION

AWARD OF CONTRACT - AMBULANCE PURCHASE

WHEREAS, funds are available in the Capital Improvements Program budget for purchase of a new ambulance for Fire Station 5; and

WHEREAS, cooperative purchasing action is authorized by Chapter 1, Section 5, of the James City County Purchasing Policy and the Virginia Public Procurement Act, and the City of Newport News issued a cooperative purchasing contract to Performance Specialty Vehicles, LLC, as a result of a competitive sealed Request for Proposal; and

WHEREAS, the Fire Department and Purchasing staff determined the contract specifications met the County's performance requirements for a medium-duty ambulance and negotiated a price of \$174,023 with Performance Specialty Vehicles, LLC, for a Freightliner M2/American LaFrance medium-duty ambulance unit.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract between James City County and Performance Specialty Vehicles, LLC, in the amount of \$174,023.

4. Resolution of Appreciation – Dr. Carol S. Beers

RESOLUTION OF APPRECIATION

DR. CAROL S. BEERS

WHEREAS, Dr. Carol S. Beers is a dedicated professional who sought excellence in the education of the County's youth while she provided exemplary service for 22 years in the Williamsburg/James City County Public Schools; and

WHEREAS, Dr. Carol S. Beers has held a variety of positions during her career with the Williamsburg/James City County Public Schools which include being the superintendent of schools, assistant superintendent of schools, an elementary school principal, the Gifted & Talented program supervisor, and has received Fulbright Awards for study in Japan and Germany; and

WHEREAS, in 1992(3) the Rawls Byrd Elementary School, while under Dr. Beers leadership as the principal, received the U. S. Department of Education's Blue Ribbon School award; and

WHEREAS, Dr. Beers has also served on the National Joint Council for Learning Disabilities, the National Commission for Diverse Learners, and the Manuscript and Policy Review Board for the International Reading Association.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby expresses its deep gratitude for her commitment and honors Dr. Carol S. Beers for her 22 years of dedicated service to the citizens of James City County.

H. BOARD CONSIDERATIONS

1. Stonehouse Request for Private Streets (Deferred from June 14, 2005)

Mr. Trey Davis, Senior Planner, stated that Mr. V. Marc Bennett of AES Consulting Engineers on behalf of his client, Futura LLC, has submitted a request for approval of private streets for two projects in the Stonehouse Master Planned Community that is zoned PUD, Planned Unit Development. The two projects under review are the Fairways, a 16-unit condominium project and Clubhouse Point, an 18-unit condominium project; both of which are by-right developments and only subject to administrative review.

Mr. Davis stated that Michael Inman of Inman and Strickler, PLC, representatives of the Futura Group, has submitted a letter regarding the responsibility for maintenance of the private streets within the condominium association and submitted a draft copy of the documents for the Fairways.

Staff continues to encourage the developer to work with residents on issues related to the architecture of the proposed units and any other concerns

Staff noted that it is difficult to develop multifamily units without allowing for private streets due to the limitations imposed by VDOT-mandated street widths and turning radii, and stated that staff has found the private streets to be an appropriate use in the development of multifamily units within Stonehouse and other master-planned communities.

Staff recommended approval of the request for private streets in the two Stonehouse projects.

Mr. Harrison inquired if the private road will be a through street or only an access street to the condominiums.

Mr. Davis stated that it does not connect to other streets.

Mr. Goodson inquired if VDOT would permit the street to be a public road.

Mr. Davis stated that VDOT standards are higher and therefore the street would not meet standards for a public road.

Mr. Bradshaw inquired if the street width is adequate to handle emergency vehicles.

Mr. Davis indicated the streets will meet requirements for emergency service.

The Board and staff discussed the standards of private streets, by-right development reviews, and requested guidance from Mr. Rogers on the proposed private streets.

Mr. Rogers stated that private streets are not permitted by-right and if the Board denies the request,

the developer will be required to meet VDOT standards for public roads; and stated that the County has a Private Street Construction Standards which are administered by the County Engineer and the Zoning Ordinance requires that construction of private streets be guaranteed in a form approved by the Environmental Division and County Attorney prior to issuance of any certificate of occupancy for the projects.

Mr. Bradshaw made a motion to approve resolution.

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw, Brown (5). NAY: (0).

RESOLUTION

STONEHOUSE REQUEST FOR PRIVATE STREETS

WHEREAS, Section 24-497(d) of the James City County Zoning Ordinance states that private streets may be permitted upon the approval of the Board of Supervisors in the PUD, Planned Unit Development District; and

WHEREAS, AES Consulting Engineers has requested approval of private streets for two developments in the Stonehouse Master Planned Community; and

WHEREAS, the developments are located at 9681 and 9720 Mill Pond Run and further identified as Parcel Nos. (1-12) and (1-16) on James City County Real Estate Tax Map No. (5-3); and

WHEREAS, private streets shall be constructed and certified in accordance with *Administrative Guidelines For Certification of Private Street Construction* prepared by the County Engineer and guaranteed in accordance with Section 24-497(d) of the James City County Zoning Ordinance; and

WHEREAS, the Owner of each development shall organize a neighborhood association to be responsible for maintenance of his/her private streets in accordance with Condition No. 1, Community Association of the Proffers, as amended.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve private streets in the above-referenced developments.

2. Award of Comprehensive Agreement Contract for Design and Construction of a Community Building at New Town

Ms. Stephanie Ahrendt, Purchasing Director, stated that the Design and Construction of a Community Building at New Town Request for Proposal was issued pursuant to Virginia's Public Private Education Facilities and Infrastructure Act of 2002. A panel of staff members reviewed the proposals, interviewed two firms, and selected Henderson, Inc., as the firm with the best proposal for the Community Building.

Staff recommended approval of the resolution awarding the contract to Henderson, Inc., in the amount of \$1,250,000.

Mr. Goodson made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw, Brown (5). NAY: (0).

RESOLUTION

AWARD OF COMPREHENSIVE AGREEMENT CONTRACT FOR DESIGN AND

CONSTRUCTION OF A COMMUNITY BUILDING AT NEW TOWN

WHEREAS, a Public Private Education and Facilities and Infrastructure Act of 2002 (PPEA) request for proposals for Design and Construction of a Community Building at New Town was advertised; three interested firms submitted proposals; and

WHEREAS, staff reviewed all proposals, interviewed two firms, and selected Henderson, Inc., as the firm with the best proposal to provide the services associated with the project; and

WHEREAS, upon Board approval, staff is prepared to negotiate and execute a Comprehensive Agreement Contract with Henderson Inc., for design and construction of the Community Building.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes negotiation and award of a Comprehensive Agreement Contract for design and construction of a Community Building at New Town in an amount not to exceed \$1,250,000 to Henderson, Inc.

I. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on a solicitation from the Williamsburg Area Realtors that offers no alternative solutions to the issue of cash proffers; commented on an article in the paper regarding public schools; and stated that the fiscal costs of maintenance and staffing schools was not addressed.

2. Mr. H. M. Rathkamp, 100 Elizabeth Page, stated that information provided to the public by the Williamsburg Area Realtors and the press is not accurate and stated that proffers are a benefit to the community by supplementing funds to pay for the development of schools.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner provided an update on the Cash Management Action Plan as follows:

1. We have acquired court orders from Judge Powell and Judge Fairbanks and in the future all checks remitted by those courts will be made out to the "Treasurer, James City County" and sent directly to the Treasurer's Office, and the Fire Department has established procedures to record, acknowledge, and transmit all donations sent directly to them;

2. We have identified cash collection points and the task of flow charting cash flows is in progress. Once completed, internal controls will be reviewed as well as process improvements for greater efficiencies; all points have been posted instructing

citizens to make their check payable to the “Treasurer of James City County;” and alternative payment options are an objective targeted for review later.

3. We have contacted all “supervisors” and they have responded to a survey requesting bank account information. No new account information was uncovered.
4. We have the group reviewing the current procedures for establishing Administrative Regulations. We are looking at this as a repository for financial policy easily accessed by departments to be used in the development of individual department procedures. The group may be developing a recommendation for Board consideration. The group is reviewing the current process for submitting expense reimbursements. It is anticipated that some process improvements will result from this review.
5. The group surveyed other jurisdictions and determined that those localities with internal auditor positions are traditional in nature and report to the County Administrator.

In addition to the tasks proposed above, we are also working with the Commonwealth Attorney, the State Police, and the County Treasurer to determine exactly how much of the public’s money has been stolen or misused by the County’s former Fire Chief. Staff is working to recover every single cent using the authority granted to the Treasurer, the Courts, and the County’s employee dishonesty coverage through VML. We have obtained details of all spending and all deposits involving the Flower Fund bank account and are examining each item individually.

Mr. Wanner recommended the Board go into Closed Session for the consideration of appointments of individuals to Boards/Commissions, for the consideration of the annual evaluation of the County Administrator, and for the consideration of the acquisition of a parcel/parcels of property for public use; following which the Board adjourns to 7 p.m. on August 9, 2005.

K. BOARD REQUESTS AND DIRECTIVES

Mr. Bradshaw requested a Toano Area Community Character Corridor Study be conducted which will exclude the Anderson’s Corner area.

Mr. Harrison apologized to Mr. Hooker regarding his feeling of being treated unfairly by the County and stated that it is not the County’s standard to treat citizens or business owners in that manner.

Mr. Harrison directed staff to review a “temporary sign” ordinance for newly established businesses.

Mr. Harrison and Mr. Brown congratulated Mr. Wanner on the prompt and responsive update on the Cash Management Action Plan to track and ensure accountability for the flow of funds.

L. CLOSED SESSION

Mr. McGlennon made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the appointment of individuals to Boards and/or Commissions; pursuant to Section 2.2-3711 (A)(3) of the Code of Virginia to consider the acquisition of a parcel/parcels of property for public use; and pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia for the annual performance evaluation of the County Administrator.

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw, Brown (5). NAY: (0).

At 8:19 p.m. Mr. Brown convened the Board into Closed Session.

At 9:05 p.m. Mr. Brown convened the Board into Open Session.

Mr. McGlennon made a motion to adopt the Closed Session Resolution.

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw, Brown (5). NAY: (0).

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and, (ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1), to consider personnel matters, the appointment of individuals to County boards and/or commissions; Section 2.2-3711(A)(3), to consider the acquisition of parcel/parcels of property for public use; and Section 2.2-3711(A)(1) consideration of the annual evaluation of the County Administrator.

Mr. Harrison made a motion to reappoint Robert Cowling to a five-year term on the Board of Building Adjustments and Appeals, term to expire June 12, 2010; to reappoint Alan Bennett to a three-year term on the Clean County Commission, term to expire July 31, 2008; to appoint Lee Laska to an unexpired term on the Cable Communications Advisory Committee, term to expire April 30, 2009; to reappoint Michael McGinty to a three-year term on the Colonial Community Justice Board, term to expire on July 31, 2008; to reappoint Donna Garrett, Bernice Dorman, Betty Cutts, Alain Outlaw, and Edith Harris-Bernard to three-year terms on the Historical Commission, terms to expire on August 31, 2008; to appoint Dick Calver to a four-year term on the Thomas Nelson Community College Local College Board, term to expire on July 31, 2009;

and to appoint Kenneth Grieve and Karen Levy to three-year terms on the Water Conservation Committee, terms to expire on May 31, 2008.

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw, Brown (5). NAY: (0).

Mr. McGlennon made a motion to approve a salary increase of 4.5 percent and an increase of 7.5 percent contribution to deferred compensation after the application of the new base salary for the County Administrator, effective August 1, 2005.

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw, Brown (5). NAY: (0).

M. ADJOURNMENT

Mr. Goodson made a motion to adjourn.

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw, Brown (5). NAY: (0).

At 9:06 p.m. Mr. Brown adjourned the Board to 7 p.m. on August 9, 2005.

Sanford B. Wanner
Secretary to the Board