

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF OCTOBER 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

Robert C. Middaugh, County Administrator  
Leo P. Rogers, County Attorney

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE** – Anderson Lee, a fourth-grade student at Rawls Byrd Elementary School, led the Board and citizens in the Pledge of Allegiance.

**E. PRESENTATIONS**

1. Williamsburg Regional Library Recognition

The Board of Supervisors presented a certificate of recognition to Library Director John Moorman and several staff members for its third consecutive five-star rating from *Library Journal*. Mr. Kennedy highlighted the excellence of this achievement and recognized the library staff.

Mr. Moorman thanked the Board and recognized members of the Williamsburg Regional Library staff for their exemplary work.

**F. PUBLIC COMMENT**

1. Mr. Greg Davis, on behalf of Lyman and Debbie Hall, commented that his clients were property owners of a property between Jamestown Road and Neck-O-Land Road. He commented on the requirements for the property owners to connect to public water and sewer in order to develop the property. He stated the costs were prohibitive for the property owners to make the connection. He commented that Mr. Larry Foster, Manager of James City Service Authority (JCSA), advised him that the JCSA regulations did not allow any type of exception to the water and sewer connection regulations. He requested that the JCSA Board of Directors consider an exception request process.

2. Mr. Ed Oyer, 139 Indian Circle, commented on traffic on Route 60 East and the Route 60 bypass and his opposition to the construction of an additional tunnel rather than a bridge for a third crossing.

Mr. Goodson commented that a bridge was still a consideration for the additional crossing.

#### **E. PRESENTATIONS**

##### **2. Review of FY 2010 Strategic Management Plan Actions and Measures**

Ms. Rona Vrooman, Training and Quality Performance Coordinator, reviewed the FY 2010 strategic management actions and performance measures. She commented on the impact of severe economic conditions and highlighted the County's progress in FY 2010 in relation to the Strategic Management Plan and performance measures outlined in the County budget.

Mr. McGlennon thanked Ms. Vrooman for the presentation and making information about the County's progress available to the public.

#### **G. BOARD REQUESTS AND DIRECTIVES**

Mr. Goodson responded to Mr. Oyer's comments and noted that the Virginia Department of Transportation (VDOT) was evaluating the Hampton Roads Bridge Tunnel (HRBT) and that a bridge was a possible solution. He stated that a bridge would be part of the study coming forward.

#### **H. CONSENT CALENDAR**

Mr. Goodson asked to vote separately on Item No. 4 and made a motion to adopt the remaining items.

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

1. Minutes –
  - a. September 28, 2010, Regular Meeting
  - b. October 12, 2010, Regular Meeting
2. Rescind Declaration of a Local Emergency

### **RESOLUTION**

#### **RESCIND DECLARATION OF LOCAL EMERGENCY**

WHEREAS, the Director of Emergency Management of James City County declared a local state of emergency on September 17, 2010, due to the threat of fire caused by persistent dry, windy weather; and

WHEREAS, at its meeting on September 28, 2010, the Board of Supervisors of James City County, Virginia, confirmed the Director's declaration; and

WHEREAS, due to recent rainfall, lower humidity, and lower temperatures, the threat of fire has abated.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a local emergency no longer exists and the declaration is hereby rescinded.

3. Grant Award – Bulletproof Vest Program (BVP) – \$29,960

**RESOLUTION**

**GRANT AWARD – BULLETPROOF VEST PROGRAM (BVP) – \$29,960**

WHEREAS, the James City County Police Department has been awarded a Bulletproof Vest Program (BVP) grant from the Office of Justice Programs’ Bureau of Justice Assistance in the amount of \$29,960 (\$14,980 grant/\$14,980 local match); and

WHEREAS, the grant requires a match of \$14,980, which is available in the County’s General Fund grants match account; and

WHEREAS, the funds are to be used to purchase approximately 43 bulletproof vests for officers.

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:

Revenues:

BVP-FY 11	\$14,980
Grants Match	14,980
Total	<u>\$29,960</u>

Expenditure:

BVP – FY 11	<u>\$29,960</u>
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5. Virginia Peninsulas Public Service Authority (VPPSA) Special Project Agreement for Landfill Monitoring – \$52,000

**RESOLUTION**

**SPECIAL PROJECT AGREEMENT – VIRGINIA PENINSULA PUBLIC SERVICE AUTHORITY**

**(VPPSA) FOR LANDFILL MONITORING – \$52,000**

WHEREAS, James City County is a member of and contracts with the Virginia Peninsulas Public Service Authority (VPPSA) for landfill monitoring services; and

WHEREAS, VPPSA has issued a Request for Proposals for landfill monitoring services for a period of five years starting on June 30, 2010; and

WHEREAS, James City County wishes to continue contracting with VPPSA for landfill monitoring services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute agreements with VPPSA for landfill monitoring services.

Mr. McGlennon made a motion to adopt Item No. 4.

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

4. Budget Adjustment – Asphalt Overlay Projects

**RESOLUTION**

**BUDGET ADJUSTMENT – ASPHALT OVERLAY PROJECTS**

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 No. 95044); and

WHEREAS, on December 8, 2009, the Board of Supervisors appropriated \$518,394 towards the project for the Base Bid and Additive Bid No. 1; and

WHEREAS, a request for an additional allocation of \$17,027 needed to award a construction contract has been identified; and

WHEREAS, an additional \$210,305 of excess American Reinvestment and Recovery Act Funds were identified to fund portion of Additive Bid No. 2; and

WHEREAS, the County's Purchasing Policy requires Board approval when a change order exceeds either 25 percent of the original contract amount or \$50,000 whichever is greater.

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 below and authorizes the County Administrator to execute a change order for Additive Bid No. 2 to Branscome Inc. up to the amount of \$192,516.87:

Revenue:

American Recovery and Reinvestment Act (ARRA) Resurfacing Funds	<u>\$227,332</u>
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Expenditure:

Overlay/Resurfacing (UPC No. 95044)	<u>\$227,332</u>
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## **I. PUBLIC HEARING**

### **1. Pre-Cable Franchise Public Hearing**

Mr. Kennedy recognized Planning Commissioner Reese Peck in attendance.

Mr. Rogers stated that this was almost the end of a two-year process of reviewing the Cox Cable franchise agreement. He stated that citizens had been surveyed for input and the Cable Communications Advisory Committee had held a public hearing. He stated this was a second public hearing to allow citizens to come forward and give comments on the franchise negotiations process. He stated that Mr. Steve Goad, Cox Communications Manager of Government Affairs, was in attendance to answer questions and that Mr. Matt Ames, an attorney for Costlow and Hubacher, was present to give a brief presentation.

Mr. Ames gave a brief overview of the regulations regarding the cable franchise agreement and explained the limitations of the process. He commented on the concept of competition among cable operators and the historical way the Cox franchise has acquired a monopoly in the County. Mr. Ames noted that while Verizon has not chosen to compete in the County, Cox was still competing with Verizon in other markets, thus creating less flexibility in both financial and operational perspectives. He commented on the Federal Communications Commission (FCC) and General Assembly legislation which governs cable communications and the renewal process. He highlighted the benefits of the franchise process that County staff has been working toward.

Mr. Goodson asked if the County would be able to negotiate with Cox to add channels.

Mr. Ames stated that Cox has the right to decide what programming is on which channel.

Mr. Kennedy opened the Public Hearing.

1. Mr. Ed Oyer, 139 Indian Circle, commented on language passed by the General Assembly which states that when a locality has a franchise, the customers should not pay the Rights of Use fee. He asked if this would apply to James City County. He stated that Verizon was in the lower part of James City County and had installed lines near his neighborhood.

2. Ms. Lois Kline, 231 Claiborne Drive, stated that she has had negative experiences with Cox Communications. She stated that she has filed a lawsuit against them because she felt their services were misrepresented. She stated that Cox does not provide a Lifeline phone service to allow her to call emergency services, which severely impacted her.

3. Mr. Jack Fowler, 109 Wilderness Lane, commented that County citizens no longer receive the Richmond weather channel through Cox. He stated that there were many channels, but not more worthwhile programming.

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

No action was taken on this item.

## **J. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, commented on education benchmarks and instruction hours and he reminded citizens to vote on November 2.

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Middaugh reminded the public that October 28, 2010 would be the last of the community meetings in the Stonehouse District at 6:30 p.m. at the Toano library.

He also commented that he met with Mr. Harry Walters, who previously spoke at a Board of Supervisors meeting and discussed his vision for the Veteran's Day events and tribute for November 11, 2011. Mr. Middaugh explained that the fund-raising and logistic planning was beginning for this project.

**L. BOARD REQUESTS AND DIRECTIVES - None**

**M. ADJOURNMENT to 7:00 p.m. on November 9, 2010.**

Mr. McGlennon made a motion to adjourn.

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

At 7:47 p.m. Mr. Kennedy adjourned the Board to November 9, 2010, at 7 p.m.

  
Robert C. Middaugh  
Clerk to the Board