

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 23RD DAY OF SEPTEMBER 2008, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. CALL TO ORDER**

**B. ROLL CALL**

Bruce C. Goodson, Chairman, Roberts District  
James G. Kennedy, Vice Chairman, Stonehouse District  
James O. Icenhour, Jr., Powhatan District  
John J. McGlennon, Jamestown District  
Mary Jones, Berkeley District

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

**C. PLEDGE OF ALLEGIANCE** – Destyni Kuhns Gray, a fifth-grade student at Clara Byrd Baker Elementary School, led the Board and citizens in the Pledge of Allegiance.

**D. HIGHWAY MATTERS**

Mr. Todd Halacy, Virginia Department of Transportation (VDOT) Residency Administrator, stated at the July 22 Board meeting that the Board requested VDOT to do a speed study on Lake Powell Road. He indicated that the study should be completed in the next month. He gave an update on median mowing and litter pickup on primary roads and noted there would be two more rounds this season. He stated that the recent project which added a turn lane on Ironbound Road was completed ahead of schedule and under budget. He noted that temporary signs were posted to indicate the new traffic pattern.

Mr. McGlennon congratulated Mr. Halacy on his permanent appointment as Residency Administrator and thanked him for his attention to the previous requests regarding Lake Powell Road.

**E. PUBLIC COMMENT**

1. Mr. Alex Kuras, 112 Pasbehegh Drive, on behalf of the James City County Citizens Coalition (J4C) Budget Advisory Committee, commented on school construction and how to address the school construction budget gap, and presented the findings of the Committee's report.

2. Mr. Marc Sharp, 16 Bray Wood, commented on the school construction budget, and stated that the education system needed to be enhanced to create an effective and competitive school system. He requested approval of the school construction budget.

3. Ms. Colleen Lynch, 9409 Ashlock Court, President of Williamsburg-James City County PTA, requested approval of the school construction budget.

4. Mr. Jim Sammons, 104 Pebble Beach, commented on test scores that he distributed to the Board and requested approval of the school construction budget.

5. Mr. Jack Haldeman, 1597 Founder's Hill North, on behalf of J4C, explained the mission and composition of J4C.

6. Mr. Bill Spaller, 1556 Harbor Road, commented that the J4C has put forth an effort to do studies in great detail to aid staff and the Board in decision-making. He commented that water is a key issue for the County and noted comments about expanding the Primary Service Area (PSA). He asked to respect the PSA as a boundary for excessive growth.

7. Mr. John Rhein, 3505 Hunters Ridge, on behalf of the National Federation of the Blind (NFB), Greater Williamsburg Chapter, commented on equipping sound on hybrid cars to protect the blind and other pedestrians. He stated that he requested a programming schedule with sound on the County cable channel.

8. Mr. David Bush, 3913 Philip Ludwell, on behalf of the Williamsburg-James City County Education Foundation, requested approval of the school construction budget.

9. Ms. Meredith Fernandez, 7639 Cypress Drive, requested approval of the school construction budget on behalf of parents and commented on the rate of growth and the necessity of the additional schools.

10. Mr. Steve Mathiasan, Williamsburg-James City County Education Foundation, requested approval of the school construction budget and noted that the timing of the construction is very good.

11. Mr. Ed Oyer, 139 Indian Circle, commented on County schools and excessive budgets; Route 60 East traffic; adding onto schools rather than additional construction; commercial and retail construction without tenants; and traffic lights on Monticello Avenue.

Mr. Goodson asked that Mr. Wanner respond to the question raised by Mr. Rhein.

Mr. Wanner stated that this was investigated by staff and in most cases there would be competing sounds, which would be a problem.

Mr. Goodson asked to see how other localities address this.

Mr. Goodson recognized the presence of School Board members Ms. Ruth Larson, Ms. Mary Ann Maimone, Ms. Elise Emanuel, and Superintendent Gary Mathews in the audience.

## **F. CONSENT CALENDAR**

Mr. McGlennon made a motion to adopt the Consent Calendar with the amendment to the minutes.

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

### **1. Minutes – September 9, 2008, Regular Meeting**

2. Dedication of Streets – Stonehouse Phase I, Section 5A – Lisburn

**RESOLUTION**

**DEDICATION OF STREETS IN STONEHOUSE PHASE 1, SECTION 5A - LISBURN**

WHEREAS, the streets described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation (VDOT) advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of VDOT; and

WHEREAS, the County and VDOT entered into an agreement on July 1, 1994, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests VDOT to add the streets described on the attached Additions Form AM-4.3 to the secondary system of State highways, pursuant to § 33.1-229 of the Code of Virginia, and VDOT's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for VDOT.

3. Contract Award – Phase I – Point of Service Solid Waste Collection and Recycling Services for James City County and Williamsburg-James City County (WJCC) Schools – \$52,447.32

**RESOLUTION**

**CONTRACT AWARD – PHASE I – POINT OF SERVICE SOLID WASTE COLLECTION**

**AND RECYCLING SERVICES FOR JAMES CITY COUNTY AND WILLIAMSBURG–JAMES**

**CITY COUNTY SCHOOLS (WJCC) – \$52,447.32**

WHEREAS, the Request for Proposals has been advertised and three interested firms submitted proposals; and

WHEREAS, the staff reviewed and evaluated the proposals, conducted interviews, and selected Waste Industries, LLC as the most qualified to provide the Point of Service Solid Waste Collection and Recycling Services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes an award of contract to Waste Industries, LLC to provide Point of Service Solid

Waste Collection and Recycling Services for James City County for a total annual amount of \$52,447.32 (Trash \$48,404.88; Recycling \$4,042.44).

4. Contract Award – Community Center Whirlpool Replacement - \$238,000

**RESOLUTION**

**CONTRACT AWARD - COMMUNITY CENTER WHIRLPOOL REPLACEMENT - \$238,000**

WHEREAS, a Request for Proposals to furnish and install a replacement whirlpool system at the James City/Williamsburg Community Center was publicly advertised and staff reviewed the proposal from Greenland Enterprises, Inc.; and

WHEREAS, upon evaluating the proposal, staff determined that Greenland Enterprises, Inc. was fully qualified to perform the work, the proposed solution suited the County's needs as defined in the Request for Proposals, and a fair and reasonable price had been negotiated.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, awards the \$238,000 contract to furnish and install a replacement whirlpool system at the James City/Williamsburg Community Center to Greenland Enterprises, Inc.

5. Contract Change Order – \$69,900 – AES Consulting Engineers, Architectural and Engineering Services for Residential Revitalization of Ironbound Square

**RESOLUTION**

**CONTRACT CHANGE ORDER – \$69,900 – AES CONSULTING ENGINEERS,**

**ARCHITECTURAL AND ENGINEERING SERVICES FOR RESIDENTIAL**

**REVITALIZATION OF IRONBOUND SQUARE**

WHEREAS, on May 22, 2001, the James City County Board of Supervisors awarded a Project Planning and Engineering Services Contract for the Ironbound Square Residential Revitalization to AES Consulting Engineers; and

WHEREAS, the scope and duration of the Project have changed such that a change order is necessary to increase the total compensation for the contract.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the change order to increase the total compensation for the contract by \$69,900.

**G. BOARD CONSIDERATIONS**

1. Right-of-Way Agreement – Dominion Virginia Power – Freedom Park

Mr. Darryl Cook, County Engineer, stated that this item was a consideration of a right-of-way agreement with Dominion Virginia Power at Freedom Park and that the easement would be used to connect two electric lines. Mr. Cook explained that this item was deferred to allow for discussion with Dominion Virginia Power to place the lines underground and that these meetings have taken place, but Dominion Virginia Power maintained that it was necessary for it to place the lines overhead.

Staff recommended approval of the resolution.

Mr. Icenhour commented on the reading file information that explained that there would be a new opening at Bush Neck Road.

Mr. Cook stated that he was not familiar with that information.

Mr. Icenhour asked if the issue with creating the underground lines was monetary.

Mr. Wanner stated that he and Mr. Hicks had discussions with Dominion Virginia Power about placing the lines underground. He stated that due to soil conditions and other reasons, underground lines were not feasible and that the job would move more slowly than originally intended to coordinate with schools. He stated that underground lines were more expensive, compared to the overhead lines.

Mr. Icenhour stated that this easement would still have problems with trees.

Mr. Wanner stated that from his discussions with Dominion Virginia Power, trees and other obstacles that may obstruct the lines would receive quick attention.

Mr. McGlennon stated that he appreciated the willingness to look at underground lines and that there should be a serious approach to placing lines underground. He stated that development occurring should provide power lines underground, and that hundreds of hours of time were lost due to inability to work due to placement of utilities.

Mr. Kennedy stated that he had experienced many instances without power, so he would support utilities being placed underground.

Mr. McGlennon said that the benefit of this particular project would be to create repetition for greater reliability.

Mr. McGlennon made a motion to adopt the resolution.

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

**RESOLUTION**

**RIGHT-OF-WAY AGREEMENT - DOMINION VIRGINIA POWER -**

**FREEDOM PARK**

WHEREAS, James City County (County) owns 675.64 acres located at 5537 Centerville Road, commonly known as Freedom Park (Park) and designated as Parcel No. 0100009 on James City County Real Estate Tax Map No. (30-1); and

WHEREAS, Dominion Virginia Power (Dominion) requires a right-of-way and utility easement of 30 feet in width across a portion of the Park in order to improve reliability to its customers on Jolly Pond Road by creating a looped system as part of Dominion's service reliability study; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public interest to convey a right-of-way and utility easement to Dominion.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the right-of-way agreement and other such documents necessary to convey the utility easement to Dominion for improved reliability of electrical service to citizens on Jolly Pond Road.

2. **School Construction Budget for the Fourth Middle and Ninth Elementary Schools – \$67,000,000**

Mr. Wanner stated that the 2007 amended and restated School Contract for the joint operation of the Schools, approved by the City of Williamsburg and the Board of Supervisors of James City County, set forth a contract provision that for any school capital project with an estimated cost of \$1 million or more, to appropriate funds to the project in two phases. He explained that Phase 1 included site acquisition and sufficient engineering and design services to produce reliable cost estimate and constructability, peer review, and value engineering reports shall be reviewed and critically evaluated. He explained that Phase 2 would come at the conclusion of Phase 1 and result in the appropriation of sums sufficient for construction. He noted that this process was a result of the inflated construction costs of Warhill High School.

Mr. Wanner stated that upon completion of Phase 1 of the process, Williamsburg and County staff met with WJCC School staff, and the construction management firm to evaluate the proposed cost for the construction of the new fourth middle and ninth elementary schools. As a result of that discussion and evaluation of the proposed project, it was recommended that a construction budget of \$67 million be established for the construction of the fourth middle and ninth elementary schools. He said that the construction budget includes off-site road improvements, traffic signs, elementary school construction including installation of geothermal wells, middle school construction including geothermal wells, site and civil construction, the early site work package, wastewater force main and information technology lines, wetland mitigation fees, Virginia Aquatic Resource Trust fees, fees for utilities, and a five percent contingency.

Mr. Wanner noted that the construction budget does not include funds for fixtures, furnishings, and equipment (FF&E), technology, additional buses, and a contingency associated with those items and stated that funding for those items would be addressed during the fiscal year 2010 budget process.

Mr. Wanner recommended approval of the resolution establishing a \$67,000,000 construction budget for the fourth middle and ninth elementary schools.

Mr. Kennedy stated his appreciation for school staff and its Board members in attendance. He stated that schools in the Stonehouse District are overcrowded. He stated his concern for school trailers being used for kindergarteners, which do not provide access to technology that is used in the rest of the school. He commented that he was supportive of the school construction project and that the budgets should be scrutinized. He stated that the bond referendum for the third high school was deferred by the schools several times, and asked that redistricting be investigated, green design and construction be implemented, and classroom sizes and utilization be evaluated.

Mr. Kennedy made a motion to approve the resolution.

Mr. McGlennon thanked the schools for cooperation as the process of approval moves forward and stated that it has been helpful for the schools to incorporate changes to provide better stewardship of the taxpayers' dollars. He stated his appreciation for implementation of many recommendations including geothermal heating and cooling as an environmentally and fiscally responsible choice. He stated that once the current housing crisis subsided, the school facilities would be needed and that this investment provided value to the community. He stated his support for this item.

Mr. Icenhour stated his support of the resolution and commented on the timing of the construction. He stated that there was a responsibility to spend money wisely, that this situation was a result of the approval of development from previous Boards, and that the construction was necessary.

Ms. Jones asked Dr. Bob Becker, WJCC Schools Operations Officer, to confirm the capacity for the two new schools which she understood to be approximately 500 for elementary level instruction, 200 for preschool, and 860 for middle school level instruction.

Dr. Becker stated that 524 would be the capacity for elementary students, 200 for prekindergarten, and 864 for middle school students.

Mr. Goodson asked how many students are in the current prekindergarten program.

Mr. Scott Burckbuchler said that there are approximately 300 preschool students.

Mr. Goodson asked if this would be increased by 150.

Mr. Scott Burckbuchler stated that this construction project would increase capacity by 150 preschool students.

Mr. McGlennon asked if prekindergarten students were not included in typical enrollments projected.

Mr. Scott Burckbuchler stated that enrollment figures typically do not include preschool students.

Mr. McGlennon asked if this programming was included in the budget.

Mr. Scott Burckbuchler stated that preschool funding was included in the budget.

Mr. McGlennon stated that in looking at the budget versus enrollment, this should be considered.

Ms. Jones stated her appreciation for the attendance of the School Board members and staff, her appreciation for the concerns of parents, and that there was an effort to be fiscally responsible. She stated that she was glad to note there would be a School Board member on the Comprehensive Plan Steering Committee. She stated that communities want smaller class sizes and that through the Comprehensive Plan, ranges of

student enrollment should be considered. She stated that in the Stonehouse District there was crowding but that other districts were below capacity and that redistricting was a way to alleviate problems in the short-term.

Mr. Goodson commented on the two-phase process for construction and stated that it was a good way to represent the taxpayers. He stated it was a positive construction economy and stated his support for the resolution. He stated that growth was labeled as the reason for construction, but the expansion of programs also created this need. He stated that educational standards have changed and the needs of schools have changed. He stated there were additional efficiencies with one parcel and one contract, and that timing was being considered for opening the middle school based on need.

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

## **RESOLUTION**

### **SCHOOL CONSTRUCTION BUDGET FOR THE FOURTH MIDDLE AND**

### **NINTH ELEMENTARY SCHOOLS - \$67,000,000**

WHEREAS, the 2007 amended and restated School Contract approved by the City of Williamsburg and the Board of Supervisors of James City County sets forth a provision that appropriations of funds for school capital projects be completed in two phases for projects estimated at \$1 million; and

WHEREAS, Phase 1 includes preliminary steps for construction including site acquisition and completion of sufficient engineering and design services to provide reliable estimates to be evaluated; and

WHEREAS, Phase 1 of the process has been completed, including evaluation of value engineering reports, capital impact on new buses, as well as independent constructability analysis and peer review and staffs of both jurisdictions have met with the appropriate Williamsburg-James City County School staff and management to evaluate the cost information for the two new schools; and

WHEREAS, Phase 2 allows for the appropriation of funds sufficient for construction and shall follow the conclusion of Phase 1.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the construction budget is set at \$67,000,000 for the construction of the fourth middle and ninth elementary schools.

Mr. Goodson recognized Mr. Tony Obadal in attendance on behalf of the Planning Commission.

## **H. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, commented on excessive spending; York County school division budget reductions; York County school spending; and vacant storefronts.

2. Mr. John Rhein, 3505 Hunters Ridge, asked again why the cable channel could not allow for an audio program directory.



Mr. Wanner stated that this was evaluated and the problem was with competing sounds.

Mr. Goodson asked that the process used by other localities should be examined.

Mr. Rhein stated that he does not have the information and that he would like to have the music removed to have an audible programming guide. He stated that the Board was more concerned with the comments on the school construction budget than his issue.

3. Ms. Ruth Larson, Ms. Mary Ann Maimone, and Ms. Elise Emanuel, on behalf of the School Board, thanked the Board for its approval of the school budget.

#### **I. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner stated that there needed to be a meeting of the James City Service Authority (JCSA) and closed session. He stated that when the Board completed its business it should adjourn to 7 p.m. on October 14, 2008. He stated that the Board should do its Board Requests and Directives, recess the Board for a meeting of the JCSA, and then hold a closed session.

#### **J. BOARD REQUESTS AND DIRECTIVES**

Mr. Kennedy expressed concern that small car sale lots were prevalent on County roads. He stated concern about signage and noticed election signs in the County and asked to evaluate the ordinances if necessary.

Mr. McGlennon asked Mr. Rogers to bring forward information on signage requirements.

Mr. Rogers stated that this would come from the Development Management department.

Mr. McGlennon stated that Mr. Rhein had raised a concern and this was a matter that needed to be taken seriously. He stated that there needed to be a way to provide information to citizens to whom it was not readily accessible and that there was an opportunity for someone to record the words appearing on the screen.

Mr. Goodson recessed the Board at 8:24 p.m.

Mr. Goodson reconvened the Board at 8:50 p.m.

#### **K. CLOSED SESSION**

Mr. Kennedy made a motion to go into closed session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the consideration of a personnel matter, the appointment of individuals to County boards and/or commissions, specifically the Colonial Services Board, the Comprehensive Plan Steering Committee, and the Stormwater Program Advisory Committee.

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

At 8:51 p.m., Mr. Goodson recessed the Board into Closed Session.

At 9:05 p.m., Mr. Goodson reconvened the Board.

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

On a roll call vote, the vote was: AYE: Icenhour, McGlennon, Jones, Kennedy, 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 commission.

Mr. McGlennon made a motion to appoint Mr. William Pugh to an unexpired term on the Colonial Services Board, term to expire on June 30, 2010. He made a motion to appoint Ms. Julie Leverenz to the Comprehensive Plan Steering Committee as a citizen appointment, as well as Board of Supervisors member Mary Jones, Economic Development Authority (EDA)/Business Climate Task Force (BCTF) member Tom Tingle, School Board member Jim Nichols, Citizen-At-Large member Bill Porter, and Parks and Recreation Advisory Commission (PRAC) member Mark Wenger. He made a motion to appoint the following individuals to the Stormwater Program Advisory Committee: John Haldeman, John Schmerfeld, Mac Mestayer, Tom Abrials, Kathleen Lindsay, Aaron Small, Jody Davis, Debra Siebers, Charles Brewster, Robin Bledsoe, Terence Elkins, Douglas Haller, Brian Noyes, and Todd Halacy.

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

L. **ADJOURNMENT** to 7 p.m. on October 14, 2008.

Mr. McGlennon made a motion to adjourn.

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

At 9:09 p.m., Mr. Goodson adjourned the Board to 7 p.m. on October 14, 2008.

The Board reconvened at 9:10 p.m. for the Planning Commission Appointments to the Steering Committee.

Mr. Kennedy made a motion to appoint Mr. Jack Fraley, Mr. Chris Henderson, Mr. George Billups, and Mr. Joe Poole to the Steering Committee.


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

The Board adjourned to 7 p.m. on October 14, 2008.

Mr. McGlennon made a motion to adjourn.

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

At 9:11 p.m., the Board adjourned.

  
Sanford B. Wanner  
Clerk to the Board

092308bos\_min