

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 13TH DAY OF JULY 2010, 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. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE** – The Mother Goose Mania Champions at Rawls Byrd Elementary School led the Board and citizens in the Pledge of Allegiance.

**E. PUBLIC COMMENT**

Mr. Kennedy recited the rules for public comment speaking.

1. Mr. Ed Oyer, 139 Indian Circle, commented on the response by Mr. Doug Powell to his requests; stormwater management requirements; traffic on Route 60 East; and requirements of the local school board.

2. Mr. Robert Richardson, 2786 Lake Powell Road, commented on the Board of Supervisors Code of Ethics in relation to the Courthouse Commons case adopted on June 22, 2010. He commented on potential unethical behavior by a former Planning Commissioner. He stated that he felt the Board members who received funds from the applicant should resign from the Board.

3. Mr. Jack Fowler, 109 Wilderness Lane, commented that he had not received further information on a petition to repair Little Creek Reservoir and on other incidents he has brought forward for consideration.

**F. CONSENT CALENDAR**

Mr. Goodson asked to pull Item No. 3 because he had a conflict of interest.

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

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

1. Minutes –
  - a. June 22, 2010, Work Session
  - b. June 22, 2010, Regular Meeting
  - c. June 29, 2010, Continued Meeting
  - d. June 3, 2010, Special Meeting
  - e. June 13, 2010, Special Meeting
2. Chesapeake Bay Preservation Ordinance Violation – Civil Charge – Omega Construction, 206 and 210 Sandy Bay Road

## RESOLUTION

### CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION - CIVIL CHARGE –

#### OMEGA CONSTRUCTION, 206 AND 210 SANDY BAY ROAD

WHEREAS, Sandy Bay Interests, L.C. of 23 Mile Course, Williamsburg, Virginia is the owner of certain parcels of land commonly known as 206 and 210 Sandy Bay Road designated as Parcel Nos. 4730100020 and 4730100019 within the James City County’s Real Estate Tax Map system, herein referred to as the “Properties”; and

WHEREAS, the Owner retained Omega Construction of Portsmouth VA, herein referred to as the “Contractor,” to perform work on the Properties; and

WHEREAS, on or about August 26, 2009, the Contractor transported, filled, and graded land on the Properties without an approved plan of development and without securing a land-disturbing permit; and caused impact to Chesapeake Bay Preservation Area (CBPA) located on the Properties; and

WHEREAS, Sandy Bay Interests, LC has executed a Consent Agreement and a Chesapeake Bay Restoration Agreement with the County which requires the Contractor to install temporary erosion and sediment control measures; to stabilize existing disturbed areas in the Resource Management Area (RMA) outside existing present gravel areas; and perform work and install native plantings within Resource Protection Area (RPA), in accordance with an approved CBPA Restoration Plan in order to remedy a violation of the County’s Chesapeake Bay Preservation Ordinance. The owner has posted sufficient surety guaranteeing the installation and restoration of Resource Management Area and Resource Protection Area on the Properties; and

WHEREAS, the Contractor has agreed to pay a total of \$1,500 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 restoration of the impacted areas and the civil charge in full settlement of the Chesapeake Bay Preservation Ordinance violation, per 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 \$1,500 civil charge from Omega Construction, as full settlement of the Chesapeake Bay Preservation Ordinance Violations at the Property.

4. Budget Transfer – Capital Contingency to Facility Improvements – \$200,000

**RESOLUTION**

**BUDGET TRANSFER – CAPITAL CONTINGENCY TO**

**FACILITY IMPROVEMENTS – \$200,000**

WHEREAS, the Board of Supervisors wished to support the efficient operation of County facilities; and

WHEREAS, the Board wishes to undertake actions to reduce energy consumption and decrease the production of greenhouse gases from the operation of County buildings; and

WHEREAS, the accelerated implementation of replacement of building system equipment will also accelerate the cost savings from reduced energy consumption and reduced staff maintenance time.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, does hereby authorize the transfer of \$200,000 from the Capital Contingency to the Facility Improvements fund.

5. Grant Appropriation – Homeless Intervention Program – \$149,231

**RESOLUTION**

**GRANT APPROPRIATION - HOMELESS INTERVENTION PROGRAM - \$149,231**

WHEREAS, the Virginia Department of Housing and Community Development (VDHCD) has awarded State General Funds in the amount of \$149,231 to James City County to provide services through the Homeless Intervention Program (HIP) for Fiscal Year 2011; and

WHEREAS, James City County Office of Housing and Community Development (OHCD) will use HIP grant funds to provide financial assistance and supportive services to persons at risk of becoming homeless or who are homeless, including families and individuals from James City County, the City of Williamsburg, and York County with a Williamsburg address in accordance with HIP Program Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the Grant Agreement and to allocate the following appropriation to the Community Development fund:

Revenue:

Homeless Intervention Program Grant                    \$149,231

Expenditure:

Homeless Intervention Program Assistance            \$149,231

6.     Williamsburg Area Transit Authority Board of Directors Appointments

**RESOLUTION**

**APPOINTMENTS TO THE WILLIAMSBURG AREA TRANSIT AUTHORITY (WATA)**

**BOARD OF DIRECTORS**

WHEREAS, the Williamsburg Area Transit Authority (WATA) Board of Directors has two Board-appointed staff members from James City County; and

WHEREAS, the terms of Mr. Larry Foster and Mr. Doug Powell have expired.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby reappoint Larry Foster and Doug Powell to the WATA Board of Directors for four-year terms to expire June 30, 2013 and June 30, 2014, respectively.

3.     Contract Award – Asphalt Overlay – Various Routes – \$535,421

Mr. McGlennon made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: McGlennon, Icenhour, Jones, Kennedy (4). NAY: (0). ABSTAIN: Goodson (1)

**RESOLUTION**

**CONTRACT AWARD - ASPHALT OVERLAY-VARIOUS ROUTES - \$535,421**

WHEREAS, bids were publicly advertised for Asphalt Overlay-Variou Routes funded by American Reinvestment and Recovery Act (ARRA) funds appropriated by the Board of Supervisors on December 8, 2010; and

WHEREAS, two bids were considered for award and Branscome, Inc. was the lower responsive and responsible bidder; and

WHEREAS, sufficient funds are available to award the Base Bid amount of \$339,682.76 and may become available to award the Additive Bid #1 amount of \$195,738.24.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract up to the amount of \$535,421 with Branscome, Inc. for Asphalt Overlay-Variou Routes.

**G. PUBLIC HEARINGS**

1. Case No. SUP-0024-2009. Hospice House WCF (Deferral Requested)

Mr. Jason Purse, Senior Planner, stated that the applicant has requested a deferral for this case until November 2010. He stated that the applicant understands the case would need to be readvertised.

Mr. McGlennon asked why the applicant had requested a deferral for this case.

Mr. Purse stated the applicant was still in the process of finding an alternate location for the tower.

Mr. Kennedy opened the Public Hearing.

As no one wished to speak to this matter, the Public Hearing remained open.

2. Case No. SUP-0007-2009/Z-0001-2010/MP-0001-2009. Colonial Heritage, Deer Lake Cluster (Deferral Requested)

Mr. Purse stated that the applicant has requested deferral of the case until the August 10, 2010, Board of Supervisors meeting.

Mr. McGlennon asked why the deferral was being requested.

Mr. Purse deferred to the applicant to respond.

Mr. Kennedy opened the Public Hearing.

1. Mr. Greg Davis, Kaufman and Canoles PC, on behalf of the applicant, stated that the applicant has requested a deferral to address misconceptions of the public through a public information meeting on July 26, 2010, at 7 p.m. at the Norge Library on Croaker Road.

Mr. McGlennon encouraged the applicant to reconsider the development in this area. He stated that he has seen cases where the proffers included did not relate to the impacts that needed to be addressed. He stated that it was important to address the proffers in relation to the general public policy.

Mr. Davis stated that the Colonial Heritage development was a large and cutting-edge development in relation to proffers and that his office would take input into consideration regarding the proffers.

2. Ms. Kensett Teller, 126 Lake Drive, on behalf of TK Asian Antiques, the property located next to the proposed conservation property on Jamestown Road. She commented that it would not be in the best interests of the community to accept the conservation of the property on Jamestown Road while allowing the development of an equally sensitive piece of property elsewhere. She requested denial of the application.

3. Mr. Robert Richardson, 2786 Lake Powell Road, stated this case has changed considerably since the Planning Commission and that the public should have greater opportunity to understand and discuss the changes. He stated that he felt this plan should be remanded to the Planning Commission to be reevaluated. He stated concern about short-circuiting the public process for consideration of development cases. He commented on the need for proffers for education; contradictions to the Comprehensive Plan; extension of the Public Service Area; and prioritization of a Rural Lands policy.

Mr. Kennedy stated that the Public Hearing would remain open.

Mr. Kennedy stated that he was not yet taking a position on this case. He stated that the Comprehensive Plan was adopted by the Board which addressed this parcel. He stated there was a need to reevaluate the Primary Service Area (PSA), which was a bigger issue than the case at hand. He commented on his request to discuss Transfer of Development Rights (TDR) for areas where those changes make sense. He stated there have been significant changes to stormwater, green building design, and site design since the policy was developed which make the PSA less imperative. He commented that the PSA was established to contain growth 40 years ago, but this has been violated by conserving greenspace and environmentally sensitive property inside the PSA. He commented that TDRs and Transfer of PSA Rights were avenues to be explored. He stated that in some cases, the units inside the PSA would be developed regardless, but this was a case in which those units could be eliminated. He commented on the importance of water connections and proffers for desalinization. He noted the important role of the Water Conservation Committee and water conservation rules. He noted various controversial policy recommendations that he felt were unpopular, but made sense for the County, such as geothermal heating, green building, and turf management. He stated the broader issue of the PSA needed to be addressed. He commented that in this case, the Comprehensive Plan applies and noted that staff and the Planning Commission operated in an advisory capacity to the Board, which would ultimately make the final consideration on cases. He stated that the Board should maintain open and clear channels of communication to avoid any appearance of unethical behavior.

Ms. Jones stated that with every case, she evaluates information through the end of the public hearing and Board discussion in order to understand the entire case. She stated that she has not made a final decision of support for this case. She stated that she believed in allowing opportunities for flexibility in the PSA, which occurred in this case. She commented that the PSA, as it was designed 40 years ago, did not take environmentally sensitive areas into careful consideration. She noted that exceptions have been made to the PSA by the County to extend water to the schools. She reviewed strategies and actions related to the PSA as designated in the Comprehensive Plan. She stated these actions indicate taking a comprehensive review of the PSA policy and further discussion about flexibility. She requested that this policy be studied along with the Rural Lands policy in order to move forward on these actions.

Mr. Goodson stated that he supported Mr. Kennedy and Ms. Jones on evaluating the PSA boundaries and policy and that he felt it was no longer an effective tool to control growth.

Mr. Kennedy stated that he did not have a motivation to change the PSA, but that he wanted to explore and discuss possible policy changes to increase environmental protections and update the policy. He requested discussion about the PSA, TDR, and Transfer of PSA Rights. He stated these were tools that could be explored and that he would like to address the bigger issue.

Mr. McGlennon stated that he recognized that citizens have a right to be skeptical about how rural growth was being addressed. He commented that the PSA might be considered the only defense against bad growth decisions and intensive development outside the PSA with the suggestion of extending the line. He stated that the likely results should be considered in these cases. He stated that there would be more concern from the citizens if the PSA was viewed more flexibly. He commented that this matter needed to be addressed

more comprehensively without approving an exception in the interim. He stated he did not believe that the net impact of the proposal would be to remove 36 units from development. He stated that there was a likelihood of a significant net increase of units if the Colonial Heritage project was approved. He commented that he did not believe there was any misuse of funds in the Greenspace account by acquiring environmentally sensitive lands within the PSA since that was the intention of the policy. He stated that a property within the PSA did not by that virtue imply that it should be developed, but it could possibly need other protections.

Mr. Kennedy stated that he agreed on the idea of environmental protection within the PSA and that those changes were being made incrementally.

Mr. McGlennon stated that a policy was developed and funds were set aside to acquire and preserve greenspace. He stated this was consistent with the policy that was adopted at that time and has been supported by the Board for many years.

Mr. Kennedy stated that the policy was adopted, but the Mainland Farm property was purchased for greenspace and was owned by the Economic Development Authority (EDA). He stated that there were unused funds in the greenspace fund, there had not been property available for purchase, and that was why the fund was not being funded in the current economic conditions.

Mr. McGlennon stated that he was clarifying that the implication that acquiring land within the PSA for greenspace protection was a violation of policy was incorrect. He commented that Mr. Kennedy understood the reasons behind his vote against the Comprehensive Plan and that he did not feel the revision did enough to reflect the public sentiment to act more decisively to address the rate of growth in the community. He stated that his vote against the Comprehensive Plan did not mean he could not use the document to evaluate cases, but that he did not feel it was strong enough in its language to address growth.

Mr. Kennedy commented that the Planning Commission supported the Comprehensive Plan unanimously. He stated that environmental conservation and growth management were evolving.

Mr. McGlennon stated that he felt that removing the one tool that was available to restrict sprawl in the community was unwise without developing an effective policy to preserve Rural Lands.

Mr. Kennedy stated that he agreed with examining Rural Lands. He stated the Rural Lands Committee of 2006 and 2007 did not include any landowners and was limited to five people. He stated that one of the members of the committee had made statements that it would be acceptable if no additional houses were built in the community. Mr. Kennedy stated that he represented the interests of landowners, farmers, and large tract owners, and he felt these community members should have been allowed to participate in these discussions. He stated that discussion of TDRs could provide protections to these landowners.

Mr. McGlennon stated that the Rural Lands issues that were brought up during the Comprehensive Plan have not been reconsidered since questions were raised. He stated that those matters have not been moved forward by the Board. He reiterated his concerns about flexibility in the PSA without addressing other issues.

Mr. Goodson stated that he believed there was discussion about developing other tools aside from the PSA in order to address the concerns.

Mr. McGlennon stated that flexibility in the PSA was being used prior to addressing the issues.

Mr. Goodson stated that the PSA could be used to the County's advantage in addressing development that would otherwise be done by-right.

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Mr. Kennedy commented that the Planning Commission supported the Comprehensive Plan unanimously. He stated that environmental conservation was evolving.

Mr. McGlennon stated that he felt that removing the one tool that was available to restrict growth in the community was unwise.

Mr. Kennedy stated that the previous Comprehensive Plan had much less public input and exploration of TDRs would provide protections to some property owners.

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Ms. Jones commented on the use of zoning to address responsible growth management, including rural lands cluster development. She commented on the need for discussion to develop a better policy.



Mr. Kennedy commented on the Economic Opportunity (EO) Zone as recommended by the Business Climate Task Force (BCTF). He stated the piece of property in question was identified as an important EO Zone and on the need for land use predictability. He stated the need for the Board to have further discussion on this matter.

Mr. McGlennon stated that zoning was a tool to allow for concerns to be addressed and noted that the Courthouse Commons case came forward as a Special Use Permit (SUP) rather than a zoning case. He stated that the Board should move forward on comprehensive policies to address the matters.

Mr. Kennedy stated that he would like to see the Board move forward together for better policy decisions. He noted that he was not in favor of proffers and stated his support for impact fees instead. He asked for a broader discussion about proffers and the PSA policy.

Mr. Goodson asked that the Board and staff work together to create a Rural Lands ordinance.

Ms. Jones stated there was a draft that exists through the Rural Lands Committee.

Mr. Icenhour commented that there were two primary reasons that he did not support the Comprehensive Plan, which were because the final plan did not incorporate the public input in relation to the EO Zone designation outside the PSA, and there was a lack of commitment to state that the Board would work to control growth. He stated that the cost-effectiveness of central well facilities helped to increase development outside the PSA. He stated that the PSA and Rural Lands policy should be addressed. He stated that he would prefer sprawl in the rural lands rather than intensive growth in various areas and that he felt that development should pay for itself with impact fees, but they were not permitted by the State. He commented that citizens should be asked whether or not they want to preserve rural lands. He stated that he would like to hold this discussion with the Board. He stated that new State law would require designation of Urban Development Areas (UDAs) to indicate where intensive development could take place.

At 8:28 p.m. the Board took a break.

At 8:35 p.m. Mr. Kennedy reconvened the Board.

### 3. Ordinance to Vacate a Private Right-of-Way of Quarterpath Trail in Kingsmill

Mr. Rogers stated that the ordinance was to vacate a private right-of-way that was shown on a plat in Kingsmill from Southall to the pond at Kingsmill. He stated it was not currently being used as a right-of-way. He stated Kingsmill has requested that the property be vacated because there were property owners interested in acquiring the land.

Mr. Goodson stated that there was a property boundary that needed to be adjusted that conflicted with this right-of-way which brought this item to the Board's attention.

Mr. Icenhour asked if there was anything that indicated what the intention was for the right-of-way.

Mr. Goodson stated it was a historic road used to bring goods to Colonial Williamsburg.

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 ordinance.

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

4. Transfer of Route 5 Transportation Improvement District (TID) Assets

Mr. Rogers stated that the TID Commission transferred the property to the County in order for it to be transferred to the Virginia Department of Transportation (VDOT) for possible future expansion of Monticello Avenue. He recommended approval of the resolution transferring the property.

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 resolution.

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

**RESOLUTION**

**TRANSFER OF ROUTE 5 TRANSPORTATION IMPROVEMENT DISTRICT (TID) ASSETS**

WHEREAS, the Route 5 Transportation Improvement District (TID) was created to finance the construction of a road known as Alternate Route 5 and which became an extension of Monticello Avenue; and

WHEREAS, the TID adopted a resolution on July 13, 2010, to transfer three parcels of property to the County (Tax Map Nos. 3830100024, 3830100025, and 3830100026) (the "Properties"); and

WHEREAS, the Properties are slivers of land located within the right-of-way for Route 5000, Monticello Avenue; and

WHEREAS, the County desires the Properties be incorporated as part of the right-of-way of the existing Route 5000 and cause it to be under the jurisdiction of the Virginia Department of Transportation (VDOT), and that VDOT take fee simple title of the Properties.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of James City County, Virginia, pursuant to §§33.1-229 and 33.1-69, Code of Virginia, 1950, as amended, the Board of Supervisors of James City County, Virginia, hereby establishes the supplemental right-of-way shown on the following referenced plat or plats, as recorded in the Clerk's Office of the Circuit Court for James City County, as part of the abutting public road and requests VDOT to consolidate the supplemental right-of-way as part of the right-of-way of the State Route identified below and assume ownership and jurisdiction thereof:

State Route Number(s)	Plat Identification or Recordation Reference	Date Recorded
5000	TM No.: 3830100024 PB: 64/89-92	9/4/96
5000	TM No.: 3830100025 PB: 64/89-92	9/4/96
5000	TM No.: 3830100026 PB: 64/89-92	9/4/96

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Board of Supervisors hereby guarantees the supplemental right-of-way to be clear and unencumbered, any easements thereon having been quitclaimed, subject to a VDOT approved subordination of rights agreement, or otherwise found acceptable by VDOT to remain in place.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a certified copy of this resolution and copies of the plat(s) referenced above shall be provided to the District Administrator and the Regional Right-of-Way Manager for VDOT.

5. Dissolution of the Route 5 Transportation Improvement District (TID)

Mr. Rogers stated this resolution recommended dissolution of the Route 5 TID since the district's purpose has been satisfied. He stated that once this resolution is approved, a note will be made in the record to this effect and it would be reflected on the deeds of the property owners in the district.

Mr. Kennedy opened the Public Hearing.

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

McGlennon made a motion to adopt the resolution.

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

**RESOLUTION**

**DISSOLUTION OF ROUTE 5 TRANSPORTATION IMPROVEMENT DISTRICT (TID)**

WHEREAS, the Route 5 Transportation Improvement District (TID) was created to finance the construction of a road known as Alternate Route 5 and which became an extension of Monticello Avenue; and

WHEREAS, all debts of the TID have now been paid, all assets of the TID have been transferred; and all purposes for which the TID was created have been fulfilled; and

WHEREAS, it is in best interests of the property owners and residents that the TID be dissolved; and

WHEREAS, such dissolution is in furtherance of the James City County's Comprehensive Plan; and

WHEREAS, notice that the Board of Supervisors would consider such dissolution at a public hearing on July 13, 2010, has been given; and

WHEREAS, the Board of Supervisors held a public meeting and did consider such dissolution on the 13th day of July 2010, pursuant to such notice and the Board of Supervisors was of the opinion that the purposes of the TID have been fulfilled, that such dissolution is in the best interests of the property owners and residents, and that such dissolution is in furtherance of the County's Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors District of James City County, Virginia, hereby dissolves the Route 5 Transportation Improvement with a notice of such dissolution to be recorded in the Clerk's Office of the Circuit Court for James City County.

## **H. BOARD CONSIDERATION**

### **1. Referendum Question – November 9, 2010**

Mr. Wanner stated that the Board of Supervisors should place a referendum question on November 2, 2010 ballot, to consider a bond issue not to exceed \$30 million after discussion with staff and financial advisors. He stated that the inquiry that the tax implication of the referendum question was passed onto the financial advisors and it was their opinion that including this additional information would negatively impact the sale of the bonds. He reviewed the proposed referendum question as indicated on the resolution.

Mr. McGlennon stated this reflected that the Board's consensus was to move forward aggressively on stormwater management needs for the County while allowing the voters to make the final determination to support this need. He stated that while the Board would not be able to actively advocate the question, he felt this was the most important way the Board could support this initiative.

Mr. Goodson stated concern for the language in the resolution concerning the expediency of the projects since some projects were in a ten-year time frame.

Mr. Wanner stated that the language was proposed by the bond counsel. He stated that expediency could be defined by the seven to ten years it would take.

Mr. McGlennon stated there was an expedient need for the projects.

Mr. Rogers stated that the bond issue would expedite the process for completing the projects.

Mr. Goodson stated that he did not believe the projects did not need to be done in an expedient manner.

Mr. McGlennon stated that the need was there and the bond issue would expedite the completion of the projects.

Mr. Icenhour stated that some projects may not need to be done and the bond issue would increase flexibility.

Mr. Kennedy stated concern that inflation was not addressed. He stated that some of the projects were the responsibility of VDOT.

Mr. Wanner stated that roughly \$6 million of the projects was on State property. He stated that the bond issue was for up to \$30 million and the Board was in charge of the project development. He stated that if the need grew, the County would be competitive for grants. He stated that the State projects were fully within the Board's control.

Mr. McGlennon stated that the bond counsel indicated that it was sensible for the Board to increase the tax rate to allow flexibility in the projects. He noted that there was a maximum borrowing amount that may not

be reached. He stated that there was a consideration for what State projects should be done and how to address the health and safety needs of the citizens in that respect. He stated that public comment could be received on these matters if the voters agree that this is a priority for the County.

Mr. Kennedy stated that he would like to move forward on these projects in a timely manner.

Mr. Goodson made a motion to approve the resolution.

Mr. Goodson made a motion that any publication or information related to the referendum may include a possible impact of a \$0.0225 increase in the tax rate.

Mr. McGlennon stated that if there was not a need to borrow the maximum, there may be an impact of that amount. He stated that he could support that information being disseminated to the public.

Mr. Kennedy stated that he felt the Board should support the advice of the bond counsel.

Ms. Jones stated that only the needed funds should be borrowed. She stated that she supported moving forward on the referendum and having the voters demonstrate their support for stormwater management projects. She stated that if the voters did not support this, the projects would continue to be funded as they can and that she had hoped it would not result in increased taxes.

Mr. McGlennon stated in the case of the greenspace bond issue, there was dedicated funding to prevent an increase in the tax rate.

Ms. Jones stated that if the financial situation changed, the tax rate may have increased.

Mr. Goodson stated that in that case, the debt service would have been less than the \$0.02, resulting in no tax increase.

Mr. Wanner stated that the materials related to the previous referenda were available.

Ms. Jones stated her support for this item.

On the motion to adopt the resolution, the vote was: AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (5). NAY: (0).

Mr. McGlennon noted that it was not certain if the tax rate would increase or decrease apart from this possible impact.

On the motion related to the language to indicate a possible tax increase up to \$0.0225 on information related to the referendum, the vote was AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (5). NAY: (0).

## **I. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, commented on HB1221 establishing a water facility revolving fund loan for stormwater runoff purposes; difficulty in passing a referendum with a tax increase; laws related to education, specifically career and technical education programs and home instruction.

2. Mr. Robert Richardson, 2786 Lake Powell Road, agreed that it would be difficult to pass a referendum with a tax increase and stated explanation needed to be made to the community; discussion on

Rural Lands and PSA policy; At-Large vacancy on the Planning Commission; and developing property based on net developable land rather than gross acreage.

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

Mr. Wanner addressed the comments related to the State bill on dams from Mr. Oyer in a previous meeting. He stated that the State legislation did not change anything related to Jolly Pond Dam or Jolly Pond Road. He also noted that the legislation for a loan fund for stormwater management mentioned by Mr. Oyer was a competitive process which would not have sufficient funding for project needs in the County.

Mr. Wanner stated that the Board should hold a closed session under Code of Virginia Section 2.2-3711(A)(1) to consider personnel matters, appointments of individuals to County Boards and Commissions, specifically the Parks and Recreation Advisory Commission and the Planning Commission and Section 2.2-3711(A)(3) to consider the purchase of parcel(s) of property for public use. He stated that when the Board completed its business, it should adjourn to 4 p.m. on July 27, 2010, for work sessions on Agricultural and Forestal Districts and the evaluations of the County Administrator and the County Attorney.

## **K. BOARD REQUESTS AND DIRECTIVES**

Mr. Goodson addressed Mr. Oyer's concerns about technical education requirements and noted that this obligation was met through the New Horizons program.

Mr. McGlennon stated there were also sections of the Code that required the State government to fund education sufficiently.

Mr. Icenhour asked that the County Administrator poll the Board to address a request from the City of Staunton to pass a supporting resolution regarding payday lending.

Mr. Wanner stated that historically these resolutions come in from various jurisdictions on matters that may not apply to the County, but it could be evaluated.

Mr. Goodson stated he would oppose acting on any resolution that did not have an impact on the County government. He stated he would prefer not to act on this.

Mr. Icenhour stated that this resolution has been acted on by 60 other localities in the State.

Mr. Wanner stated staff would look into this matter.

## **L. CLOSED SESSION**

Mr. McGlennon made a motion to go into closed session under Code of Virginia Section 2.2-3711(A)(1) to consider personnel matters, appointments of individuals to County Boards and Commissions, specifically the Parks and Recreation Advisory Commission and the Planning Commission and Section 2.2-3711(A)(3) to consider the purchase of parcel(s) of property for public use.

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

At 9:05 p.m. Mr. Kennedy recessed the Board into closed session.

At 9:39 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: McGlennon, Goodson, Icenhour, Jones, 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 purchase of parcel(s) of property for public use.

Mr. McGlennon made a motion to appoint Mr. Christopher Basic to an unexpired term on the Parks and Recreation Advisory Commission, term to expire on April 12, 2014.

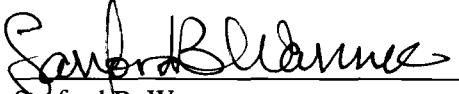
On a roll call vote, the vote was: AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (5). NAY: (0).

**M. ADJOURNMENT** to 4 p.m. on July 27, 2010

Mr. Icenhour made a motion to adjourn.

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

At 9:41 p.m., Mr. Kennedy adjourned the Board until 4 p.m. on July 27, 2010.

  
Sanford B. Wanner  
Clerk to the Board

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