

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF MARCH 2006, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Bruce C. Goodson, Chairman, Roberts District
John J. McGlennon, Vice Chairman, Jamestown District
Jay T. Harrison, Sr., Berkeley District
James O. Icenhour, Jr., Powhatan District
M. Anderson Bradshaw, Stonehouse District

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

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Michael Favret, an eighth-grade student at Williamsburg Christian Academy, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATION

1. Volunteer Recognition - Third Quarter - FY 06

Mr. Goodson and Ms. Carol A. Schenk, Human Resource Specialist, recognized John T. P. Horne as the volunteer of the third quarter for his leadership and service to Housing Partnerships and housing assistance to needy members of the community.

E. HIGHWAY MATTERS

Mr. Jim Brewer, Williamsburg Residency, Virginia Department of Transportation (VDOT), gave an overview of work on Greensprings Trail and Capital Trail. Mr. Brewer stated bids were received for the Ironbound Road and Monticello Avenue project for roughly \$1.9 million. He stated the Department of Transportation was continuing to patch potholes as well. He stated he would report back when he received information regarding Mr. Icenhour's speed limit request. Mr. Brewer also said stonework in Chickahominy Haven should be completed in the next week, per Mr. Bradshaw's request.

Mr. McGlennon asked about road repairs on Lake Powell Road. Mr. McGlennon also mentioned debris and trash deposited near 4-H Club Road toward Jamestown Road and asked that it be cleaned. He thanked Mr. Brewer for work at Granite Circle.

Mr. McGlennon mentioned blue directional signs to commercial establishments on Jamestown Road and Route 199. He inquired if VDOT allowed for protection of historic areas to remove these signs. Mr. McGlennon stated they counteract the previous efforts to remove unsightly billboards.

Mr. Brewer stated that he was unable to find any regulation that would disallow the signs.

Mr. McGlennon stated that he did not believe the funds received from placement of these signs would justify the negative impacts.

Mr. Bradshaw asked about the status of Merry Oaks and speeding near the Library.

Mr. Goodson stated concern about traffic signal work and land disturbance at Routes 60 E and 199. Mr. Goodson inquired about the time frame to complete the project.

Mr. Brewer stated he would look into the matter and report back to the Board.

F. PUBLIC COMMENT

1. Mr. William Ferguson, 310 The Maine West, stated concern about the rate of development in the County. Mr. Ferguson stated residents objected to new development due to traffic impacts, increased taxes, and increased crime, yet the County is looking at where to locate a fourth high school when the third high school was not complete.

2. Mr. Richard Bradshaw, Commissioner of the Revenue, clarified the criteria for real estate exemption: at least one owner/resident had to be 65 years or older and/or permanently totally disabled, total income needed to be less than \$35,000 a year, and total assets less than \$200,000, excluding the value of the home. Mr. Bradshaw stated the benefits include the exemption of the first \$100,000 of the value of the home. He stated a resident of the City of Williamsburg would not qualify because the City had a real estate deferral system. He urged anyone who may qualify to contact him by phone or come by Building B in the Government Complex to file for an exemption.

3. Mr. Ed Oyer, 139 Indian Circle, stated financial advisors have no stake in James City County's future; the assessment is fluid, not static, and advisors offer the best guess on any situation involving money; the County should decide how much to spend before the land value is determined, then put away extra money or put toward capital projects; ordinances are needed for off-street parking and removal of idle vehicles; he toured the new location for fire administration and training, and though it looked like a functional building and a good investment, he would suggest building a joint police and fire administration building.

G. CONSENT CALENDAR

Mr. Bradshaw asked to pull Item No. 2, Homeless Intervention Program Application, from the Consent Calendar. Mr. McGlennon made a motion to adopt the remaining items on the Consent Calendar including the amended minutes of March 14, 2006.

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

1. Minutes - March 14, 2006, Regular Meeting - as amended

3. Appropriation of Grant Funds - NIMS Training

RESOLUTION

APPROPRIATION OF GRANT FUNDS - NIMS TRAINING

WHEREAS, James City County applied for and received a grant in the amount of \$5,000 for the purpose of reimbursing expenses related to the County government training costs related to the National Incident Management System (NIMS); and

WHEREAS, the grant requires no local matching funds.

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

Revenue:

HRPDC NIMS Training \$5,000

Expenditure:

HRPDC NIMS Training \$5,000

4. Ironbound Elderly Housing Project - Community Development Block Grant Appropriation of Additional Grant Funds

RESOLUTION

IRONBOUND ELDERLY HOUSING PROJECT - COMMUNITY DEVELOPMENT BLOCK

GRANT APPROPRIATION OF ADDITIONAL GRANT FUNDS

WHEREAS, James City County has been notified by the Virginia Department of Housing and Community Development (VDHCD) of award of an additional \$84,000 of Community Development Block Grant (CDBG) funds for the Ironbound Elderly Housing Project and has completed all actions required by VDHCD prior to entering into an agreement to receive the CDBG funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the Budget, as adopted for the fiscal year ending June 30, 2006, as follows:

Revenue:

Ironbound Elderly Housing Community
Development Block Grant \$84,000

Expenditure:

Ironbound Elderly Housing Project \$84,000

BE IT FURTHER RESOLVED that the appropriation of funds for the CDBG Project be designated a continuing appropriation to carry beyond FY 2006 until the Ironbound Elderly Housing Project is completed.

5. Appropriation - Williamsburg Area Transport

RESOLUTION

APPROPRIATION - WILLIAMSBURG AREA TRANSPORT

WHEREAS, Williamsburg Area Transport (WAT) is facing a projected deficit of \$179,500 for FY 06; and

WHEREAS, WAT has requested that the three localities approve a supplemental appropriation to WAT based upon the current funding allocation to maintain the existing level of service; and

WHEREAS, James City County's share is equal to \$86,160.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves an appropriation \$86,160 from Contingency to Williamsburg Area Transport in the FY 06 budget.

6. Declaration of a Local Emergency - as amended

RESOLUTION

DECLARATION OF A LOCAL EMERGENCY

WHEREAS, the Board of Supervisors of James City County, Virginia, does hereby find that due to the recent lack of rain, coupled with windy conditions, the County faces dangerous conditions of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship, or suffering threatened or caused thereby, including an immediate prohibition on open burning; and

WHEREAS, a condition of extreme peril of life and property necessitated the declaration of the existence of an emergency; and

WHEREAS, due to exigent circumstances, the Board of Supervisors was unable to convene to consent to the declaration of a local emergency.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that, pursuant to Section 44-146.21 of the *Code of Virginia*, 1950, as amended, the Declaration of a Local Emergency dated March 15, 2006, by Sanford B. Wanner, Director of Emergency Management for James City County, be, and the same hereby is, confirmed.

BE IT FURTHER RESOLVED that the Director of Emergency Management and the Emergency Operations

Division of the James City County Fire Department shall exercise those powers, functions, and duties as prescribed by state law and the ordinances, resolutions, and approved plans of James City County in order to mitigate the effects of said emergency.

2. Homeless Intervention Program Application

Mr. Rick Hanson, Housing and Community Development Administrator, gave an overview of the Homeless Intervention Program (HIP) application. Mr. Hanson stated that the HIP program assists individuals or families who are homeless or are in temporary housing to find affordable permanent housing.

Mr. Bradshaw asked if the need is greater than the allocation.

Mr. Hanson responded that initially the program ran out of funds, but in recent years the funds have been sufficient. He also stated that the criteria of the program is fairly precise in the individuals and families it assists.

Mr. Bradshaw stated the importance of this program in assisting the homeless.

Mr. Bradshaw made a motion to approve the resolution

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

RESOLUTION

HOMELESS INTERVENTION PROGRAM APPLICATION

WHEREAS, the Commonwealth of Virginia Department of Housing and Community Development, has issued a competitive application and requested applications under the Homeless Intervention Program (HIP); and

WHEREAS, assistance is needed to effectively and adequately address the housing needs of low-income and homeless persons served by James City County in our service areas of James City County, Williamsburg, and Upper York County with a Williamsburg address; and

WHEREAS, HIP application for a grant under this Program has been prepared; and

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

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

H. PUBLIC HEARING

Mr. Goodson recognized Mr. Jack Fraley, Chairman of the Planning Commission, in attendance.

1. Case No. Z-17-05/MP-14-05. Greensprings Master Plan Amendment (continued from March 14, 2006)

Ms. Kathryn Sipes, Planner, stated that Mr. Christopher Basic, AES Consulting Engineer, has applied on behalf of Jamestown LLC to amend the Greensprings Master Plan and Proffer Agreement for property located at 4200 Longview Landing, further identified as Parcel No. (1-24) on James City County Real Estate Tax Map No. (36-3). The property is currently zoned R-4, Residential Planned Community, with proffers, and would be rezoned to R-4, Residential Planned Community, with amended proffers.

The amendments include increasing the number of single-family detached dwelling units in the proposed Phase VII of the Greensprings West subdivision. The applicant is proposing an additional 30 units, making Phase VII 47 lots and bringing the total in Land Bay S-1 to 398. The total dwelling units in the Master Plan area would increase from 1,505 to 1,535, taking gross residential density from 1.07 dwelling units/acre to 1.10 dwelling units/acre.

At its meeting on February 6, 2006, the Planning Commission recommended approval of the amended proffers by a vote of 4-3.

Staff found the proposal generally consistent in character with the previously approved master plan and has determined that the additional units proposed will not have an appreciable impact.

Staff recommended the Board approve the application.

Mr. Bradshaw asked staff if the land use was rezoned as low-density residential.

Ms. Sipes stated that was correct.

Mr. Bradshaw asked when the land-use designation was made rural land.

Ms. Sipes responded that in 1989 the boundary was not necessarily the dividing line between rural lands and low-density residential land.

Mr. Sowers stated that the Primary Service Area (PSA) line was hardened, but during the original rezoning the property was outside of the line. He also stated that recently it had become a parcel-specific assessment, but this particular property was outside of the PSA designated as rural lands.

Mr. Bradshaw inquired that staff verify this property was outside the PSA and designated as rural lands.

Mr. Sowers confirmed the rural lands designation and stated that a small corner of the property was recognized as outside the PSA.

Mr. Goodson opened the Public Hearing.

1. Mr. Vernon M. Geddy, III, on behalf of the applicant, Jamestown LLC, stated that the proposed increase density was 0.03 dwelling units per acre. Mr. Geddy presented a map of the area and outlined the proposed development. Mr. Geddy stated that this would not open up a new area to development because it was an area that will be developed. Mr. Geddy outlined cash proffers for water, sewer, schools, off-site schools, off-site environmental, etc., turf management proffer, recreation, and generators for grinder

pumps. He stated that the amendments meet with the requirements of the County's Master Plan and Comprehensive Plan, offer public benefits and the PSA includes Greensprings West. Mr. Geddy urged the Board to approve the Master Plan amendments. He stated the developer has addressed every possible issue, and to counteract the increase of only 0.03 dwelling units per acre, there are significant cash proffers.

Mr. McGlennon inquired about the possibility of incorporating low-impact design (LID) and asked why that was not possible.

Mr. Geddy stated that this was not possible because in order for low-impact design to work, there needed to be a certain soil type; rather than put LID here, the applicant opted to contribute more value for the dollar with cash proffers off-site.

Mr. Icenhour asked if Mr. Geddy would verify that once the rezoning was redone, it would be approved with a 1,505 cap limit.

Mr. Icenhour and Mr. Geddy discussed the use and quantity of grinder pumps in the land bay.

Mr. Icenhour inquired if the number of grinder pumps decreased because subsequent lots were fit into the area to connect the developments.

Mr. Geddy stated Mr. Icenhour was correct, and with this Master Plan, the original lot cap was essentially a best guess.

Mr. Icenhour stated that essentially the best guess fluctuates when lots are worked into a development plan.

Mr. Geddy stated that when they got to a certain area, the number of lots that were available to be developed changed.

Mr. Icenhour stated that near the lake the land drops off, the developer cannot use sewer, and remarked that they planned to have over 21 grinder pumps in this area.

Mr. Geddy stated that it would be to the depth that the existing sewer line was built.

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

The Board discussed the merits of the proposed development and the concerns regarding the negative impacts to the community and public services.

Mr. Geddy requested the Board defer the case before a vote.

Mr. Goodson asked if any member would like a deferral.

Mr. Bradshaw stated he did not object to a deferral, but changing the plan would not address the problem of his concern.

Mr. Harrison asked if the number of units would be the issue that would be changed during the deferral.

Mr. Goodson stated that he did not feel comfortable with deferring this application.

Mr. McGlennon made a motion to deny the resolution.

On a roll call vote, the vote was AYE: Icenhour, McGlennon, Bradshaw, (3). NAY: Harrison, Goodson (2).

I. BOARD CONSIDERATIONS

1. Board of Supervisors Code of Ethics

Mr. Sanford B. Wanner, Clerk to the Board, provided a brief overview of the proposed Code of Ethics.

Mr. Goodson stated that this did not originate from any need or issue, it was initiated by a member of the Board.

Mr. Icenhour stated that the issue of a Code of Ethics arose during his campaign. An individual came to him and stated that the Board did not have one. Mr. Icenhour looked at information available and stated that this is a tool that would be utilized. This was not brought forward by any necessity. County staff provided six Virginia County codes which were utilized in the creation of this Code. Mr. Icenhour stated the Code of Ethics was to be used to enhance the way the government serves the community. He also extended his appreciation for the work of staff and his fellow Supervisors.

Mr. Icenhour made a motion to adopt the resolution.

Members of the Board thanked Mr. Icenhour for this initiative, noted that Board members have been conducting themselves in accordance with the proposed Code of Ethics, and stated support for the standard for conduct.

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

2. Personal Property Tax Relief Act - Setting the Reimbursement Percentage

Ms. Ann Davis, Treasurer, stated that last November the Board passed an ordinance to comply with the Code of Virginia regarding personal property tax relief. Ms. Davis stated that based on the amount of reimbursement, personal use vehicles valued at \$1,000 dollars or less would receive 100 percent relief. She said vehicles valued at \$1,001 to \$20,000 would be eligible for 61 percent, and vehicles valued at \$20,001 or more would receive 61 percent on first \$20,000 dollars of value.

Mr. Bradshaw clarified that the Board is not reducing the relief, but distributing it among the citizens.

Ms. Davis confirmed the clarification and stated that the State has frozen the relief, and the appropriate allocation would set the percentage at 61 percent.

Mr. McGlennon inquired if the personal property tax rate remains the same.

Ms. Davis stated that the tax rate could remain the same. Ms. Davis emphasized that the only change was the percentage, which was 70 percent last year, being reduced to 61 percent this year.

Mr. Goodson stated the Board could have assessed taxes on a vehicle less than \$1,000, but chose to give 100 percent relief on vehicles under \$1,000 dollars.

Ms. Davis presented a tax bill to be sent to citizens, which included a highlighted paragraph that stated the tax bill has been reduced by 61 percent for the first \$20,000 dollars of value. If qualifying vehicle

was less than \$1,000 in value, the Board of Supervisors had eliminated the tax.

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

RESOLUTION

PERSONAL PROPERTY TAX RELIEF ACT -

SETTING THE REIMBURSEMENT PERCENTAGE

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code §§58.1-3523 et seq. (“PPTRA”), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005) and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly, being the 2005 revisions to the 2004-2006 Appropriations Act (“the 2005 Appropriations Act”); and

WHEREAS, these legislative enactments require the County to take affirmative steps to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS, these legislative enactments provide for the appropriation to the County of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to local personal property tax on such vehicles.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, in accordance with the requirements set forth in Va. Code §58.1-3524(C)(2) and §58.1-3912(E), as amended by Chapter 1 of the Acts of Assembly (2004 Special Session 1) and as set forth in Item 503 of the 2005 Appropriations Act, that any qualifying vehicle having situs within the County during the tax year which begins on January 1, 2006, shall receive personal property tax relief in the following manner:

1. Personal use vehicles valued at \$1,000 or less will be eligible for 100% tax relief.
2. Personal use vehicles valued at \$1,001 to \$20,000 will be eligible for 61% tax relief.
3. Personal use vehicles valued at \$20,001 or more shall receive 61% tax relief only on the first \$20,000 of value.
4. All other vehicles which do not meet the definition of “qualifying” (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for personal tax relief under PPTRA.

J. PUBLIC COMMENT - None

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that this was the last night for Ms. Jody Puckett as Acting County Administrator. He stated that she had been an excellent assistant.

Mr. Wanner recommended the Board adjourn to 7 p.m. on April 11, 2006, following Williamsburg Area Transport and James City Service Authority Board of Directors meetings, and a Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia consideration of personnel matters, the appointment of individuals to County boards and/or commissions in reference to the Business Climate Task Force, and

Section 2.2-3711(A)(7) of the Code of Virginia, to consult with legal counsel and staff members (or consultants) pertaining to probably litigation.

L. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon requested staff draft a resolution regarding the Board's opposition to privatization of Eastern State Hospital for next meeting.

Mr. McGlennon stated he wanted to communicate that while the Board would entertain propositions for particular proffers for private organizations in land use cases, the proffers should be directed to the County for allocation rather than private entities.

Mr. Bradshaw stated his appreciation for landscaping projects on Route 199 and Richmond Road.

Mr. McGlennon asked if the County would report back addressing an earlier comment regarding off-street parking.

At 8:24 p.m. Mr. Goodson recessed the Board of Supervisors for a Williamsburg Area Transport Board of Directors meeting and a James City Service Authority Board of Directors meeting.

Mr. Goodson reconvened the Board of Supervisors at 8:31 p.m.

M. 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, consideration of personnel matters, the appointment of individuals to County boards and/or commissions in reference to the Business Climate Task Force and Section 2.2-3711(A)(7) of the Code of Virginia, to consult with legal counsel and staff members (or consultants) pertaining to probable litigation.

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

At 8:32 p.m. Mr. Goodson convened the Board into Closed Session.

At 8:35 p.m. Mr. Goodson reconvened the Board to Open Session.

Mr. Harrison made a motion to adopt the Closed Session resolution.

On a roll call vote, the vote was AYE: Harrison, Icenhour, McGlennon, Bradshaw, Goodson (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; and Section 2.2-3711(A)(7), to consult with legal counsel and staff members (or consultants) pertaining to probable litigation.

N. ADJOURNMENT

Mr. Harrison made a motion to adjourn until 7 p.m. on April 11, 2006.

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

At 8:50 p.m. Mr. Goodson adjourned the Board until 7 p.m. on April 11, 2006.

Sanford B. Wanner
Clerk to the Board