

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF DECEMBER 2009, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. 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

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE – Emily Boyle, a third-grade student at D.J. Montague Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. RECOGNITION

1. Chairman's Awards

a. Citizen

Mr. Kennedy recognized Mr. Jack Fraley and Ms. Julie Leverenz on behalf of the Steering Committee and Mr. Vaughn Poller on behalf of the Community Participation Team. He recognized the extensive work the volunteers put forth over 26 months to complete the 2009 Comprehensive Plan, *Historic Past, Sustainable Future*.

b. Employee

Mr. Kennedy recognized Ms. Edythe Stewart and Ms. Loren Scott on behalf of the employees of James City County and the James City Service Authority (JCSA) for persevering and continuing to provide services to County citizens in spite of budget reductions in 2009.

E. HIGHWAY MATTERS

Mr. Todd Halacy, Virginia Department of Transportation (VDOT) Williamsburg Residency Administrator, stated that he would be happy to answer questions of the Board.

Ms. Jones extended appreciation for quickly clearing an area on Legacy Drive of brush.

Mr. Icenhour thanked Mr. Halacy for repairing the potholes on News Road.

F. PRESENTATION

1. Annual Financial Report – Goodman and Company L.L.P.

Ms. Sue Mellen, Financial and Management Services Assistant Manager, introduced Mr. C. Frederick Westphal from Goodman and Company L.L.P. to present the annual financial report.

Mr. Westphal presented the results of the 2009 audit for James City County and JCSA. He recognized the Financial and Management Services staff, including Mr. John McDonald, Ms. Sue Mellen, and Ms. Tara Woodruff for their input and effort during the audit process. He commented on the Report of the Independent Auditor, which indicated that the County has been rendered a clean opinion. He recommended that the Board review the Management's Discussion and Analysis. He reviewed the government-wide financial statements and noted the cost of pension and other post-employment benefits (OPEB) for employees during the actual term of employment included in the statement, which was a new element for 2009. He highlighted the general fund activity statements and the fund balance.

G. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on the recent shooting at Fort Hood, thanked Mr. Doug Powell for assisting him with clearing an area on Indian Circle, and wished the Board a happy holiday.

2. Mr. Howard Smith, 101 Dogwood Drive, asked that the Board reconsider the wireless communication facility (WCF) Special Use Permit (SUP) for Treasure Island Road and the County's WCF policy. He reviewed the policy and recommended these points be reconsidered in relation to the WCF proposed at Treasure Island Road.

H. CONSENT CALENDAR

Mr. McGlennon made a motion to adopt the items on the Consent Calendar as amended.

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

1. Minutes –

- a. November 10, 2009, Special Work Session Meeting
- b. November 10, 2009, Regular Meeting
- c. November 24, 2009, Work Session
- d. November 24, 2009, Regular Meeting

2. Rescind Declaration of Local Emergency

RESOLUTION

DECLARATION OF A LOCAL EMERGENCY RESCINDED

WHEREAS, the Board of Supervisors of James City County, Virginia, does hereby find that due to the predicted effects of the 2009-11 Rain Event, the County faced dangerous conditions of sufficient severity and magnitude to warrant coordinated local government action to mitigate the damage, loss, hardship, or suffering threatened or caused thereby; and

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

WHEREAS, the effects of the 2009-11 Rain Event have been mitigated by James City County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, pursuant to Section 44-146.21 of the Code of Virginia, 1950, as amended, that the Declaration of a Local Emergency dated November 12, 2009, by Sanford B. Wanner, Director of Emergency Management for James City County, is rescinded.

3. Chesapeake Bay Preservation Ordinance Violation – Civil Charge – Scott and Brandi Brand, 3657 Bridgewater Drive, Mill Creek Landing

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATIONS – CIVIL CHARGE –

SCOTT AND BRANDI BRAND, 3657 BRIDGEWATER DRIVE, MILL CREEK LANDING

WHEREAS, Scott and Brandi Brand of 3657 Bridgewater Drive, Settlers Mill, are the owners of a certain parcel of land commonly known as 3657 Bridgewater Drive, Williamsburg, Virginia, designated as Parcel No. 3841760010, within James City County's Real Estate system, herein referred to as the ("Property"); and

WHEREAS, on or about June 22, 2009, Scott and Brandi Brand caused the removal of vegetation from within a Chesapeake Bay Preservation Area (CBPA) on the Property; and

WHEREAS, Scott and Brandi Brand have executed a Chesapeake Bay Restoration Agreement with the County agreeing to install native canopy trees, native understory trees and native shrubs within Resource Protection Area (RPA) on the Property in order to remedy a violation of the County's Chesapeake Bay Preservation Ordinance and have posted sufficient surety guaranteeing the installation of the aforementioned improvements and the restoration of the RPA on the Property; and

WHEREAS, Scott and Brandi Brand have agreed to pay a total of \$1,000 to the County as a civil charge under the County's Chesapeake Bay Preservation Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the restoration of the impacted area and the civil charge in full settlement of the Chesapeake Bay Preservation Ordinance violation, in accordance with Section 23-18 of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$1,000 civil charge from Scott and Brandi Brand, as full settlement of the Chesapeake Bay Preservation Ordinance Violations at the Property.

4. Contract Award – James City County/Williamsburg Community Center Parking Lot Asphalt Repairs – \$118,786

RESOLUTION

CONTRACT AWARD – JAMES CITY COUNTY/WILLIAMSBURG COMMUNITY CENTER

PARKING LOT ASPHALT REPAIRS – \$118,786

WHEREAS, bids were advertised for the repair of the asphalt parking lot at the James City County/Williamsburg Community Center; and

WHEREAS, five bids were considered for award and E. W. Muller Contractor, Inc. was the lowest responsive and responsible bidder with a bid of \$118,786; and

WHEREAS, funds are available in the current Capital Improvements Program (CIP) budget for this project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract in the amount of \$118,786 with E. W. Muller Contractor, Inc., for the repair of the asphalt parking lot at the James City County/Williamsburg Community Center.

5. Contract Award – Two Rigid Hull Inflatable Boats and Trailers – Police Department

RESOLUTION

CONTRACT AWARD – TWO RIGID HULL INFLATABLE BOATS AND TRAILERS –

POLICE DEPARTMENT

WHEREAS, bids were advertised for two Rigid Hull Inflatable Boats and Trailers for Police Department use; and

WHEREAS, five bids were considered for award and Ribcraft was the lowest responsive and responsible bidder with a bid of \$109,892; and

WHEREAS, funds are available through the Port Security Grant Program of the Virginia Department of Emergency Management for this award.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract in the amount of \$109,892 with Ribcraft for two Rigid Hull Inflatable Boats and Trailers.

6. Williamsburg-James City County Schools "Safe Routes to School" Grant Application

RESOLUTION

WILLIAMSBURG-JAMES CITY COUNTY (WJCC) SCHOOLS "SAFE ROUTES TO SCHOOL" GRANT APPLICATION

WHEREAS, the James City County Board of Supervisors recognizes that there is a significant need for pedestrian safety improvements, especially concerning school children; and

WHEREAS, the James City County Board of Supervisors supports pedestrian safety programs and infrastructure improvements; and

WHEREAS, the Williamsburg-James City County (WJCC) Schools has proposed the undertaking of a variety of projects designed to increase the number of children who walk and bike safely to and from school.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby supports the WJCC Schools submission of the School Travel Plan and subsequent grant application to the Virginia Department of Transportation (VDOT) and will provide support during the execution of proposed infrastructure projects.

7. Eastern State Hospital Downsizing

RESOLUTION

EASTERN STATE HOSPITAL DOWNSIZING

WHEREAS, the Colonial Services Board (CSB) has been created by the counties of James City and York, and by the cities of Poquoson and Williamsburg as a Community Services Board under the authority provided to each by Chapters 10 and 11 of the Code of Virginia; and

WHEREAS, Chapter 37 of the Code of Virginia defines the responsibility for designating facilities to provide safety net services in the civil commitment process to the Commissioner of the Department of Behavioral Health and Developmental Services (DBHDS); and

WHEREAS, Eastern State Hospital has long served as the primary safety net for consumers through provision of acute and long-term psychiatric inpatient for individuals with mental disabilities; and

WHEREAS, Eastern State Hospital is building a new Adult Mental Health Facility that will reduce current non-geriatric adult inpatient bed capacity from in excess of 200 to 145 prior to August 2010 and civil admission capacity at Eastern State Hospital will virtually be eliminated as a result of this process; and

WHEREAS, the CSB requested in 2008 that a moratorium be placed on Eastern State Hospital downsizing until a reasonable process that included adequate and sustainable State-administered funding, and a reasonable time frame for building community service capacity to meet the needs of persons previously institutionalized; and

WHEREAS, the 2008 request has not been honored by the Commonwealth of Virginia, despite the requirements for a community consensus and planning team as defined under §37.1-48.2 of the Code of Virginia; and

WHEREAS, adequate community mental health capacity or funding does not exist today, nor can it now be developed by August 2010; and

WHEREAS, State-administered funds for Community Services Boards are being reduced at the same time these additional responsibilities are being imposed upon them; and

WHEREAS, the Code-defined safety net function of the DBHDS Commissioner is being administratively altered in a manner that will create unnecessary risk for individuals, families, agencies, and communities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby opposes this unfunded and inadequately-planned downsizing of Eastern State Hospital.

BE IT FURTHER RESOLVED that the Board of Supervisors calls upon the Governor-Elect and General Assembly members representing Hampton Roads to convene discussions immediately to develop a responsible plan for Eastern State Hospital downsizing that focuses on the development of sufficiently-funded community-based services, including practical time frames for development of these services.

- 8. American Reinvestment and Recovery Act Project (ARRA) Overlay/Resurfacing Various Routes County Wide – \$518,394

RESOLUTION

AMERICAN REINVESTMENT AND RECOVERY ACT PROJECT (ARRA)

OVERLAY/RESURFACING VARIOUS ROUTES COUNTY WIDE (UPC # 95044) - \$518,394

WHEREAS, on October 27, 2009, the County/State Project Administration Agreement for Federal Aid Projects was adopted to authorize the County Administrator to execute the Project Administration Agreement for the Overlay/Resurfacing contract (UPC # 95044); and

WHEREAS, the appropriation of these funds will allow the award of contract for the UPC # 95044 project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the FY 2010 Special Projects/Grant Fund for the purpose indicated:

Overlay/Resurfacing (UPC # 95044)	\$518,394
Route 60 East Improvements	(\$518,394)

Mr. Kennedy recognized Planning Commissioners Mr. Joe Poole and Mr. Chris Henderson in attendance.

I. PUBLIC HEARINGS

- 1. Case No. SUP-0022-2009. King of Glory Lutheran Church SUP Amendment

Mr. Jose Ribiero, Senior Planner, stated Mr. Matthew Connolly has applied for an SUP to amend the adopted SUP conditions for King of Glory Lutheran Church (SUP-0019-2007) to allow the placement of two modular buildings and expand the church’s accessory uses onto recently acquired 4881 Longhill Road, previously the site for Crossroads Youth Home. This site will be incorporated into the existing church property and allow the church to utilize the existing buildings for office use, group meetings space, and Sunday school activities. Houses of Worship are a specially permitted use in the R-2 district. An SUP is required since the changes in use represent an expansion to a specially permitted use.

Staff found the proposed additions consistent with the surrounding zoning and development and consistent with the Comprehensive Plan.

At its meeting on November 4, 2009, the Planning Commission recommended approval of this SUP amendment request by a vote of 5-0 (Mr. George Billups and Mr. Reese Peck - absent).

Staff recommended approval of the resolution as amended.

Mr. Kennedy opened the Public Hearing.

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

Mr. Goodson made a motion to adopt the resolution as amended.

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

RESOLUTION

CASE NO. SUP-0022-2009. KING OF GLORY LUTHERAN CHURCH SUP AMENDMENT

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. Matthew Connolly has requested an SUP amendment to allow the placement of two modular buildings and accessory uses at parcels located at 4881 and 4897 Longhill Road, zoned R-2, General Residential, and further identified as James City County (JCC) Real Estate Tax Map Parcel Nos. 3240100032 and 3240100033; and

WHEREAS, the proposed development is shown on a plan prepared by LandTech Resources, Inc, dated September 23, 2009, revised on October 27, 2009 (the "Master Plan"), and entitled "Master Plan of Property Situated at 4881 and 4897 Longhill Road JCC-SUP-0022-2009 King of Glory Lutheran Church SUP Amendment"; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing held on Case No. SUP-0022-2009; and

WHEREAS, the Planning Commission, following its public hearing on November 4, 2009, voted 5-0 to recommend approval of this application; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2003 and 2009 Comprehensive Plan Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. 0022-2009 as described herein with the following conditions:

1. Master Plan: This SUP amends the adopted SUP conditions for JCC Case No. SUP-0019-2007 and allow the placement of two modular units and accessory uses on properties located on JCC Real Estate Tax Parcel Nos. 3240100032 and 3240100033, more commonly known as 4881 and 4897 Longhill Road (the "Properties"). Development of the Properties shall be generally in accordance with the Master Plan entitled "Master Plan of Property Situated at 4881 and 4897 Longhill Road JCC-SUP-0022-2009 King of Glory Lutheran Church SUP Amendment," prepared by Land Tech Resources, Inc., dated September 23, 2009, and revised on October 27, 2009 (the "Master Plan"), with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.

2. Boundary Line Extinguishment (BLE): Prior to final site plan approval, a plat showing the extinguishment of the common property line between parcels located at 4881 and 4897 Longhill Road must be submitted and approved by the County.
3. Water Conservation: The Owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (JCSA) prior to final site plan approval. The standards may 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 water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
4. Irrigation: In the design phase, the developer and designing engineer shall include the design of stormwater systems that can be used to collect stormwater for outdoor water use for the entire development. In no circumstances shall well water or water supplied by the JCSA be used for irrigation, except as otherwise provided in the 2007 Water Conservation Guidelines approved by the Board of Supervisors.
5. Conceptual Stormwater Plan: Prior to submission of a site plan for the Property, a conceptual stormwater plan depicting how stormwater will be treated in the entire site (i.e., parcels located at 4881 and 4897 Longhill Road) shall be submitted to the Environmental Division for review and approval.
6. Entrance Plan: Prior to final site plan approval, an entrance plan addressing limited vehicular ingress and egress at the entrance to 4881 Longhill Road shall be submitted to the County for review and approval of the Planning Director and Virginia Department of Transportation (VDOT). The plan shall address signage and physical measures that will be installed to restrict access to and from the property and Longhill Road.
7. Landscaping: A landscaping plan shall be submitted and approved by the Planning Director or his designee prior to final site plan approval. The landscaping plan shall, at a minimum, address the requirements found in Zoning Ordinance Section 24-95, *Landscape Areas Adjacent to Buildings*.
8. Lighting: All new exterior light fixtures, including building lighting, on the Property, shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Planning Director prior to final site plan approval. "Glare" shall be defined as more than 0.1 footcandle at the boundary of the Property or any direct view of the lighting source from the adjoining properties.
9. Dumpsters/HVAC Units: All dumpsters and heating and cooling units visible from any public street or adjoining property shall be screened from view with landscaping or fencing approved by the Planning Director, or his designee, prior to final site plan approval.

10. Commencement of Construction: Construction on this project shall commence within 36 months from the date of approval of this SUP or this permit shall be void. Construction shall be defined as obtaining all the permits necessary to allow for occupancy of any of the existing buildings "A" through "H" as shown on the master plan (the "Master Plan") or obtaining all the permits necessary for the construction of the modular units and the placement of the modular units on a foundation.
11. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Vacation of a Portion of the Subdivision Plat for Fenwick Hills, Section Two, Right-of-Way for Colony Mill Road

Mr. Adam Kinsman, Deputy County Attorney, stated Fenwick Hills, LLC has applied to vacate a portion of right-of-way. It has been discovered that the recently updated County Resource Protection Area (RPA) buffer was encroaching into the previously approved layout for Section Four. Adjustments were made to keep the RPA buffer outside of proposed lots and the originally planned extension of Colony Mill Road had to be eliminated. Vacation of this portion of right-of-way is required prior to recording the subdivision plat for Section Four which is currently under review by the Planning Department. County staff has reviewed the request and has no objection to the vacation. There is no functional use of the right-of-way for streets or utilities. Staff recommended adoption of the attached vacation.

Mr. Kennedy opened the Public Hearing.

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

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

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

J. PUBLIC COMMENT

1. Mr. Nicholas Klimenko, former Program Director and Instructor for the Center for Emergency Medical Services, commented that the facility was the only location permitted to administer courses for EMS professionals. He stated that the organization's accreditation was suspended and there were many personnel and volunteers enrolled in the program who would now have to go elsewhere to take the courses at an additional cost. He stated that he has been working with the Virginia Department of Health to resume the classes. He stated that the State Code has been changed to require any variance from rules and regulations of the Virginia Department of Health be approved by the local governing body. He stated the Board has been given a resolution to allow for the classes to resume. He requested approval of the resolution.

Mr. Wanner stated that the Board has been provided a copy of Delegate Pogge's letter related to this issue and a resolution has been provided if the Board wished to take action.

Mr. Goodson asked if the County Attorney staff has reviewed the document and if there was any notice required.

Mr. Rogers stated that staff had reviewed the document and advance notice was not required.

Mr. Kennedy asked Mr. Klimenko to remain in the Board room until the matter was considered in order to answer any questions.

2. Mr. Howard Smith, 101 Dogwood Drive, continued his comments related to the WCF policy. He commented that the proposed cellular tower imposed on the community character of the historic farm on Treasure Island Road.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that he had been conducting citizen outreach efforts related to the upcoming budget process. He noted that on December 9, 2009, a citizen budget forum would be held in the Powhatan District at Warhill High School at 7 p.m. and the final forum would be held on December 10, 2009, in the Berkeley District at 7 p.m. at Jamestown High School. He noted that County offices would be closed on December 24 and 25, 2009, and January 1, 2010.

Mr. Wanner stated that the Board completed its Board Requests and Directives, and it should hold a Closed Session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia for the consideration of acquisition of a parcel of property for public use. He recommended that the Board recess for a meeting of the JCSA Board of Directors prior to the Closed Session.

L. BOARD REQUESTS AND DIRECTIVES

Mr. Icenhour commented on citizen feedback from Black Friday. He stated that the citizens in the neighborhoods near Prime Outlets thanked Mr. Doug Powell and the Police Department for their efforts to minimize the impact of shoppers on the nearby communities. He stated the only recommended improvement the citizens suggested was to have them more involved in the planning process. He noted that he attended the James City County Citizens Coalition (J4C) informational forum on sea-level rise on December 1, 2009.

Ms. Jones thanked Mr. Powell for his efforts to prepare for Black Friday.

Mr. Kennedy thanked the Board for allowing him to serve as Chairman in 2009 and wished the Board and citizens a happy holiday.

Mr. McGlennon asked for more information on the resolution related to the variance. He asked for clarification that the instructor was teaching the courses and the facility lost its accreditation.

Mr. Klimenko stated that was correct. He stated it was related to the Board of Directors of the organization.

Mr. McGlennon asked if the variance was for Mr. Nicholas Klimenko or Nicholas Klimenko and Associates.

Mr. Wanner stated that he understood the variance was for Mr. Klimenko as an individual to continue teaching.

Mr. McGlennon stated that he would like to amend the resolution to remove the word "provide" from the third statement.

Mr. Klimenko stated that he hoped to have national accreditation in place before the next series of classes in the summer.

Mr. McGlennon asked if there was discussion with Thomas Nelson Community College (TNCC).

Mr. Wanner stated that this item came in late this afternoon and he had spoken directly with Delegate Pogge. He stated that he was confident that TNCC was in support of the resolution.

Mr. McGlennon asked that there would be a follow-up discussion with TNCC.

Mr. Kennedy noted that he had also spoken with Delegate Pogge and asked her to provide more information. He stated that he believed that follow-up should be done on this item.

Mr. Goodson stated that he would make a motion to adopt the resolution with the condition that if any irregularities were found, the action could be revisited at the next meeting.

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

RESOLUTION

VARIANCE FOR CENTER OF EMERGENCY HEALTH SERVICES (CEHS) COURSES

WHEREAS, Nicholas Klimenko, former Program Director and Instructor with the Center of Emergency Health Services (CEHS) must be accredited in order to teach EMT Intermediate and Paramedic courses in the Commonwealth; and

WHEREAS, CEHS was the holder of the Program Accreditation for teaching the above named courses; and

WHEREAS, Nicholas Klimenko has the requisite training, certifications, and knowledge as a former accredited program to teach the Intermediate and Paramedic programs; and

WHEREAS, Nicholas Klimenko will apply to the Office of Emergency Medical Services for accreditation at the Intermediate level and apply to the Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions (CoAEMSP) for accreditation at the Paramedic level; and

WHEREAS, the Instructor and the Office of Emergency Medical Services desire to cooperate to ensure that EMS courses which were suspended in September 2009 are allowed to continue in the best interest of the EMS personnel enrolled; and

WHEREAS, Nicholas Klimenko, has a desire to conduct EMS training programs which require program site accreditation without possessing State accreditation; and

WHEREAS, it is in the general interest of the Office of Emergency Medical Services to promote the education of EMS personnel in the Commonwealth in order that they become qualified or better qualified EMS health care personnel; and

WHEREAS, to allow Nicholas Klimenko to teach these courses he must obtain a variance to Virginia Emergency Medical Services Regulations 12VAC5-31; and

WHEREAS, Section 32.1-111.9 of the *Code of Virginia* requires that an application for a variance from any regulations promulgated pursuant to this chapter shall be reviewed by the governing body of the jurisdiction in which the principal office or legal residence of the agency, entity, or provider licensed or certified by the Office of Emergency Medical Services is located.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approves the variance for Nicholas Klimenko to continue the suspended EMS courses

At 7:47 p.m., Mr. Kennedy recessed the Board for a meeting of the JCSA Board of Directors.

At 7:49 p.m., Mr. Kennedy reconvened the Board.

Mr. Wanner noted that when the Board completed its business, it should adjourn to 4 p.m. on January 4, 2010, for its annual organizational meeting.

M. CLOSED SESSION

Mr. McGlennon 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 parcels of property for public use.

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

At 7:49 p.m. Mr. Kennedy recessed the Board into Closed Session.

At 8:32 p.m. Mr. Kennedy reconvened the Board.

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)(3) of the Code of Virginia, to consider the acquisition of parcel(s) of property for public use.

N. **ADJOURNMENT** to 4 p.m. on January 4, 2010.

Mr. Goodson made a motion to adjourn.

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

At 8:33 p.m., Mr. Kennedy adjourned the Board until 4 p.m. on January 4, 2010.


Sanford B. Wanner
Clerk to the Board

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DEC 8 2009

ORDINANCE NO. 209BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO VACATE A PORTION OF THAT CERTAIN SUBDIVISION PLAT ENTITLED "PLAT SHOWING LOTS 76-85, 147-158, 160-170, AND 175-181 SECTION TWO 'FENWICK HILLS' LOCATED IN THE STONEHOUSE DISTRICT OF JAMES CITY COUNTY, VIRGINIA, JANUARY 9, 2004" AND MORE PARTICULARLY DESCRIBED AS THAT 6,338 SQUARE FOOT RIGHT-OF-WAY AT THE INTERSECTION OF COLONY MILL ROAD AND FREDERICK DRIVE

WHEREAS, application has been made by DJG, Inc., on behalf of Fenwick Hills, LLC, owners of the property, to vacate certain lines, words, numbers and symbols on a plat more particularly described below; and

WHEREAS, notice that the Board of Supervisors of James City County would consider such application has been given pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended; and

WHEREAS, the Board of Supervisors held a public meeting and did consider such application on the 8th day of December 2009, pursuant to such notice and the Board of Supervisors was of the opinion that such vacation would not result in any inconvenience and is in the interest of the public welfare.

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

1. That a portion of that certain subdivision plat entitled "Plat Showing Lots 76-85, 147-158, 160-170, and 175-181 Section Two 'Fenwick Hills' Located in The Stonehouse District of James City County Virginia January 9, 2004" be so vacated as to permit the recordation of a new plat that will serve to remove certain lines, words, numbers, and symbols as more specifically set forth in the above-mentioned plat and thereby vacating that portion of right-of-way for Colony Mill Road at its intersection with Frederick Drive.
2. That a new plat entitled "Plat Showing Boundary Line Adjustment and Conservation Easement Area Adjustment Located in Fenwick Hills Subdivision," prepared by LandTech Resources, Inc., dated July 25, 2008, and approved by James City County, be put to record in the Clerk's Office of the Circuit Court for the City of Williamsburg and the County of James City, Virginia.

This ordinance shall be in full force and effect from the date of its adoption.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Sanford B. Wanner
Clerk to the Board

SUPERVISOR	VOTE
GOODSON	AYE
JONES	AYE
MCLENNON	AYE
ICENHOUR	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, on this 8th day of December, 2009.

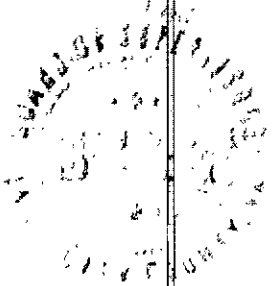
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VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY
This document was admitted to record on 22 Jan 10
at 10:44 AM/PM. The taxes imposed by Virginia Code
Section 58.1-801, 58.1-802 & 58.1-814 have been paid.

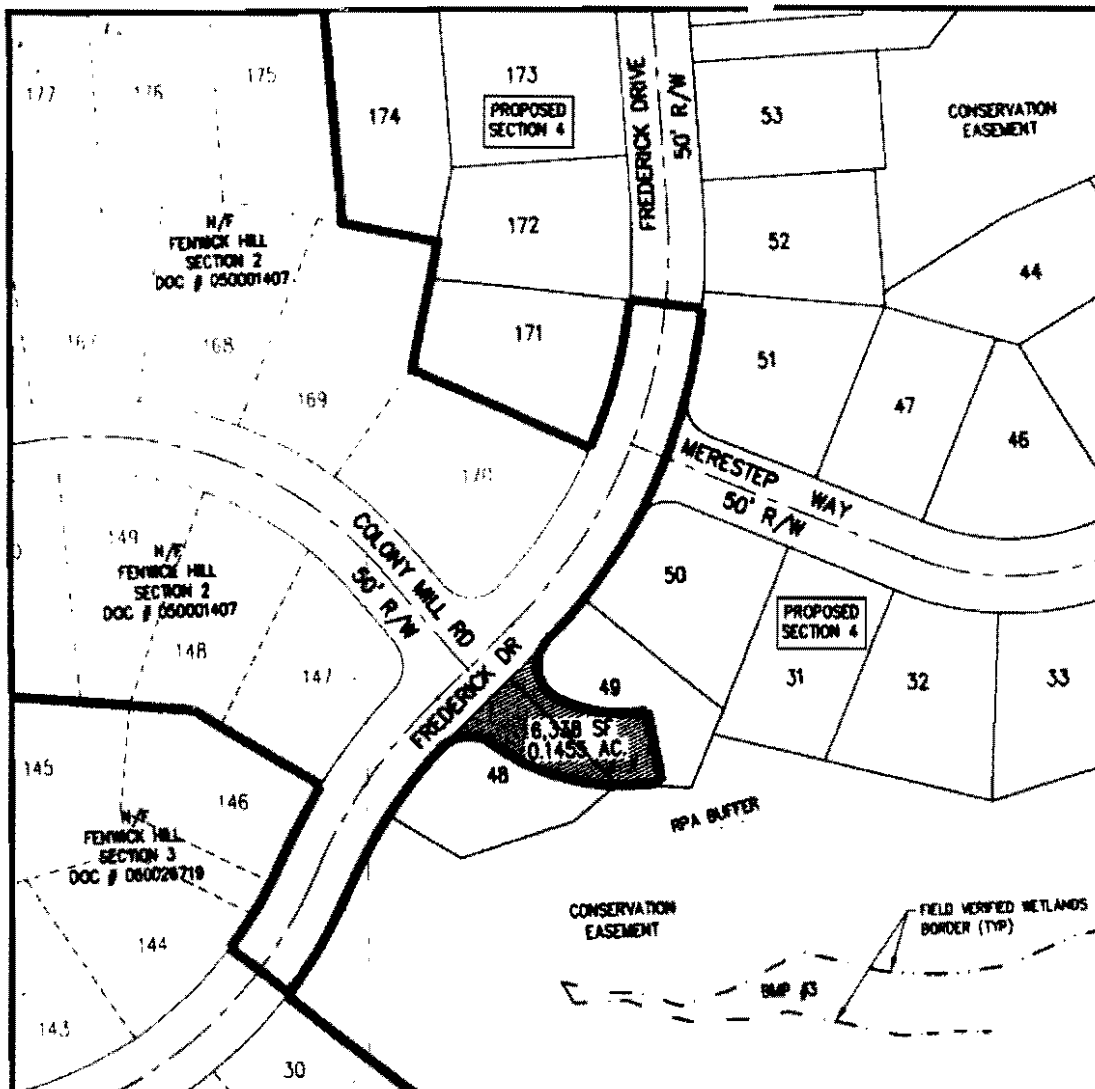
STATE TAX LOCAL TAX ADDITIONAL TAX

\$ _____ \$ _____ \$ _____
TESTE: BETSY B. WOOLRIDGE, CLERK

BY: Betsy B. Woolridge Clerk



FLAT ATTACHED



PROPERTY INFORMATION

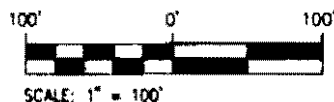
1. PROPERTY ADDRESS: 3376 OLD STAGE ROAD, WILLIAMSBURG, VIRGINIA 23188
2. DEVELOPED SITE ACREAGE: 13.1154 ACRES
3. NEIGHBORHOOD: FENWICK HILLS SUBDIVISION
4. PROPERTY OWNER: FENWICK HILLS, L.L.C.
5. PARCEL ID# 1220100004
6. PROPERTY ZONING: R-2, GENERAL RESIDENTIAL, WITH PROFFERS
7. PROPERTY LEGAL REFERENCE: DOCUMENT #020010128 PLAT BOOK 85, PAGE 92-96

LEGEND

RIGHT OF WAY TO BE VACATED



GRAPHIC SCALE



NOTE:
THIS PROJECT RECEIVED PRELIMINARY APPROVAL UNDER 8-099-06.

	REF: PB 85, PG 92-96 #020010128 #050001407 #060026719	RIGHT OF WAY VACATION EXHIBIT	
		JAMES CITY COUNTY	VIRGINIA
		DATE: OCTOBER 15, 2009	SCALE: 1" = 100'
		DVA ENGINEERS • ARCHITECTS • SURVEYORS	
DRAWN: RMB CHECKED: KAE		JOB NO. 2080400	