

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF OCTOBER 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** – Dylan Williams, a fourth-grade student at James River Elementary School, led the Board and citizens in the Pledge of Allegiance.

**D. PRESENTATIONS**

1. Resolution of Appreciation – Henry C. Lindsey

Mr. Goodson presented a Resolution of Appreciation to Mr. Henry C. Lindsey in recognition and thanks for his 24 years of service on the Wetlands Board and his years on the Chesapeake Bay Board.

2. PaintFest Mural Certificate of Appreciation Presentation

Mr. Goodson recognized Mr. Bob Tubbs, on behalf of the Williamsburg Rotary Club and Hospital Arts Foundation PaintFest. Mr. Tubbs presented a Certificate of Appreciation to the Chairman in appreciation for James City County's participation in the PaintFest Mural project.

3. Measuring Progress: FY 2008

Ms. Rona Vrooman, Training and Quality Performance Coordinator, gave an overview of the performance measures and progress on meeting goals and accomplishments for Fiscal Year 2008. She highlighted goals that were completed as well as those that were changed or delayed. She noted performance measures and strategic actions that are set by the County and those set by the International City/County Management Association.

Mr. Icenhour asked how the 81-percent completion compared to previous years.

Ms. Vrooman stated that she would gather the requested information for comparison, but she believed that the past years have been between 80- and 85-percent.

#### **E. HIGHWAY MATTERS**

Mr. Todd Halacy, Virginia Department of Transportation (VDOT) Residency Administrator, introduced Mr. Bradley Winehammer, the new VDOT Williamsburg Assistant Residency Administrator.

Mr. Halacy commented on projected transportation revenue declines, which have been projected to decrease between \$2.1 and \$2.6 billion. He stated that VDOT has planned to reduce staff and services to account for State and Federal revenue reductions.

Mr. Kennedy asked about a 45 mph speed sign at Route 60 West that was changed to a 35 mph sign. He also asked about a letter from William Ayers on Barnes Road and asked for an update on this item.

Mr. McGlennon asked if there was an idea that could be provided about the change in the level of service. He asked when that could be anticipated.

Mr. Halacy stated that the Commissioner has established committees to evaluate this, and an update should be available within the next 60 days.

Mr. McGlennon asked if significant changes in services could be expected.

Mr. Halacy stated that there would be major changes in services and safety would continue to be the primary priority.

Mr. McGlennon asked if this would affect drainage issues, as well as other off-road maintenance that VDOT would normally handle for citizens.

Mr. Halacy stated that it would and that each of these requests would be evaluated for safety hazards to determine priority.

Mr. Icenhour stated that he appreciated Mr. Halacy's correspondence on issues prior to the Board meetings.

Mr. Goodson asked that VDOT look at the traffic light configuration at the Grove interchange.

#### **F. PUBLIC COMMENT**

1. Mr. Jack Fowler, 109 Wilderness Lane, commented on blight and houses in disrepair in the County.

2. Mr. Randy O'Neill, 109 Sheffield Road, commented on his efforts to implement physical activity programs for County students.

3. Mr. Robert Richardson, 2786 Lake Powell Road, commented on the County's Code of Ethics and members of the Board of Supervisors.

4. Mr. Cliff Allen, 125 John Pott Drive, stated that he was a parent of a student at Greenwood Christian Academy. He stated that the students of the school are a priority as the Board considered the Greenwood Special Use Permit application.

5. Ms. Jennifer Morris, 3330 Derby Lane, stated that her daughter was a student of Greenwood Christian Academy and has received a positive influence from the school.

6. Mr. Ed Oyer, 139 Indian Circle, commented on the findings of the James City County Citizen Budget Advisory Committee on school expenditures, and reliable water supply provisions for development.

**G. CONSENT CALENDAR**

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

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

1. Minutes – October 14, 2008, Regular Meeting
2. Resolution of Appreciation – Henry C. Lindsey

**RESOLUTION OF APPRECIATION**

**HENRY C. LINDSEY**

WHEREAS, Henry C. Lindsey has served the citizens of James City County as a member of the Wetlands Board since May 7, 1984; and

WHEREAS, Henry C. Lindsey has served as a member of the Chesapeake Bay Board since January 1, 2004; and

WHEREAS, Henry C. Lindsey was instrumental in providing guidance, leadership, and knowledge to the Boards; and

WHEREAS, throughout his 24 years of service, Henry C. Lindsey has given freely of his time and energy for the betterment of his County and has consistently demonstrated the essential qualities of fairness, diplomacy, perseverance, and dedication to protecting the natural resources of the County, while providing exceptional service to the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby recognizes his long and distinguished service and dedication to the County and its citizenry, and extends its appreciation to:

**Henry C. Lindsey**

3. Emergency Home Repair Program Application

**RESOLUTION**

**EMERGENCY HOME REPAIR PROGRAM APPLICATION**

WHEREAS, the Virginia Department of Housing and Community Development has issued a request for applications to provide services under the Emergency Home Repair Program; and

WHEREAS, assistance is needed to effectively and adequately address the emergency home repair needs of low-income persons in James City County; and

WHEREAS, an application for a grant under this program for Fiscal Year 2010 has been prepared; and

WHEREAS, James City County agrees to provide emergency home repair services to those in need, in conformance with the regulations and guidelines of this State program; and

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

WHEREAS, a local dollar-for-dollar match is required under the program and will be provided.

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, to enter into a Grant Agreement with the Virginia Department of Housing and Community Development, and to undertake any and all actions and responsibilities in relation to such Agreement.

**H. PUBLIC HEARINGS**

Mr. Goodson recognized Planning Commissioner Rich Krapf in the audience.

1. Authorization of Conveyance of Warhill High School Property to Williamsburg-James City County Public Schools

Mr. Leo Rogers stated that the resolution would convey the Warhill High School property to the school system. He stated that the school was built and he recommended the resolution authorizing conveyance be approved as per State Code.

Mr. Icenhour asked about the procedure of conveyance for school buildings. He asked if this was the last school that needed to be titled over to the school system.

Mr. Rogers stated that the other schools, including the 4th Middle and 9th Elementary Schools which have not yet been constructed, as well as Matoaka Elementary School, have not yet been conveyed to the school system.

Mr. Icenhour asked why this property was being conveyed and others were not being conveyed at this time.

Mr. Rogers stated that this property should have been conveyed some time ago. He stated that when the Matoaka Elementary School site was finalized, it would then be conveyed by resolution.

Mr. Icenhour asked if, once the debt was paid off, there was any further action needed or any retention of rights.

Mr. Rogers stated that the County had rights in that it had equity interest in the event the school building was not used for the purpose of a school, but that there was no further action needed.

Mr. Goodson opened the Public Hearing.

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

Mr. Kennedy made a motion to approve the resolution.

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

## **RESOLUTION**

### **AUTHORIZATION OF CONVEYANCE OF WARHILL HIGH SCHOOL PROPERTY TO**

#### **WILLIAMSBURG-JAMES CITY COUNTY PUBLIC SCHOOLS**

WHEREAS, the County is the owner of certain real property identified as Parcel No. 3210100012 on the James City County Real Estate Tax Map (the "Property"); and

WHEREAS, the County desires to transfer ownership of a portion of the Property to the Williamsburg-James City County Public Schools (the "Schools") under certain terms and conditions to be set forth by deed; and

WHEREAS, the portion of the Property to be conveyed contains 54.177 acres and is more commonly known as 4615 Opportunity Way, Williamsburg, Virginia 23188 (the "School Site"), on which Warhill High School was built and has been operating since August 2007; and

WHEREAS, Section 22.1-125 of the Code of Virginia, (1950), as amended, requires that title to all school property be held by the School Board; and

WHEREAS, the Board of Supervisors of James City County, following a public hearing, is of the opinion that it is in the public interest to convey the school site to the Schools; and

WHEREAS, the School Site is shown on a plat entitled "PLAT SHOWING 54.177 ACRES OF LAND LYING SOUTH OF OPPORTUNITY WAY AND WEST OF HUMELSINE PARKWAY - ROUTE 199" dated July 22, 2008, revised September 3, 2008, and made by Timmons Group, Richmond, Virginia (the "Plat").

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute any and all documents necessary to convey to the Schools the 54.177 acres as shown on the above-referenced Plat.

2. Ordinance to Amend Chapter 20, Taxation, Article II, Exemption of Certain Persons from Real Estate Taxes, Section 20-10, Qualifications for Exemption; and Section 20-11, Amount of Exemption; to Change the Criteria for the Elderly and Disabled Tax Exemption by Increasing the Maximum Household Income Qualifying for Tax Relief from \$40,000 to \$45,000; and to Increase the Exemption from Taxes Due on the First \$110,000 of Value to the First \$120,000

Mr. John McDonald, Financial and Management Services Manager, stated that the County participates in a program to exempt elderly and disabled citizens for a certain amount of qualifying property and income. He stated that this resolution would increase the eligible tax relief on household income from \$40,000 to \$45,000, and to increase exemption from taxes due on the first \$110,000 of value to the first \$120,000 of value. He recommended adoption of the ordinance amendment.

Mr. Goodson opened the Public Hearing.

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

Mr. McGlennon stated that he supported this initiative, but he noted that the increase in exemptions from last year increased the eligible population by 15 percent. He stated that this change would increase the eligibility by almost 50 percent of the people eligible and 60 percent of the revenue would be foregone. He requested that the Board consider this ordinance within the scope of the revised fiscal guidance.

Ms. Jones stated that these citizens have been severely impacted by economic distress and stated her support for this item.

Mr. McGlennon stated that this was only for a select group of citizens. He stated that some citizens fall into the income category but do not qualify for exemption and end up bearing a larger tax burden.

Mr. Goodson stated that many older citizens would be facing a challenge in the upcoming year due to the financial situation. He asked if these reductions were factored into the budget projection.

Mr. McDonald stated that these reductions were figured into the projections for FY 2010. He stated it was a matter in which the Board should consider its priorities.

Mr. Goodson stated that this does not meet the State maximum for exemption.

Mr. McDonald stated that was correct.

Mr. Icenhour asked how much the maximum allowable exemption would be.

Mr. McDonald stated that the State allowed the County flexibility to determine whether to raise the exemption amount or to exempt.

Mr. Goodson stated that he would support this item, but that he would like to revisit the question of deferral.

Mr. McGlennon stated that he would be prepared to support the item, but that he would like to be provided more information about the impacts of this tax relief.

Mr. McDonald stated that this item would be incrementally implemented over three years. He stated that if this was deferred, the Board could revisit this anytime before January 1, 2009, which would be the effective date.

Mr. Icenhour stated that he could support this item at this time, but that he had reservations based on the financial projections. He stated that he would like to take a closer look at the impact of the exemptions.

Mr. Goodson stated that this was discussed in detail in a work session, and that he would prefer to move forward on this item.

Mr. McGlennon made a motion to approve the ordinance amendment.

Mr. Kennedy stated that he would support further discussion on this subject.

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

## **I. BOARD CONSIDERATION**

### **1. Case No. SUP-0009-2008. Greenwood Christian Academy at the King's Way Church (deferred from October 14, 2008)**

Mr. Jason Purse, Planner, stated that the application is the same as the item before the Board two weeks ago. He stated that two resolutions were provided, which included a one-year sunset clause, a 36-month sunset as recommended by the Planning Commission, and one resolution provided for June 30, 2010. He stated that the applicant has applied for a Special Use Permit (SUP) in case the Board should approve the one-year sunset clause.

Mr. McGlennon stated that he would like to move the resolution that included a sunset clause for June 30, 2010. He stated that the issue was never whether or not the operation of an elementary school within Greenwood Christian Academy was appropriate, but whether or not it was appropriate within the confines of the property. He stated that he had spoken with some individuals involved in this case and that they would not object to continuing the school until June 30, 2010. He stated that at that time, there would be adequate time to explore new options, evaluate the operation of the school, and provide peace of mind to parents and students. He stated that the 36-month resolution created issues since it expired during a new school year, which would cause distress to parents, teachers, and students.

Mr. Goodson stated that he could support the June 30, 2010 resolution, which satisfied his concerns with the ability to return with an appropriate change.

Ms. Jones stated that she supported the resolution which would keep the case moving forward, but she would support no sunset clause on the resolution.

Mr. Icenhour stated that he could support this resolution. He stated that his question was whether this parcel of property was of an appropriate size and appropriate use since it was not previously approved. He stated that it was important to assure the students and families of the school's operation for the near future. He stated that he would like to see what the long-term plans would be and that he felt it would be a greater benefit on another property.

Ms. Jones stated that if there is no surety in the short-term to operate, an expansion would not be viable.

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

## **RESOLUTION**

### **CASE NO. SUP-0009-2008. GREENWOOD CHRISTIAN ACADEMY EXPANSION**

#### **AT KING'S WAY CHURCH**

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Mr. Chris Basic has applied on behalf of King's Way Church for an SUP to allow for the expansion of the Greenwood Christian Academy to include grades pre-K through 5, but not to increase the maximum number of enrolled students past 200 on approximately 4.56 acres of land on parcels zoned R-1, Limited Residential; and

WHEREAS, the conditions for this application replace the originally approved SUP conditions (SUP-0030-2001) for this parcel; and

WHEREAS, the property is located at 5100 John Tyler Highway and can be further identified as James City County Real Estate Tax Map/Parcel No. 4720100057; and

WHEREAS, the Planning Commission of James City County, following its public hearing on September 10, 2008, recommended approval of this application by a vote of 5-2.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP No. 0009-2008 as described herein with the following conditions:

1. This SUP shall be valid for the operation of a preschool within the existing church, limited to hours of operation from 8 a.m. to 5 p.m., Monday-Friday, and limited to an enrollment capacity of 200 children maximum. The operation of the school shall be confined to the existing footprint of the church.

The operation of an elementary school for grades K through 5 shall be permitted until June 30, 2010.

2. Should a new exterior site or building lighting be installed for the operation of the school, such fixtures shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from any side. Fixtures, which are horizontally mounted on poles, shall not exceed 15 feet in height. No glare defined as 0.1 footcandle or higher shall extend outside the property lines.



3. Any new exterior signage advertising the day care and/or school shall be combined with existing signage for the church and shall be in accordance with Article II, Division 3, of the James City County Zoning Ordinance.
4. The applicant shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (the "JCSA") prior to final development plan approval. The standards shall include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-resistant native and other adopted low-water-use landscaping materials and warm-season turf where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
5. Any new playground equipment and associated fencing installed shall be landscaped so as to screen the new playground equipment and fencing from adjacent property owners. Prior to final site plan approval, the landscaping plan shall be reviewed and approved by the Planning Director.
6. On or before September 30 of each year, the Church shall provide the Zoning Administrator actual school enrollment data for the previous school year and projected (and actual, if known) school enrollment data for the school year immediately followed. The school enrollment data shall include, at a minimum, the total number of children enrolled and the total number of children in each grade taught.
7. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

## **J. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, commented on fines for inadequate stormwater controls at construction sites; real estate assessments; and the housing market.
2. Mr. Robert Richardson, 2786 Lake Powell Road, commented on the James City County Code of Ethics versus the Virginia Conflicts of Interests regulations.

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

Mr. Wanner thanked Mr. Steven Hicks for his six months of service as Acting Assistant County Administrator through the Succession Management project. He stated that Mr. Hicks is now the Manager of the Development Management department, effective November 1, 2008. Mr. Wanner indicated that Mr. Allen Murphy would continue as Acting Planning Director.

Mr. Wanner stated that Mr. Doug Powell has been named the new Assistant County Administrator. He stated that Mr. Powell has served as the Assistant Community Services Manager and Community Services Manager. He indicated that Mr. Powell has served as Assistant County Administrator and County Administrator in Fluvanna and Nelson Counties. He further stated that Mr. Powell's new position would go into effect on December 15, 2008, and that the 45-day interim was a cost-savings effort for the County.

Mr. Wanner noted that Ms. Barbara Watson would become Acting Community Services Manager after Mr. Powell's promotion to Assistant County Administrator.

**L. BOARD REQUESTS AND DIRECTIVES**

Mr. Goodson stated that he, Mr. Icenhour, and Mr. McGlennon attended the Virginia Municipal League (VML) Annual Conference from October 19-21, 2008, and that he accepted a 3rd Place VML Go Green Virginia Award for localities of similar size on behalf of the County.

Mr. Goodson asked about the schedule for the property reassessment notices.

Mr. Wanner stated that the assessments have gone out, but that the County will not reassess property until 2009. He stated that the reassessment process was designed to come into alignment with the budget process.

Mr. McGlennon made a motion to reappoint Mr. William Pennock and Mr. Roger Guernsey to five year terms on the Board of Building Code Adjustments and Appeals, terms to expire May 31, 2013. He also made a motion to reappoint Ms. Beth Crowder and Mr. Alan Jenner as first and second alternates respectively, terms to expire May 31, 2013, for Mr. Guernsey.

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

Mr. McGlennon highlighted the award received from VML and noted that although the County received 3rd place, the County had the highest number of points of the surrounding localities.

Mr. McGlennon asked Mr. Wanner to elaborate on the bids received for the 4th middle and 9th elementary schools.

Mr. Wanner stated that the bids were received this afternoon, with the budget set including buildings and improvements at \$67 million, and the bids received were between \$48 million and \$53 million. He stated that in coming months the discussion would be held on how to reallocate these additional funds.

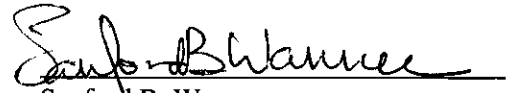
**M. ADJOURNMENT to 7 p.m. on November 12, 2008**

Mr. Wanner reminded the audience that the next Board meeting would be held on Wednesday, November 12, 2008, due to the Veteran's Day Holiday on Tuesday, November 11, 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 8:23 p.m., Mr. Goodson adjourned the Board to 7 p.m. on November 12, 2008.

A handwritten signature in black ink, reading "Sanford B. Wanner". The signature is written in a cursive style with a horizontal line underneath it.

Sanford B. Wanner  
Clerk to the Board

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ADOPTED

OCT 28 2008

ORDINANCE NO. 107A-54

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, EXEMPTION OF CERTAIN PERSONS FROM REAL ESTATE TAXES, SECTION 20-10, QUALIFICATIONS FOR EXEMPTION; AND SECTION 20-11, AMOUNT OF EXEMPTION.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, is hereby amended and reordained by amending Article II, Exemption of Certain Persons from Real Estate Taxes, Section 20-10, Qualifications for exemption; and Section 20-11, Amount of exemption.

Chapter 20. Taxation

Article II. Exemption of Certain Persons from Real Estate Taxes

**Sec. 20-10. Qualifications for exemption.**

Such exemption may be granted for any year following the date that the head of the household and/or his or her spouse occupying such dwelling, to include permanently sited mobile or manufactured homes, as defined in section 36-85.3 Code of Virginia, 1950, and owning title or partial title thereto, becomes permanently and totally disabled or reaches the age of 65 and in addition:

(a) The total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling living therein and of the owners' relatives living in the dwelling does not exceed ~~\$40,000.00~~ \$45,000.00; provided, that the first \$6,500.00 of income of each relative, other than spouse, of the owner or owners who is living in the dwelling shall not be included in such total; and

(b) The net combined financial worth, including equitable interests, as of the thirty-first day of December of the immediately preceding calendar year, of the owners, and of the spouse of any owner, excluding the value of the dwelling and the land, not exceeding ten acres, upon which it is situated does not exceed \$200,000.00.

**State law reference**-Similar provisions, Code of Va. § 58.1-3210 et. seq.

**Sec. 20-11. Amount of exemption.**

Any person or persons qualifying under section 20-10 shall be exempt from real estate taxes in an amount not to exceed the annual real estate tax rate multiplied by the first ~~\$110,000.00~~ \$120,000.00 of assessed real estate value.



Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
ICENHOUR	AYE
MCGLENNON	AYE
JONES	AYE
KENNEDY	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of October, 2008.