

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 23RD DAY OF NOVEMBER 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 – Grady Joyner, a third-grade student at Matoaka Elementary School, led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATIONS –

1. Recognition – Lafayette High School Football Team

Mr. Goodson, along with School Board members Jim Nickols, Joe Fuentes and Ruth Larson and Acting Superintendent Dr. Scott Burchbuckler presented a certificate of acknowledgment to coaches and senior members of the Lafayette High School Football Team in recognition of their exemplary attitudes and sportsmanship in the face of adversity.

Principal Swinton thanked the Board for recognizing the team and acknowledged the team's hard work.

2. Regional Day - Dana Dickens, Hampton Roads Partnership

Mr. Dana Dickens, Hampton Roads Partnership Executive Director, highlighted Regional Day in May 2010 and the Resolution of Interdependence and comprehensive economic development strategy that were adopted as part of that event. He presented a picture from the event to the Board in recognition of James City County's participation.

Mr. McGlennon thanked Mr. Dickens for presenting the work of the Hampton Roads Partnership.

F. PUBLIC COMMENT

1. Mr. Jay Everson, 103 Branscome Boulevard, commented on the work session discussion regarding Lake Powell Service District. He commented that the Greenspace Fund was designed to purchase land similar to Lake Powell which would be subsidized by the property owners under the current proposal. He stated the property was being restored to its original state.

2. Senator Tommy Norment, 139 Wareham's Point, commented that he was not speaking in his capacity as an elected official, but as a member of the Towne Bank Corporate Board. He commented on the reports relating to a quadricentennial statute to be located in the Williamsburg-James City County Courthouse. He stated that he worked on the 2007 Commemoration committee, and Towne Bank was a major contributor to these efforts. He stated that Towne Bank, in collaboration with the Jamestown-Yorktown Foundation, funded the \$50,000 for the second of three statues, which was an item on the Consent Calendar. He noted that this funding was not public money, but a contribution from Towne Bank. He stated he was very proud to have been a part of that contribution.

3. Ms. Terry McIlwean, 2128 Lake Powell Road, stated her opposition to the restoration of Lake Powell due to unclear financial obligations and construction requirements.

4. Mr. Ed Oyer, 139 Indian Circle, commented on the three Veteran's Day ceremonies he attended, most notably Stonehouse Elementary School's event.

5. Ms. Linda Reese, 511 Spring Trace, commented on development issues at Autumn West.

6. Mr. Robert Richardson, 2786 Lake Powell Road, commented on district residency requirements of the members of the Board of Supervisors; Board members' comments on unions; and lack of an explicit County stance on the coal plant.

G. BOARD REQUESTS AND DIRECTIVES

Ms. Jones stated there would be a public meeting regarding the expansion on Ironbound Road on November 30, 2010, at 7 p.m. at the James City-Williamsburg Community Center. She stated that the Virginia Department of Transportation (VDOT) would hold an open house prior to the meeting from 5 to 7 p.m.

Mr. Goodson thanked the Chairman for the opportunity to present the certificate of recognition to the Lafayette High School football team, as his son was a member of the team.

H. CONSENT CALENDAR

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

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

1. Minutes - November 9, 2010, Regular Meeting

2. Grant Award - Kiwanis Club of Williamsburg - \$400

RESOLUTION

GRANT AWARD – KIWANIS CLUB OF WILLIAMSBURG – \$400

WHEREAS, the James City County Police Department has been awarded a grant for \$400 from the Kiwanis Club of Williamsburg; and

WHEREAS, the grant requires no match; and

WHEREAS, the funds are to be used to augment the youth education services provided by the Department’s Community Services Unit.

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:

Kiwanis – FY 11 \$400

Expenditure:

Kiwanis – FY 11 \$400

3. Courthouse Appropriation - \$50,000

RESOLUTION

COURTHOUSE APPROPRIATION - \$50,000

WHEREAS, the Circuit Court Judge has received State funding for a second life-size bronze statue to match the existing Chief Powhatan statue located in the circle outside the Courthouse; and

WHEREAS, there are no local match dollars required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants Fund.

Revenue:

Courthouse Statues \$50,000

Expenditure:

Courthouse Circle \$50,000

I. PUBLIC HEARING

1. Lease Agreement - The College of William and Mary Boat Storage Facility

Mr. Middaugh stated that a staff presentation was not planned for this item as it was requested to be deferred until December 14, 2010. He requested that the public hearing be opened and remain open.

Mr. Kennedy opened the public hearing.

Mr. McGlennon stated that as an employee of the College of William and Mary, he would recuse himself from voting on this item.

The public hearing remained open and the item was deferred until December 14, 2010.

J. BOARD CONSIDERATIONS

1. 2011 Legislative Program

Mr. Kennedy stated that a deferral was requested for this item.

Mr. McGlennon stated that he wished to be able to have the final version of the Legislative Program prior to voting on this item, but he encouraged the County Attorney to commence work on items as necessary.

This item was deferred until December 14, 2010.

2. Acquisition of Real Property - 6001 Richmond Road

Mr. Rick Hanson, Director of the Office of Housing and Community Development, stated in November 2009 the Virginia Department of Housing and Community Development (VDHCD) awarded James City County a \$25,000 Community Development Block Grant (CDBG) Project Planning Grant to pay for planning, conceptual design, preliminary engineering, and cost estimates for road, drainage, related infrastructure improvements, and housing alternatives within the Forest Heights Project Planning Area. This area includes property fronting on Forest Heights Road, Neighbors Drive, and Richmond Road between Prime Outlet Mall and Wellesley Boulevard. The preliminary engineering and project planning provided information required for preparation of a CDBG construction grant application. The Board of Supervisors on March 23, 2010, authorized the submission of a \$1.4 million CDBG application to assist in funding the Forest Heights Neighborhood Improvement Project. The County was notified in July 2010 of the award of the \$1.4 million CDBG grant for this project.

Mr. Hanson stated that an Option to Purchase 6001 Richmond Road was obtained on February 26, 2010, from the owner, EJK Properties, LLC. This vacant 6.01-acre parcel is critical to the implementation of the Forest Heights Road Neighborhood Improvement Project. He stated that this parcel would provide property for a stormwater management pond, right-of-way for a connector road, property for boundary line adjustments for existing residential properties, and property for additional lots and open space.

Mr. Hanson stated the negotiated purchase price of \$280,000 was based on the estimated fair market value established by Richard Sebastian, former Director of Real Estate. The Option includes a \$13,000 price increase if closing does not take place before December 1, 2010. Previously appropriated program income in the Community Development Fund is available to purchase the property and will count toward the local match for the CDBG grant.

Staff recommended approval of the attached resolution to permit the purchase of 6001 Richmond Road prior to December 1, 2010.

Mr. Kennedy asked where the office stands on the approval of residents in this neighborhood.

Mr. Hanson stated that residents were present who had been working diligently to get approval for this project and stated a public meeting would take place soon.

Mr. Kennedy asked if there was support from all the residents.

Mr. Hanson stated modifications have been made to satisfy some of the outstanding concerns.

Mr. Icenhour stated that he and staff have investigated how the concerns of one resident could be addressed while maintaining the project. He stated that he believed that her concerns have been satisfied.

Mr. Doug Powell, Assistant County Administrator, stated that staff has made modifications to the road plan to prevent the County from acquiring property from one resident and the acquisition would be made across the street, to which the owner was amicable. He stated that the concerned property owner seemed to be pleased with the plan.

Ms. Jones stated that the original plan would require the resident to be relocated, but the revised plan would not require the resident to move and would acquire only a small corner of the property. She stated that she has worked with staff to ensure that all lines of communication were open.

Mr. Kennedy asked if this has been documented.

Mr. Hanson stated that prior to submitting the grant application, statements were signed by the owners to indicate their interest in the program. He stated that the program and the purchase of this property would allow residents to receive property in exchange for the property that was being acquired.

Mr. Icenhour stated he shared Mr. Kennedy's concern and stated he wanted the public meeting on December 7, 2010, to be advertised to every resident. He stated that he wants each resident to have recourse.

Mr. Kennedy stated he wished to see support from the community, and if residents have signed statements of support, he was comfortable.

Mr. Kennedy asked about the assessed property value.

Mr. John McDonald, Manager of Financial and Management Services, stated the assessed value was \$144,000 and that due to the assessment process, the property assessment was fair based on access and other properties along that road. He stated that an individual assessment of the specific property gives the parcel much more value.

Mr. Kennedy asked if the property was purchased for \$200,000 in 2005.

Mr. Hanson stated that was correct.

Mr. Kennedy noted the extreme property increase and asked if the County would be able to close by December 1, 2010.

Mr. Hanson stated that the closing could be done by December 1, 2010.

Ms. Jones asked if the price could be renegotiated.

Mr. McDonald stated that it could be explored.

Ms. Jones stated she was uncomfortable with the difference in the assessment and the appraisal.

Mr. McDonald stated the appraisal was based on the characteristics of the individual property rather than a general assessment of the parcels in the area.

Ms. Jones asked if the property owner was involved in the redevelopment.

Mr. McDonald stated that it was an investment company, not a resident.

Mr. Goodson stated that regardless, this was an integral parcel to the redevelopment process.

Ms. Jones asked about the timeline of the redevelopment process.

Mr. Hanson outlined the timeline.

Ms. Jones asked if this was begun nine years ago.

Mr. Hanson stated that it was not.

Mr. Goodson stated this was the negotiated price, which was not particularly expensive. He stated the option was to purchase or not purchase the property.

Mr. McDonald stated the assessment process was a means to equalize a diverse selection of properties and this was an outlier sale. He stated in the assessment process, it could not be considered.

Ms. Jones asked about the percentage of accuracy of assessments.

Mr. McDonald stated that it was between 95 and 100 percent.

Ms. Jones asked if this property was not considered within that percentage.

Mr. McDonald stated that there was a process to equalize the assessments to consistently assess properties. He stated in this case, the County ignored the purchase price because the similar properties were not of comparable value.

Mr. Icenhour stated that this was purchased at a higher price.

Mr. McDonald stated that it was purchased in a different real estate market from the present.

Mr. Icenhour commented on the per acre price of the property. He agreed with Mr. Goodson that this was a fairly reasonable price for this property. He stated concern about the possible shortcomings of the appraisal system.

Mr. McGlennon asked if the current assessment reflect a general positive trend.

Mr. McDonald stated that he did not have that information, but could get it for the Board.

Mr. McGlennon stated that he did not believe there was reason to assume that the value was higher in 2005; the investor saw it as an opportunity to make money in the future.

Mr. Kennedy stated that land values in the County were inconsistent. He stated concern that the property costs go up when the County shows interest in a parcel of property. He stated that the assessment system should be evaluated. He stated he supported the project, but was concerned about the cost of the land based on the assessed value.

Mr. McDonald stated it was not based on the assessed value, but on an individual assessment of the parcel.

Ms. Jones asked about the proposed lot lines.

Mr. Hanson noted the area on the map. He explained that the property would be available for various uses and the County would not have to acquire the additional property for rights-of-way.

Mr. Kennedy asked how this parcel compares to other lots on the road.

Mr. McDonald stated there was a difference between potential lots with road access and the existing parcel.

Mr. Kennedy stated that he was interested in the comparison with the existing lots.

Mr. Hanson commented that residential lots have a significantly different value than other lots.

Mr. Kennedy asked if the property owner was aware of any potential development here when he/she purchased the property in 2005.

Mr. McDonald stated that this was considered for highway system in the 1980s, but the County could not obtain the right-of-way.

Mr. Goodson stated only a few projects of this kind have been done in County history, so it was unlikely that the investor saw this acquisition as a possibility.

Mr. Goodson made a motion to adopt the resolution.

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

RESOLUTION

ACQUISITION OF REAL PROPERTY – 6001 RICHMOND ROAD

WHEREAS, EJK Properties, LLC is the owner of certain real property identified as James City County Tax Map No. 3220100085, being approximately 6.01 acres and more commonly known as 6001 Richmond Road (“Property”); and

WHEREAS, the County desires to use the Property in the Forest Heights Neighborhood Improvement Project for stormwater management, road right-of-way, boundary line adjustments, new

residential lots, and open space; and
WHEREAS, the Board of Supervisors is of the opinion that the County should acquire the Property for \$280,000 pursuant to the terms of the Option Agreement from EJK Properties, LLC.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to acquire the 6.01 acres of Property and to execute any and all documents as may be necessary to complete the transaction.

3. Agreement between the Virginia Peninsula Localities on Homelessness

Ms. Barbara Watson, Assistant Manager of Community Services, gave a brief history of the Homelessness agreement for the localities on the Virginia Peninsula. She stated that this agreement would replace the previously approved agreement. She stated the purpose of the agreement was to continue to seek regional resources, maintain a regional Homelessness Management Information System (HMIS), and provide effective coordination in the Continuum of Care process for the purpose of securing Housing and Urban Development (HUD) Continuum of Care funds for regional homeless service providers.

Staff recommended approval of the resolution to adopt the amended Agreement between the Virginia Peninsula Localities on Homelessness, which automatically renews on an annual fiscal year basis, until terminated by a resolution of the Governing Bodies of the Parties.

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

AGREEMENT BETWEEN THE VIRGINIA PENINSULA LOCALITIES ON HOMELESSNESS

WHEREAS, the Parties formalized the establishment of the Virginia Peninsula Mayors and Chairs Commission on Homelessness ("Commission") as the collective body to oversee regional homelessness initiatives; and

WHEREAS, the Commission is committed to the goal of implementing the Virginia Peninsula Regional Plan to end Homelessness and serving the citizens of the respected localities; and

WHEREAS, the Commission is partnering with homelessness service providers throughout the Peninsula to administer a \$727,262 Homelessness Prevention and Rapid Rehousing Program grant through the Virginia Department of Housing and Community Development; and

WHEREAS, the Parties adopted an Agreement between the Virginia Peninsula Localities on Homelessness ("Agreement") effective December 1, 2008, and desire to replace the Agreement as set forth herein.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute on behalf of James City County, Virginia, an Agreement between the Virginia Peninsula Localities on Homelessness by and among the Cities of Hampton, Newport News, Poquoson, and Williamsburg, and the

Counties of James City and York, dated the 1st day of December, 2010.

K. PUBLIC COMMENT

Mr. Robert Richardson, 2786 Lake Powell Road, commented that the resurfacing on Lake Powell Road was very well done. He commented on decorum and improper remarks supposedly aimed at individuals.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh reminded the public that County offices would be closed on Thursday, November 25, and Friday, November 26, 2010, for Thanksgiving. He asked Mr. Powell to give an update on Black Friday event preparations.

Mr. Powell stated that Premium Outlets in conjunction with the County, VDOT, James City County Police, and the schools, would provide shuttles to the outlet malls for shoppers during the Black Friday event. He stated that additional signage would be posted and police patrols would be assigned to this area. He stated during peak hours, traffic would not be allowed to turn right at Route 60 going east to avoid backups.

Mr. Middaugh stated that Deputy Chief Stan Stout would be designated as the chief in command during this event.

Mr. Icenhour thanked staff for their efforts on behalf of the residents of Chisel Run.

Mr. Middaugh stated when the Board completes its business, it should then go into Closed Session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia for the consideration of the acquisition of parcels of property for public use. He noted that following the closed session, the Board should adjourn to Tuesday, December 14, 2010, with a work session on Transfer of Development Rights at 4 p.m. followed by a regular meeting at 7:00 and a meeting of the James City Service Authority Board of Directors. That will be the only Board meeting in December.

M. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson stated he attended the Hampton Roads Planning District Commission (HRPDC) meeting on Wednesday, November 17, 2010, and that the prioritization of transportation issues was presented. He stated the plan was online and he was available for comments and questions. He stated the Skiffe's Creek Connector Road was a high-priority James City County project on the list.

At 8:14 p.m., Mr. Kennedy recessed the Board for a meeting of the James City Service Authority Board of Directors.

At 8:17 p.m., Mr. Kennedy reconvened the Board.

N. 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 the acquisition of parcels of property for public use.

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

(0).

At 8:18 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: 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)(3) of the Code of Virginia, to consider the acquisition of parcels of property for public use pursuant to Section 2.2-3711(A)(3) of the Code of Virginia.

O. RECESS to 4 p.m. on December 14, 2010

Mr. McGlennon made a motion to recess.

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

(0).

At 8:33 p.m., Mr. Kennedy recessed the Board until 4 p.m. on December 14, 2010.


Robert C. Middaugh
Clerk to the Board