

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF APRIL 2009, 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

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

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

C. PLEDGE OF ALLEGIANCE – Ryan Jacobs, a second-grade student at Matoaka Elementary School, and Nicholas Stiefel, a fourth-grade student at Norge Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Fire Chief Tal Luton gave an overview of the efforts by the James City County Division of Emergency Management to address a possible swine flu epidemic and ways for citizens to protect themselves from illness.

2. Sandy and Ted Van Leliveld, 2960 Jolly Pond Road, commented on a cul-de-sac at the dam on Jolly Pond Road, refuse disposal in this area, and speeding vehicles. Ms. Van Leliveld requested that the barricade be moved to its previous position.

3. Mr. Tim Schmidt, 2961 Jolly Pond Road, stated his opposition to the recent movement of the Jolly Pond Road barricades for security reasons, speeding vehicles, and confusing signage for drivers. He asked that the barricades be moved to their previous location to prevent these issues.

4. Mr. Ed Oyer, 139 Indian Circle, commented on a potential Special Use Permit (SUP) for increased childcare capacity at a day care center in his neighborhood; the real estate market and integrity of credit ratings; and six property sales in the County.

Mr. Kennedy recognized Mr. Chris Henderson from the Planning Commission in attendance and welcomed Boy Scout Troop 915 from Hampton.

E. HIGHWAY MATTERS

Mr. Bradley Weidenhammer, P.E. Williamsburg Assistant Residency Administrator, briefed the Board on the Commonwealth Transportation Board and continuing to address potholes in the County. He noted that the Jolly Pond Road barricade was moved in order to allow room for larger Virginia Department of Transportation (VDOT) vehicles to turn around and that this was the only location left in the public right-of-way that would allow this safely. He stated that VDOT was aware of the dumping in the area and crews were out recently to remove the solid waste.

Mr. Goodson stated that he understood the turnaround was on private property.

Mr. Weidenhammer stated that the intention was to keep it on public property, but he would ensure that it was the case.

Mr. Icenhour asked that VDOT go back and look at what the citizens were suggesting since it preferred having citizens use driveways to turn around rather than pushing the barricade back. He stated that he wished to accommodate the citizens' request for safety reasons.

Mr. McGlennon asked about the schedule for subdivision pavement overlays.

Mr. Weidenhammer stated that he did not believe there were any subdivision streets scheduled this year, but that he would let the Board know what streets were listed.

Mr. Icenhour stated that he appreciated VDOT addressing mowing and potholes on Mooretown Road. He also commented on the results of a speed study on Old News Road behind Target and noted that the VDOT engineers are recommending a speed limit of 35 miles per hour.

Mr. Weidenhammer stated that as soon as the State Traffic Engineer signed off on the study, signs would be installed.

Mr. Icenhour stated that due to the budget situation, mowing would be reduced this year.

Mr. Weidenhammer stated that there would likely be only 2-3 cycles of mowing this year due to the adjustment in levels of service rather than the 5-7 cycles in previous years.

Mr. Icenhour noted that the public may see taller grass as a result.

Mr. Weidenhammer stated that safety issues would still be the focus.

Mr. Icenhour asked if VDOT had responsibility to pick up animal carcasses.

Mr. Weidenhammer stated that it does if it is within the right-of-way, that anything on the pavement would be removed when the office was notified, and anything found off the pavement would take 2-3 days to be removed.

F. CONSENT CALENDAR

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

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

1. Minutes – April 14, 2009, Regular Meeting
2. Award of Contract – Employee Group Medical and Dental Insurance

RESOLUTION

AWARD OF CONTRACT – EMPLOYEE GROUP MEDICAL AND DENTAL INSURANCE

WHEREAS, a Request for Proposals has been advertised and evaluated for the County's Employee Group Medical and Dental Insurance; and

WHEREAS, the firms listed in this resolution were determined to be the best qualified to provide the Employee Group Medical and Dental Insurance; and

WHEREAS, the County's Employee Benefits Committee consisting of representatives from all County Departments has recommended that the listed firms be approved by the Board of Supervisors to provide the Employee Group Medical and Dental Insurance; and

WHEREAS, the Board of Supervisors desires to offer County employees Group Medical and Dental Insurance coverage.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute an initial 12-month contract for the period July 1, 2009 to June 30, 2010 with options to renew for four additional years, one year at a time, with Anthem Blue Cross and Blue Shield, Optima Health Plan, and Delta Dental of Virginia to provide Group Medical and Dental Insurance to County and other qualified employees, as approved from time to time, or required by law.

3. Grant Award – Hampton Roads Planning District Commission – \$44,544

RESOLUTION

GRANT AWARD – HAMPTON ROADS PLANNING DISTRICT COMMISSION – \$44,544

WHEREAS, the James City County Fire Department Division of Emergency Management has been awarded an appropriation from the Hampton Roads Planning District Commission (HRPDC) in the amount of \$44,544; and

WHEREAS, the grant requires no match; and

WHEREAS, the funds are to be used to provide Emergency Operations Center (EOC) optical internet service in support of the Regional WebEOC system.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and the following appropriation amendment to the Special Projects Grants fund.

Revenue:

HRPDC/EOC Optical Internet (024-306-2100)	<u>\$44,544</u>
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Expenditure:

HRPDC/EOC Optical Internet (024-073-2100)	<u>\$44,544</u>
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4. Grant Award – Hampton Roads Metropolitan Medical Response System – \$12,000

RESOLUTION

GRANT AWARD – HAMPTON ROADS METROPOLITAN

MEDICAL RESPONSE SYSTEM – \$12,000

WHEREAS, the Hampton Roads Metropolitan Medical Response System (HRMMRS) has awarded the James City County Fire Department Division of Emergency Management a grant of \$12,000; and

WHEREAS, the grant funds are to used to maintain the County’s WebEOC software program; and

WHEREAS, the grant does not require local matching funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes acceptance of this grant and the following budget appropriation to the Special Projects Grant fund.

Revenue:

HRMMRS – WebEOC Software Support 024-306-2929	<u>\$12,000</u>
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Expenditure:

HRMMRS – WebEOC Software Support 024-073-2929	<u>\$12,000</u>
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5. Resolution Encouraging the United States Congress to Adopt Legislation and to Appropriate Funds for the Removal of Environmentally Hazardous Materials from the James River Reserve Fleet and to Encourage Affected Virginia Localities to take Similar Action

RESOLUTION

RESOLUTION ENCOURAGING THE UNITED STATES CONGRESS TO ADOPT

LEGISLATION AND TO APPROPRIATE FUNDS FOR THE REMOVAL OF THE

ENVIRONMENTALLY-HAZARDOUS JAMES RIVER RESERVE FLEET AND TO

ENCOURAGE OTHER AFFECTED VIRGINIA LOCALITIES TO TAKE A SIMILAR ACTION

WHEREAS, the James River Reserve Fleet, commonly known as the Ghost Fleet, is moored on the James River near Fort Eustis; and

WHEREAS, in 2002 the Reserve Fleet consisted of 97 ships, 71 of which the United States Maritime Administration considered obsolete and scheduled to be removed from the Fleet and scrapped. Since 2002, several vessels have been removed from the Fleet; and

WHEREAS, the Reserve Fleet holds 7.7 million gallons of oils and fuels according to the latest government estimates; and

WHEREAS, the Reserve Fleet still poses a serious and increasing environmental threat to the Hampton Roads region according to a 2002 report created for the United States Maritime Administration, and a serious oil and/or gas spill from the decaying ships is no longer a mere possibility but a probability; and

WHEREAS, a large oil or gas leak would heavily pollute the waters, shores, beaches, and wetlands of James City County and other jurisdictions approximate to the James River, causing hundreds of thousands to millions of dollars in environmental damage; and

WHEREAS, the environmental risk is heightened by the threat of storm or hurricane related damage that could cause the release of toxic and hazardous materials into the water and on to the shores of James City County, Newport News, Hampton, Isle of Wight County, Suffolk, and other coastal communities in Hampton Roads and along the banks of the James River.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby urges Congress to adopt legislation and to appropriate the necessary funds for the removal of obsolete, and environmentally-hazardous vessels from the James River Reserve Fleet, in order to protect the waters, shores, beaches, and wetlands of James City County and the other jurisdictions approximate to the James River from ecological disaster.

BE IT FURTHER RESOLVED that the Board of Supervisors encourages those jurisdictions approximate to the James River or who are members of the Hampton Roads Planning District Commission to adopt a resolution urging Congress to take the above stated action.

G. PUBLIC HEARINGS

1. Case Nos. Z-0003-2008/MP-0003-2008. The Candle Factory

Mr. Jose Ribeiro, Senior Planner, stated that he received a letter on April 27, 2008, from Mr. Vernon M. Geddy, III, on behalf of the applicant requesting deferral until after adoption of the new Comprehensive Plan. He stated that staff supported that recommendation.

Mr. Goodson stated that he supported the deferral, but that he understood staff's recommendation of denial was based on school cash proffer proposals. He stated that he understood that certain cases could be grandfathered and that he would like to know why staff recommended denial rather than applying the older cash proffer policy.

Mr. Ribeiro stated that the Board issued the guidance on the cash proffer policy with updated amounts for specific housing types and that staff attempted to observe that guidance by requiring the higher amounts of cash proffers.

Mr. Goodson stated that he would like to ensure that staff is giving the applicant correct guidance on these particular issues. He stated that anything already proposed that is being changed based on staff's recommendations should receive the benefits of the grandfathering.

Mr. McGlennon stated that the proffers have been in place for nearly two years and that he did not feel that this was not the same application that was in existence two years ago.

Mr. Goodson stated that he disagreed because the changes were due to guidance from staff.

Mr. Icenhour stated that the policy for school proffers reflects the County's actual costs and that it allocated costs based on types of housing and potential students. He stated that the proffer policy should require new growth to pay for itself. He commented that he was willing to give exemptions to affordable or workforce housing, but the market rate housing should pay the current rate.

Ms. Jones stated that the application was in response to staff comments and that the proffer policy change came into effect after the application. She stated that it would drive up the cost of housing, creating less affordable housing in the County.

Mr. Kennedy stated that he felt the County Attorney should examine Mr. Goodson's point at the time when the case is heard.

Mr. Kennedy opened the Public Hearing.

1. Mr. Ed Oyer, 139 Indian Circle, commented on new, vacant storefronts. He stated that if mixed use development is used on this piece of property, there will be more vacant storefronts. He stated that there were new vacant homes at Pocahontas Square and he felt that the County did not need more residential or commercial construction at this time.

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

Mr. Goodson made a motion for indefinite deferral.

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

The case was deferred indefinitely and will be re-advertised for consideration at a later date.

2. Property Sales – 155 and 237 Louise Lane

Mr. Larry Foster stated that during the 1980s, the James City Service Authority (JCSA) purchased property for the Ware Creek Reservoir project and that since then, the project was abandoned and the property was in surplus. He stated that the JCSA purchased the property and it was deeded to the County, which required the Board of Supervisors to act on the sale of the property.

He stated that as there were no plans for the use of the property, staff recommended that the properties be sold at no less than 90 percent of the assessed value and the proceeds returned to the JCSA.

Mr. Goodson asked if there was any way to move forward on the Ware Creek Reservoir project even in a smaller capacity.

Mr. Foster stated that he did not believe that was possible, due largely to the fact that the pool of the reservoir would be located within the Stonehouse development.

Mr. Goodson stated his concern for water shortage in future generations.

Mr. McGlennon stated that he would hope to find other means of increasing the water supply.

Mr. Foster stated that if the King William Reservoir project fails, there would need to be a regional effort to find a viable project. He stated in the rare case that the Ware Creek Reservoir was revived, these parcels would not hold a great bearing on the project.

Mr. Kennedy asked if these properties were offered back to the original owners.

Mr. Foster stated that we have not, but the adjoining property owners were interested in them. He stated that the properties were not buildable.

Mr. Kennedy stated if the properties were offered back to the original owners, and asked if they could be sold back at the original purchase price.

Mr. Foster stated that the property value was based on the development potential and assessed value. He stated that he did not know what was paid or who the original owners were.

Mr. McGlennon asked if there would be any impact of selling these properties if the Ware Creek Reservoir Project was revived.

Mr. Wanner stated that the Reservoir Protection Overlay District was removed; the reason the project failed was that it was not a regional effort. He stated that the lands were largely a buffer for the reservoir.

Mr. Kennedy opened the Public Hearing.

1. Mr. Chris Henderson, 101 Keystone, commented that money was set aside for greenspace acquisition to acquire the property in the event that the Ware Creek Reservoir Project was revived.

Mr. McGlennon made a motion to adopt the resolution. He commented that there was little development potential, so he felt that it would be more prudent to use greenspace funds for properties more vulnerable to development. He stated that it would be more valuable to the adjacent property owners to have these properties.

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

Mr. McGlennon made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Jones, McGlennon, Icenhour, Kennedy (4). NAY: Goodson (1).

RESOLUTION

PROPERTY SALES – 155 AND 237 LOUISE LANE

WHEREAS, the two parcels of property listed below were purchased by the James City Service Authority (JCSA) for the Ware Creek Reservoir project and deeded to James City County have been determined to be surplus; and

WHEREAS, a public hearing was conducted on April 28, 2009, by the Board of Supervisors to receive public comment on the sale of the property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the sale of parcels below for no less than 90 percent of the assessed value.

155 Louise Lane, James City County Real Estate Tax Map No. 1310200020
237 Louise Lane, James City County Real Estate Tax Map No. 1310200033

BE IT FURTHER RESOLVED that the proceeds from the sale of the property be returned to the JCSA.

3. **Ordinance to Amend Chapter 4, Building Regulations, Division 2, Permit and Inspection Fees, Adding Article VII, Unsafe Buildings and Structures, Section 4-76, Unsafe Buildings and Structures**

Mr. Adam Kinsman, Deputy County Attorney, stated that the ordinance sets forth a series of steps to determine if a property is unsafe, notification to the property owner and lien holders, a 30-day window to rectify the problems; if not, the cost of the improvements will be assessed as a lien on the property. He stated that there was a provision for a \$1,000 civil penalty. He stated that it was a large staff effort to work with property owners and that the ordinance was a last resort. He stated that the funds come from the blight mediation fund. He said the fund is at approximately \$30,000 and if the identified properties are taken care of, the fund would be exhausted. He stated that any future properties would require staff to come back before the Board to request funds.

Mr. Goodson asked if there was a way to force the sale of the property to recoup the money.

Mr. Kinsman stated that a vacant lot may take some time to sell, but there is security in having a lien on the property.

Mr. Goodson asked what the procedure to have a property examined is.

Mr. Kinsman stated that the Office of Housing and Community Development could assist citizens. He stated the Police Department and the building officials would determine if a building was unsafe.

Mr. Goodson stated that he could not determine what could apply to this ordinance.

Mr. Kinsman stressed that this was not based on aesthetics, but was entirely based on safety issues.

Mr. Kennedy asked if the buildings were removed, if insurance payments are made, what surety does the County have with lien holders and insurance companies.

Mr. Kinsman stated that anyone who has a note on the property will get notification.

Mr. McGlennon thanked staff for their efforts on this ordinance. He stated that in some cases it was obvious that the structures are unsafe. He stated that with the removal of a building, there would be a valuable piece of property left. He stated that this was a new tool at the County's disposal to address derelict properties. He asked if there was previously a source of funding for this account.

Mr. Kinsman stated that the funds in the blight abatement fund have been there for some time and this was the first time it has been used.

Mr. McGlennon stated that a dedicated revenue source should be considered.

Mr. Kinsman noted the preliminary cost estimates for repair or removal of the identified sites were higher than were anticipated.

Mr. Kennedy opened the Public Hearing.

1. Mr. Jake Perez, 2813 Durfey's Mill Road, commented on the safety concerns of surrounding property owners near the property at Durfey's Mill Road.

2. Mr. Paul Rich, 5332 Hillside Way, Lake Powell Pointe Homeowners Association President, commented on a house fire in Lake Powell Pointe in January 2008. He requested adoption of the ordinance on behalf of Lake Powell Pointe.

Mr. Kennedy closed the Public Hearing.

Mr. McGlennon made a motion to adopt the ordinance amendment. He thanked the citizens in Lake Powell Pointe for their assistance.

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

H. BOARD CONSIDERATIONS

1. Ordinance to Amend Chapter 8, Erosion and Sediment Control, by Amending Section 8-5, Permits, Fees, Bonding, Etc and Case No. ZO-0002-2009. Zoning Ordinance Amendment – Fee Addition – Home Occupation Application

Ms. Sue Mellen, Assistant Manager of Financial and Management Services, recommended deferral of the consideration of the fees until October 27, 2009.

Mr. Goodson made a motion to defer consideration of these items until October 27, 2009.

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

The Board deferred consideration until October 27, 2009.

2. An ordinance to Amend and Reordain Chapter 4, Building Regulations, by Amending Article I, Virginia Uniform Statewide Building Code, Division 2, Permit and Inspection Fees, Section 4-8, Generally; to Increase Certain Fees Related to Inspection of Amusement Devices

Ms. Mellen stated that these fees were assessed on inspections of amusement devices in the County. She indicated that these proceeds were found in the FY 2010 budget.

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

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

3. FY 2010 County Budget

Ms. Mellen stated that the resolution of appropriation was the County Administrator's proposed budget with the exception of the proposed fees to be considered in October 2009. Staff recommended approval of the resolution.

Mr. Icenhour thanked Ms. Mellen and staff for their efforts in developing the budget. He stated that he had concerns about increases of growth and inflation. He stated that if there was a revenue shortfall, either taxes needed to be increased or services should be reduced. He stated that the County has been able to decrease revenues without major impact on services due to efficiency and good staff, but if the growth and inflation are not maintained, services will decline. He stated that taxpayers have been subsidizing growth and new sources of revenues needed to be explored. He stated his support for the resolution.

Mr. McGlennon commented on the recommendation to eliminate curbside leaf pickup which would be revisited in early fall. He stated that the auxiliary gym at Jamestown High school and the Community Gymnasium at Warhill could be revisited dependent on the financial situation in relation to operating those facilities. He stated that this was a basic maintenance budget that was not sustainable over the long-term. He stated that public safety and stormwater were areas that were stretched financially. He stated that some key issues such as underground utilities were not considered as highly as a result of this budget.

Mr. Kennedy stated that there were discussions of new fees and taxes and that they were put on the agenda for the September 2009 work session in order to address the information as soon as possible. He stated that there were minimal fees and no tax increases and some services were minimal. He stated that the revenue stream should be diversified beyond real estate taxes. He stated that the rapid pace of residential growth over the last 20 years has had an impact on the fiscal situation. Mr. Kennedy complimented staff and the Board for their efforts on the budget.

Ms. Jones thanked Mr. Kennedy and Mr. Wanner for the work session process and those who participated in the January Budget Retreat for their information. She stated that she felt the budget was fiscally responsible and identified efficiencies. She stated that the \$10 million reduction in the revenues was a direct reflection of the impact on the economy on businesses and citizens. She stated her support for the budget but stated her opposition to the amusement tax.

Mr. Goodson made a motion to adopt the resolution.

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

RESOLUTION

RESOLUTION OF APPROPRIATION

WHEREAS, the County Administrator has prepared a Proposed Budget for the fiscal year beginning July 1, 2009, and ending June 30, 2010, and a five-year Capital Improvements Program, the last four years for information and fiscal planning purposes only; and

WHEREAS, it is now necessary to appropriate funds to carry out the activities proposed therein for the fiscal year beginning July 1, 2009, and ending June 30, 2010, and to set tax rates on real estate, tangible personal property, and machinery and tools, to provide certain revenue in support of those appropriations.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of James City County, Virginia, that:

1. The following amounts are hereby appropriated in the FY 2010 General Fund for the offices and activities in the amounts as shown below:

GENERAL FUND REVENUES

	<u>FY 2010</u>
General Property Taxes	\$106,781,577
Other Local Taxes	18,480,000
Licenses, Permits and Fees	7,365,750
Fines and Forfeitures	350,000
Revenue from Use of Money and Property	780,000
Revenue from the Commonwealth	25,453,787
Revenue from the Federal Government	5,868
Charges for Current Services	4,733,175
Miscellaneous Revenues	<u>160,500</u>
TOTAL REVENUES	<u>\$164,110,657</u>

GENERAL FUND EXPENDITURES

	<u>FY 2010</u>
Administrative	\$ 1,414,928
Citizen Services	911,001
Elections	295,146
Human Resource	749,886
Financial Administration	3,927,138
General Services	7,156,573
Information Resource Management	2,026,495
Development Management	3,707,308
Judicial	2,263,290
Public Safety	21,427,760
Community Services	6,044,987
Contributions - Outside Agencies	2,933,282
Library and Arts Center	4,492,457
Health Services	1,552,118
Other Regional Entities	3,117,864
Nondepartmental	4,541,674
WJCC Schools	94,832,696
Contribution - Capital Projects Fund	600,000
Contributions - Other Funds	<u>2,116,054</u>
TOTAL EXPENDITURES	<u>\$164,110,657</u>

The appropriation for education includes \$74,394,700 as a local contribution to the Williamsburg-James City County Schools operations.

2. That the property tax rates be set for the amounts shown below and revenues appropriated in the following classifications:

TAX RATES

Real Estate on each \$100 assessed value	\$0.77
Tangible Personal Property on each \$100 assessed value	\$4.00
Machinery and tools on each \$100 assessed value	\$4.00

3. That the following amounts are hereby appropriated:

CAPITAL PROJECTS BUDGET - FY 2010

Revenues and Other Fund Sources:

Contribution - General Fund	600,000
Proffers	489,698
Debt Financing	20,700,000
Excess Bond Proceeds (Fund Balance)	5,830,000
Reallocated Capital Balances (Fund Balance)	1,300,000
Other	<u>300,000</u>
	<u>\$29,219,698</u>

Expenditures:

Schools:

New Facilities	\$3,418,568
Capital Maintenance	4,911,630

Other County:

New Public Facilities	20,111,000
Capital Maintenance	<u>778,500</u>
	<u>\$29,219,698</u>

DEBT SERVICE BUDGET – FY 2010

From General Fund - Schools	\$20,000,000
From General Fund - Other	4,167,170
VPSA Refinancing Credit	201,000
Excess Bond Proceeds	2,500,000
Interest Earned on Construction	<u>150,000</u>

Total Debt Service Fund Revenues \$27,018,170

Current Year Expenditures	\$26,824,235
To Fund Balance/Capital Reserve	<u>193,935</u>

Debt Service Fund Disbursements \$27,018,170

VIRGINIA PUBLIC ASSISTANCE FUND - FY 2010

Revenues:

From the Federal Government/Commonwealth	\$4,366,987
From the General Fund	1,466,288
Fund Balance	384,500
Grant	<u>34,136</u>

Total Virginia Public Assistance
Fund Revenues \$6,251,911

Expenditures:

Administration and Assistance \$6,251,911

Total Virginia Public Assistance
Fund Expenditures \$6,251,911

COMMUNITY DEVELOPMENT FUND - FY 2010

Revenues:

General Fund	\$ 532,340
Grants	1,642,496
Generated Program Income	70,000
Fund Balance	<u>50,000</u>
Total Community Development Fund Revenues & Fund Balance	<u>\$2,294,836</u>

Expenditures:

Administration and Programs	<u>\$2,294,836</u>
Total Community Development Fund Expenditures	<u>\$2,294,836</u>

SPECIAL PROJECTS/GRANTS FUND - FY 2010

Revenues:

Revenues from the Commonwealth	\$275,850
Transfer from General Fund	217,426
From the School Division	<u>112,000</u>
	<u>\$605,276</u>

Expenditure:

Comprehensive Services Act	<u>\$605,276</u>
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4. The County Administrator be authorized to transfer funds and personnel from time to time within and between the offices and activities delineated in this Resolution as he may deem in the best interest of the County in order to carry out the work of the County as approved by the Board of Supervisors during the coming fiscal year.
5. The County Administrator be authorized to administer the County's Personnel Policy and Pay Plan as previously adopted by the Board of Supervisors.
6. The County Administrator be authorized to transfer funds to and from the Personnel Contingency account and divisional personnel line items in order to capture turnover savings.
7. All outstanding encumbrances in all County funds at June 30, 2009, shall be an amendment to the FY 2010 budget, and appropriated to the FY 2010 budget to the same department and account for which they were encumbered in the previous year.

8. The County Administrator be authorized to make expenditures from the Donation Trust Fund for the specified reasons for which the fund was established. In no case shall the expenditure exceed the available balance in the fund as verified by the Treasurer.

Mr. Wanner acknowledged the helpfulness of the Board in developing the proposed budget, including information from community members at the Budget Retreat.

4. Endorsement of the FY 2010 Strategic Management Plan

Ms. Rona Vrooman, Training and Quality Performance Coordinator, presented the FY 2010 Strategic Management Plan for approval. She stated that most items were a continuation of previous years' goals. Staff recommended approval of the resolution.

Ms. Jones asked about the specificity of use of Federal Stimulus Funds.

Mr. Wanner stated that at this time, there was not enough information to be more specific. He stated that it would be specific when the information was available.

Mr. McGlennon thanked Ms. Vrooman for providing a vision of goals and assistance with the performance measures.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

ENDORSEMENT OF THE COUNTY'S FY 2010 STRATEGIC MANAGEMENT PLAN

WHEREAS, the County's Strategic Management Plan was developed collaboratively and serves as a framework for achieving the County's mission of working in partnership with all citizens to achieve a quality community; and

WHEREAS, the Strategic Management Plan charts the County's future direction by setting forth long-range Strategic Directions that describe our needs, priorities, aspirations, and outlines Pathways or key initiatives that will move us forward in the right direction; and

WHEREAS, it is important to re-affirm the County's Strategic Directions principles.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses the FY 2010 Strategic Management Plan.

I. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on dues and memberships in the School Budget that could be reduced.

2. Mr. Chris Henderson, 101 Keystone, stated that he attended the opening day of the Youth Baseball League and recommended that the Board attend. He stated that there was a large participation in the baseball and soccer programs. He recognized S.L. Nusbaum on work completed at Monticello Avenue and Route 199. He stated that he felt the area was well-manicured and the drainage area was maintained.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner reminded the Board and citizens that on April 29, 2009, at 4 p.m. the Williamsburg-James City County Sheriff's Office would receive its official accreditation. He stated that the Board needed to have a brief recess for the Service Authority to consider its budget, then come back into session and then have a closed session. Following the closed session, it would adjourn to 7 p.m. on May 12, 2009.

K. BOARD REQUESTS AND DIRECTIVES

Mr. Icenhour stated that on April 23, 2009, the Peninsula Council for Workforce Development met and amended the budget for youth, displaced worker, and adult programs. He noted that \$85,000 has been set aside for a summer youth program that will be managed by the City of Williamsburg. He stated that on April 30, 2009 he would be attending the Governor's Economic Crisis Strike Force with Mr. Powell. He had questions about the water supply matter and stated that Mr. Goodson made good recommendations and asked that the Hampton Roads Planning District Commission (HRPDC) come in for a briefing as a Board to update the Board and citizens on water supply planning.

Mr. Goodson stated that he got responses to the questions Mr. Icenhour asked, but he wanted to give the Board the option of receiving a presentation from the HRPDC in about a month, or wait several months and receive the results of the study.

Mr. McGlennon asked when the Board would be asked to act on this.

Mr. Goodson stated that it would be after the study, which was scheduled to be completed by early fall.

Mr. Foster stated that there was a question as to whether there would be individual public hearings or a regional public hearing. He stated that the process is very complex due to incorporating data from all localities.

Mr. Goodson stated that the HRPDC was in a data-collection stage at this point.

Mr. Icenhour stated that he felt there was a problem with the small amount of public knowledge about this project. He stated that he wished to share what was going on at this point. He asked to have an informational briefing on the matter.

Mr. Goodson stated that the HRPDC staff has offered to make a presentation possibly during the second meeting in May.

Mr. Icenhour stated that he was agreeable to that.

Mr. Foster stated that he was willing to coordinate a public information session aside from the presentation by HRPDC staff if needed.

Mr. Icenhour stated that if groups like that, he would be agreeable.

Mr. Goodson stated that the HRPDC group may be able to speak as a Presentation at the beginning of the Board's regular meeting.

Ms. Jones gave an update on the Steering Committee meetings. She stated that there was a meeting on April 23, 2009, on Rural Lands. She noted that the next meeting was scheduled for May 4, 2009, and the Committee was looking forward to wrapping up prior to June 23, 2009. She stated that the Regional Issues Committee discussed the coordinated Comprehensive Plan and considered waiting until after the census in 2010 and to move forward in fall 2011.

At 8:29 p.m. Mr. Kennedy recessed the Board.

At 8:33 p.m. Mr. Kennedy reconvened the Board.

L. CLOSED SESSION

Mr. Icenhour made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia for the consideration of acquisition of a parcel(s) of property for public use and Section 2.2-3711(A)(1) of the Code of Virginia consideration of a personnel matter, the appointment of individuals to County boards and/or Commissions, specifically the Cable Communications Advisory Committee.

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

At 8:34 p.m. Mr. Kennedy recessed the Board into Closed Session.

At 8:46 p.m. Mr. Kennedy reconvened 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: Goodson, Jones, McGlennon, Icenhour, Kennedy (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), of the Code of Virginia, to consider a personnel matter, the appointment of individuals to County boards and/or commissions and Section 2.2-3711(A)(3) of the Code of Virginia, to consider the acquisition of parcel(s) of property for public use.

Mr. McGlennon made a motion to appoint Mr. Michael Rosenberg to a four-year term on the Cable Communications Advisory Committee, term to expire on April 30, 2013.


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

M. ADJOURNMENT to 7 p.m. on May 12, 2009.

Mr. Icenhour made a motion to adjourn.

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

At 8:48 p.m. Mr. Kennedy adjourned the Board to 7 p.m. on May 12, 2009.


Sanford B. Wanner
Clerk to the Board

ADOPTED

APR 28 2009

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

ORDINANCE NO. 81A-18

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, BUILDING REGULATIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY ADDING ARTICLE VII, UNSAFE BUILDINGS AND STRUCTURES, SECTION 4-76, UNSAFE BUILDINGS AND STRUCTURES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 4, Building Regulations, is hereby amended and reordained by adding Article VII, Unsafe Buildings and Structures, Section 4-76, Unsafe buildings and structures.

Chapter 4. Building Regulations

Article VII. Unsafe Buildings and Structures

Sec. 4-76. Unsafe buildings and structures.

(a) The building official or fire official may require property owners to remove, repair, or secure any building, wall, or other structure which is located on their property and which the building official or fire official has determined poses a danger to public health or safety of other residents of the county.

(b) If the building official or fire official determines that a building, wall, or structure poses a danger to public health or safety he shall cause a notice to be served on the owner and any recorded lien holder of the building, wall, or other structure, requiring the owner to remove,

repair, or secure the building, wall, or other structure. For purposes of this section, repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings. For purposes of this section, reasonable notice includes a written notice (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner and (ii) published once a week for two successive weeks in a newspaper having general circulation in the county. No action shall be taken by the county to remove, repair, or secure any building, wall, or other structure for at least 30 days following the later of the return of the receipt or newspaper publication, except that the county may take action to prevent unauthorized access to the building within seven days of such notice if the structure is deemed to pose a significant threat to public safety and such fact is stated in the notice.

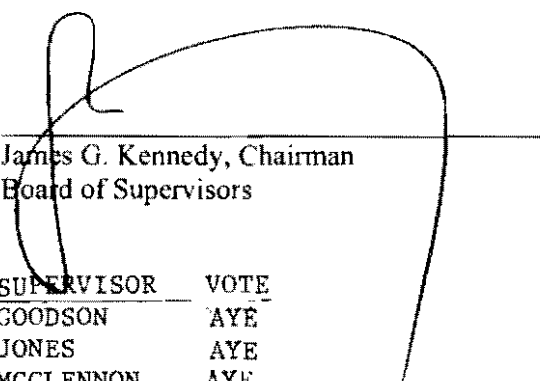
(c) The property owner shall remove, repair, or secure the building, wall, or structure, as required by the notice, within 30 days after notice has been given to the owner and any recorded lien holder of such property as provided in subsection (b), whichever is later. If the owner fails to take the action required in the notice within the 30-day period, the building official or fire official may remove, repair, or secure the building, wall, or structure, as required by the notice.

(d) In the event the county, through its own agents or employees, removes, repairs, or secures any building, wall, or any other structure after complying with the notice provisions of this section, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the county as taxes are collected.

(e) Every charge authorized by this section with which the owner of any such property has been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Code of Virginia, title 58.1, chapter 39, article 3 (sections 58.1-3940 et. seq.) and article 4 (sections 58.1-3965 et. seq.), as amended. The county may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

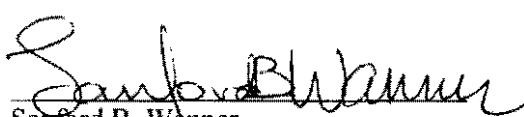
(f) In addition to the remedies set forth above, any owner of such property who fails to take the action required in the notice within the 30-day period shall be subject to a civil penalty of \$1,000.00.

** State law reference - Authority to require removal, repair, etc., of buildings and other structures, see Code of Va., § 15.2-906.*



James G. Kennedy, Chairman
Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, on this 28th day of April, 2009.

Ch4Sec4-76_ord

ADOPTED

APR 28 2009

ORDINANCE NO. 81A-19

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, BUILDING REGULATIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, VIRGINIA UNIFORM STATEWIDE BUILDING CODE; DIVISION 2, PERMIT AND INSPECTION FEES, SECTION 4-8, GENERALLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 4, Building Regulations, is hereby amended and reordained by amending Section 4-8, Generally.

Chapter 4. Building Regulations

Article I. Virginia Uniform Statewide Building Code

Division 2. Permit and Inspection Fees

Sec. 4-8. Generally.

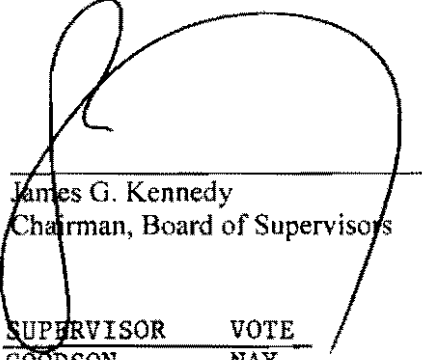
Permit and inspection fees are hereby established in accordance with the provisions of the Virginia Uniform Statewide Building Code, as follows:

(11) Amusement Device Fees.

- a. The fee for the inspection of amusement devices shall be:*
- 1. \$25.00 for each kiddie ride covered by the permit;*
 - 2. \$35.00 for each circular ride or flat-ride less than 20 feet in height covered by the permit;*


- 3. ~~\$33.00 for each spectacular ride covered by the permit which cannot be inspected as a circular ride or flat-ride in subdivision 2 of this subsection due to complexity or height; and~~
- 4. ~~\$150.00 for each coaster covered by the permit which exceeds 30 feet in height~~

This ordinance shall become effective July 1, 2009.



James G. Kennedy
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of April, 2009.

Chap4Sec4-8_ord