

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF APRIL 2011, 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

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

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

C. PLEDGE OF ALLEGIANCE – Ryan Labella, a third-grade student at J. Blaine Blayton Elementary School, led the Board and citizens in the Pledge of Allegiance.

Ms. Jones recognized Planning Commission Chairman Jack Fraley and members of the School Board in attendance.

D. PRESENTATIONS

1. FY 2012-2017 Six-Year Road Plan

Mr. Steven Hicks, Manager of Development Management, stated that the Virginia Department of Transportation (VDOT) would be holding public hearings on April 27, 2011, at the Hampton Roads Planning District Commission office and on May 10, 2011, James City County would hold its public hearing on the Secondary Six-Year Road Plan.

Mr. Icenhour asked if staff could check on the ability to move the Longhill Road project up in the priority list.

Mr. McGlennon asked Mr. Hicks how much money was being spent on this set of projects.

Mr. Hicks stated that it would be \$214,000 each year over six years.

Mr. McGlennon stated that the State would input \$1.3 million over six years for projects that would cost roughly \$27 million.

Mr. Hicks stated that was the amount allocated in the secondary road funds and that other revenue opportunities would be available but the amounts were unknown.

Mr. McGlennon noted unpaid projects that were not receiving funding.

Mr. Hicks stated that there were projects identified for paving unpaved roads.

Mr. McGlennon noted that in the past, the Residency Administrator or other representative from VDOT would provide this briefing, but VDOT chose not to send a representative this year.

Mr. Hicks stated that was correct.

2. Dominion Virginia Power – Surry Power Plant Emergency Preparedness

Fire Chief Tal Luton commented that due to the recent events in Japan and the community's proximity to Surry Power Plant, and the semi-annual emergency preparedness drill coming up, representatives from Dominion Virginia Power were present to discuss Emergency Preparedness.

Mr. Ed Collins, Manager of Nuclear Preparedness for Dominion Virginia Power in Virginia, discussed public health and safety, tornado impacts, and industry response to the events in Japan. He reviewed emergency and disaster planning surrounding the Surry Power Plant, training for emergency response, and drills and testing. He explained the damage and power loss as a result of the recent tornado events. He noted the industry response to evaluate complete loss of power and cooling processes as a result of the Japan disaster events.

Mr. McGlennon thanked Mr. Collins and Mr. Savage for their information. He asked if procedures have changed as a result of emergency events in the area.

Mr. Collins stated that each event and drill has helped improve the process for emergency response.

Mr. McGlennon asked about the series of notifications that needed to be reported.

Mr. Collins gave information about the reports and notifications that were made as a result of the tornado event.

Mr. Icenhour commented on the lack of a tornado warning as a result of the Surry Power Plant siren.

Mr. Collins stated that was a policy decision by the Virginia Department of Emergency Management (VDEM) to prevent the systems from overlapping since the early warning system was designated for nuclear events which may confuse citizens.

E. PUBLIC COMMENT

1. Mr. John Rhein, 3505 Hunters Ridge, gave information about the National Federation for the Blind. He stated that the organization meets monthly at the Williamsburg-James City County (W-JCC) Community Center. He commented on a request to move a lane of traffic at Ironbound Road and Route 5.

2. Ms. Ruth Larson, 135 The Maine, thanked the Board for supporting W-JCC Schools through County funding.

3. Mr. Robert Duckett, Peninsula Home Builders Association, stated support for the agenda item waiving of building permit fees for damages as a result of the tornado impacts. He stressed to the public that citizens in need of home repairs ensure that a contractor is licensed by the State licensing agency, which was

not the same as a business license. He stated that the Public Housing and Builders Association (PHBA) could provide references for qualified local contractors.

4. Mr. Ed Oyer, 139 Indian Circle, commented on power outages April 16-17 and commented that Dominion Virginia Power performed well; that telephone service went out on April 17 and Verizon did not perform well in response; thanked Mr. John McGlennon and his wife for investigating the impacts of the tornado in Grove; commented on the lack of emergency power provisions at James River Elementary School; and passenger airbags in new Police vehicles.

F. BOARD REQUESTS AND DIRECTIVES

I. Waiving Building Permit Fees for Repairing Damage Caused by the EF-3 Tornado in James City County

Mr. Middaugh stated that this resolution would waive any building permit fees for any repairs that would need to be done as a result of the recent tornado.

Mr. Icenhour asked if an estimate was available.

Mr. Hicks stated that approximately \$500,000 worth of damage was reported, which would result in \$6,500 of fees waived.

Mr. Kennedy asked if the County was addressing debris.

Mr. Middaugh stated that VDOT cleaned up most of the debris and it may not be necessary to schedule an event to remove debris.

Mr. Kennedy asked for landfill fees to be waived if residents needed to remove debris.

Mr. Middaugh stated that would be done if necessary.

Mr. Icenhour made a motion to adopt the resolution.

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

RESOLUTION

TO WAIVE BUILDING PERMIT FEES FOR REPAIRING DAMAGE CAUSED

BY THE EF-3 TORNADO IN JAMES CITY COUNTY

WHEREAS, on April 16, 2011, an EF-3 tornado traversed the lower end of James City County; and

WHEREAS, the tornado caused significant damage to residential and commercial structures; and

WHEREAS, the Governor of the Commonwealth of Virginia declared a State of Emergency due to the tornado; and

WHEREAS, the James City County Board of Supervisors desires to assist property owners with repairing damage to their structures caused by the tornado.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby waives any building permit fees directly related to repairing damage caused by the tornado which traversed the County on April 16, 2011.

Ms. Jones commented on the impacts of the tornado. She expressed appreciation for volunteers who have helped mitigate the impacts of the storm. She commented that the amount of work the volunteers and neighbors did to remove trees and debris was extraordinary. She commented that she had communicated condolences to the Board of Supervisors in Gloucester.

Ms. Jones commented on the Ironbound Road and Route 5 intersection question and stated that improvements were made to the intersection. She stated some improvements were part of a development proposal that did not occur.

G. CONSENT CALENDAR

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

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

1. Minutes – April 12, 2011, Regular Meeting

H. PUBLIC HEARINGS

1. Adopting the 2011 Redistricting and Ordinance

Mr. Leo Rogers, County Attorney, stated that James City County was going through the decennial redistricting process. He stated that the Board adopted resolutions setting forth criteria and procedures as well as a calendar for the redistricting process and appointed a citizen redistricting committee. He stated that the committee met twice and the meetings were televised. He stated that four maps were submitted and four met the criteria adopted by the Board and the committee recommended Option 1 for adoption to the Board. He stated that a resolution adopting this option as well as an ordinance which identifies the criteria from the maps as well as clearly defines the current process for staggered terms on the Board. He stated that there were two motions in the minutes of the Citizen Redistricting Committee which requested that the Board evaluate the impact of staggered terms and also the impact of moving to seven districts. He stated that after the April 12, 2011, deadline, a fifth map option was received. He stated that the maps were available on the easel as well as on the computer and staff members were available for questions. He noted that due to a precinct line that was confusing, one street was moved to another precinct which did not impact the polling places or population numbers.

Mr. McGlennon asked for clarification on the changes in precinct.

Mr. Rogers stated that the census block was drawn along Heritage Point and that there was difficulty in identifying a boundary line. He stated that staff took the portion of Ford's Colony houses that were in Precinct 203 and moved them to Precinct 204, which only changed the polling place for those citizens.

Mr. Icenhour asked how many citizens were impacted by this change.

Ms. Kim Hazelwood, GIS Supervisor, displayed the map and reviewed the change.

Mr. McGlennon asked if this was a change in a census block.

Ms. Hazelwood stated that it was only changing the precinct but did not change the district.

Ms. Jones opened the Public Hearing.

1. Ms. Linda Rice, 2394 Forge Road, commented on the newly drawn districts of Powhatan and Stonehouse, with criticism of preservation of existing districts and weakening of a community connection. She requested that the Board retain the village of Toano in one electoral district. She commented on the ordinance Powhatan Precinct 0303 as well as at Stonehouse Precinct 0401 whereas Toano Middle School was listed as a polling district.

Mr. Rogers stated that the latest version of the ordinance places the Precinct 0401 polling location at Crosswalk Community Church.

2. Mr. Craig Metcalfe, 4435 Landfall Drive, stated his support for the Kratter five-district map and the seven-district map. He commented that these maps help represent minority and lower-income citizens rather than grouping them in the same district as Kingsmill residents. He stated that neither of these maps split Ford's Colony and the seven-district map provided greater representation for all citizens.

3. Ms. Sarah Kadec, 3504 Hunters Ridge, commented that political issues should be pushed aside and the citizens and future impacts be considered when adopting a redistricting map. She commented on unresolved issues in Grove and the Roberts District. She commented that Ironbound Square residents were treated similarly prior to the development of New Town. She commented on partisanship on this matter and stated that the Board should vote for a map that serves the interests of the citizens. She commented this was an ideal time to make a transition to seven Board members.

4. Mr. Richard Locke, 108 Clara Croker, asked for consideration for the Option 5 map submitted by Mr. Joe Fuentes since the school division would face a challenging year. He stated that County taxpayers would be well served by retaining continuity on the School Board in working with a new superintendent.

5. Mr. Clarence Wilson, 121 Huntercombe, President of the York-James City-Williamsburg National Association for the Advancement of Colored People (NAACP), commented on the preservation of minority voting strength as a key component of the Voting Rights Act. He stated support for the consideration of increasing the number of voting districts from five to seven seats. He stated that in the current five districts, the minority population exceeds 30 percent in only one district, which leaves minority groups feeling as though there is no voice for these individuals. He stated that minority percentages would decline over several years, but if increased to seven districts, minority voting strength could increase and improve community participation.

6. Ms. Edith Heard, 1239 Oak Drive, commented that the Roberts District was comprised of 36 percent minorities and stated her support for a seven-district map to improve voting strength for these people. She submitted a petition to the Board and stated that she expected to get at least 1,000 signatures.

7. Mr. Joe Fuentes, 100 Seton Hill, commented that he had no plans to run for the Board of Supervisors in response to reporter inquiries. He requested approval for the Option 5 map which swapped two census blocks and has no further impact than the Option No. 1 map. He commented that Option 5 meets the

equipopulation requirement better than Option 1; that block boundaries are appropriate; that Option 5 better preserves communities of interest by maintaining Ewell Hall and Windsor Forest and Westmoreland; that it does not unnecessarily move a minority School Board member out of the district and does not move the member into an incumbent's district; and that implications of the School Board were not considered during the process. He commented that Option 5 gives priority to the governmental interest and meets the criteria more effectively. He requested approval of the Option 5 map.

8. Mr. Gualano Davis, 3973 Driftwood Way, stated that the redistricting law and the constituents of the County were most important. He urged the Board to ignore incumbent elected officials and to give consideration to the map that best serves the citizens.

9. Mr. James Nichols, stated his support for the Option 5 map submitted by Mr. Fuentes and commented that this would help provide continuity to the School Board as it moves forward.

10. Ms. Mary Minor, 5813 Hawthorn Lane, commented that the community feeling for realigning voting districts was focused on providing voices for communities of voters. She commented on the removal of Historic Jamestowne from the Jamestown district. She stated support for a seven-district map that she commented was promised in the last redistricting process. She stated support for keeping communities together and promoting voter engagement.

11. Mr. Ed Oyer, 139 Indian Circle, commented on the potential for seven districts; citizens at large who were not taken into consideration; and the need for contiguous districts.

12. Ms. Heather Cordasco, 4036 Ambassador Circle, Citizen Redistricting Committee member, stated that there were five or six considerations that the committee was given and those were the considerations that were discussed. She commented on the scrutiny of the Voting Rights Act in relation to minority representation. She commented that Grove and Kingsmill shared a school without issue.

13. Mr. Jay Everson, 103 Branscome Blvd., stated that he was on the redistricting committee in previous processes and that there was an additional requirement for incumbent protection. He stated that the County was one of the few localities that did not provide protection for incumbents. He stated that in the compact, contiguous districts, it was found that three districts would increase in minority population. He stated the demographics have changed and it was virtually impossible to draw a minority-majority district.

14. Ms. Deborah Kratter, 113 Long Point, Citizen Redistricting Committee member, stated that the process that came out of the committee was unfriendly in community-produced maps. She stated that the Option 2 and Option 4 maps were created by citizens without political agenda. She stated that the goal was to preserve communities of interest and to enhance community participation for groups that often felt ignored. She commented on the dilution of minority voting interests and dividing communities of interest and possible legal challenge. She urged the Board members to preserve the public interest rather than on a political basis.

As no one else wished to speak to this matter, Ms. Jones closed the Public Hearing.

Ms. Jones asked about the possibility of challenge for Option 1 and Bartlett vs. Strickland.

Mr. Rogers stated that the maps that were considered by the Committee were based on policy standards. He stated that from a legal perspective, it meets legal standards as well as policy standards. He commented on the Supreme Court case that indicated that a compact, contiguous area of a minority population needed to be established before dilution of voting strength could be considered. He stated that the Equal Protection Clause was more important than racial causes in redistricting and that racially based districts were a last resort. He stated that he did not refer to the Option 4 map as a pearl necklace and did not indicate it was

not defensible. He stated that he was looking for the best ability to defend the maps.

Mr. McGlennon asked how the Option 4 map was non-contiguous.

Mr. Rogers stated that he did not refer to the Option 4 map as non-contiguous. He commented that the map linked demographic groups through roadways without populations. He stated that communities of interest were considerations such as going to the same schools, churches, and businesses rather than skin color or income.

Mr. McGlennon stated that he believed that some districts withstood court challenge that connected various demographic communities.

Mr. Rogers stated that this was true, but that he was reviewing the maps with consideration of the defensibility of the maps. He stated that the court recognized that redistricting was a political process; the Strickland case was from 2009, but did not overturn previous cases.

Mr. McGlennon stated that defensibility of the maps was subjective. He stated that the Department of Justice indicates that if a map could be produced that gives a higher level of minority representation, the burden of proof is on the governing body to defend the map submitted.

Mr. Rogers stated that was correct, but in consideration of the maps submitted, his position was that the Option 1 map would be the most defensible in accordance with the guidelines set forth by the Board.

Mr. McGlennon stated that the key consideration was that more than one map could meet the criteria.

Ms. Jones stated that the citizen committee was tasked with judging the maps based on the criteria outlined by the Board. She stated that Option 1 met all the criteria and received bipartisan support for recommendation of approval. She disagreed with Ms. Kadec's comments about Ironbound Square residents being ignored. She stated concern that several maps considered by the Committee drew her out of her district and there were implications that she did not serve the community well. She stated her support for Option 1 since it was recommended by the Committee and met the criteria and guidelines set forth by the Board.

At 8:35 p.m. the Board took a brief break.

At 8:40 p.m., Ms. Jones reconvened the Board.

Mr. McGlennon made a motion to adopt Option 4, the Kratter seven-district map.

Mr. Kennedy stated that when he was Chairman of the Board of Supervisors, he communicated with citizens about seven districts. He stated that he brought this matter before the Board and only one response was received, which was no from Mr. Goodson. He stated that he was not opposed to this, but since it was not part of the criteria he wanted to have a discussion about this matter in public prior to this meeting. He noted that he did not promise in the last redistricting process to initiate seven districts. He stated that he responded to Mr. Metcalfe and Ms. Kadec that he was unable to get Board support. He stated that it was a disservice to the public to make the change at this point in the matter. Mr. Kennedy asked about the implications of making that change.

Mr. Rogers stated that the first year possible to change the election cycle would be 2015.

Mr. Kennedy stated that he communicated with Mr. Fuentes about the Option 5 map and commented on the question of ethics. He commented on promises of inducements and stated that he would abstain from voting on that map so as not to imply that he was agreeing with Mr. Fuentes's offer. He stated that he communicated with the other Board members and the County Attorney about the matter. He addressed comments that he was racist and noted that he opposed condemnation at Ironbound Square. He stated that he did not support condemnation and felt that the citizens of Ironbound Square had options that were taken from them. He stated that he has worked in the minority community, but did not look for praise for his efforts. He stated that he turned in Mr. Fuentes's map because it was part of a transparent process. He stated concern that others may have wanted to turn in maps, but were unable to meet the deadline. He stated that he would like to vote on each map individually to see what support was available for each map. He stated that citizens volunteered their time and communicated through this process.

Ms. Jones stated that she supported considering each map including Mr. Fuentes's map despite the fact that it was submitted beyond the deadline.

Mr. Goodson stated that he did not support seven districts for several reasons and believed that it should be debated publicly. He stated that if the Board went to a seven-member Board, there would be an at-large chairman that would give continuity to regional boards. He also commented that it would create difficulty for the school contract to help determine School Board membership. He stated that it was impractical to consider the seven-district map at this time.

Mr. Icenhour commented on the information submitted on March 22, 2011, which was adopted unanimously by the Board. He stated that during that meeting, he asked about the criteria and what the committee would be using while evaluating the maps. He asked if the criteria only would be considered and Mr. Rogers responded that all background and information in the memorandum would be considered. He stated that he voted in favor of the resolution based on that information. He evaluated the seven-district map and commented that he did not understand the term "community of interest" based on the legal definition given by the County Attorney. He stated that certain areas do not feel represented. He commented that he asked staff for information on the districts and displayed the minority populations for each map in comparison to the current districts. He stated that the criteria were interrelated and that compact, contiguous districts did not allow for adequate minority voting opportunities. He stated that he did not believe any of the maps met all of the criteria. He stated that the seven-district map does not divide current communities of interest, he would improve upon the School Board district representation, and would address the criteria that the community was interested in preserving. He stated that the seven-district map did not protect him, but that was not an issue for him.

Ms. Jones stated that she did not support the seven-district map since it did not meet the first criterion and it was rejected by the committee. She stated that she previously opposed the seven-district plan because she believed it was fiscally impractical and would increase the presence of government.

Mr. McGlennon stated that the seven-district map has been a matter of discussion lately. He stated that this was the only map that did not present retrogression, reduction of minority voting strength. He stated that citizens wished for the determination that the plans being adopted were sensible. He stated that specific criteria that were the most important should be emphasized. He stated that there was no absolute requirement that the Board should have five members and that a seven-member Board would allow for greater representation and engagement.

On a motion to adopt Option 4.

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

The motion failed.

Mr. Icenhour commented that he believed Mr. Fuentes's map was not an additional map, but an amendment to the Option 1 map. He made a motion to adopt Option 1 with the adjustments indicated on Option 5.

Ms. Jones stated that in the interest of simplicity, staff made the adjustments into an additional map option.

Mr. Icenhour made a motion to adopt Option 5.

Ms. Jones stated that the Citizen Redistricting Committee did not have an opportunity to comment on the map since it was submitted after the deadline. She stated that it was not as compact as Option 1 and the specific goal of the map was to preserve an incumbent, which was not part of the criteria. She stated concern about adopting a significant change for one person. She stated that this would result in an additional expense because of the need for an added precinct immediately and possibly an additional one soon afterward.

Mr. Goodson stated that he got many emails in support of the map, but they all addressed the needs of the School Board rather than how well the map met the criteria. He commented that protecting the incumbent was practically the definition of gerrymandering. He stated that the Board specifically did not consider incumbency in the criteria. He stated that he did not support Option 5.

Mr. Icenhour referred to the memorandum dated March 22, 2011, which included protecting incumbents and pairing incumbents.

Mr. Goodson stated that it was specifically removed.

Mr. Icenhour stated that he felt Mr. Rogers commented that all the information in the memorandum would be considered. He stated that he raised the issue and there was no negative response. He stated that he believed that if this was not to be struck from consideration, it should have been clarified in the meeting.

Ms. Jones stated the resolution defined which criteria would be considered.

Mr. Icenhour stated that he did not believe that was the case. He stated that he did not wish to negatively impact the School Board.

On a roll call vote, the vote was: AYE: McGlennon, Icenhour, (2). NAY: Goodson, Jones (2). ABSTAIN: Kennedy (1).

The motion failed.

Mr. Kennedy made a motion to reject the Option 3 map.

Mr. Goodson stated that he could not support this map because the Committee did not support it.

Ms. Jones echoed Mr. Goodson's concerns.

Mr. Icenhour stated that in this map Powhatan and Jamestown districts are not compact and it only marginally improves minority districts, preserves existing districts, but splits Ford's Colony. He stated that even though it was not the best map, he was not pleased with the remaining options.

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

The motion to reject Option 3 succeeded.

Mr. McGlennon made a motion to adopt Option 2 because he felt it upheld the Voting Rights Act and protected communities of interest.

Mr. Goodson stated that he supported this map in concept, but was unable to support the map due to its lack of compactness, which he felt was a more important criterion.

Ms. Jones echoed Mr. Goodson's concerns and stated that she could not support this map.

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

The motion failed.

Mr. Goodson made a motion to adopt the Option 1 map, the resolution adopting the redistricting plan, and the ordinance. He made a motion to amend the ordinance B-01, 02, 03, and 04 where the next election for the district was stated. He wished to amend the Jamestown and Powhatan Districts to hold elections in 2013, 2015, and then every four years. He stated that this would allow all voting districts to be held at the same time and allow for consideration of seven districts at that time.

Mr. Kennedy stated that was something that required additional discussion. He stated that he could not support going to seven districts or unstaggered terms without community dialogue.

As a result of Mr. Kennedy's comments, Mr. Goodson withdrew his amendment and made a motion to adopt the ordinance without his amendment.

Mr. Icenhour commented on the redistricting forum held by the James City County Citizens Coalition (J4Cs), which was citizen-driven and discussion was encouraged. He commented that Mr. Jeff Ryer, Redistricting Committee member, stated at that meeting that the party in power would control the process and that compactness would trump minority representation. He stated that he felt the voters did not get to choose their representation and was displeased by the process.

Mr. McGlennon stated that several years ago, Mr. Ryer commented that he would be removed from the Jamestown district in the next redistricting process. He stated that this was a political process and would not be able to support the map.

Mr. Kennedy gave a history of redistricting in the State and in the County as a result of politics and the process. He stated that he believed the citizens would vote and make the best decisions.

Ms. Jones stated that she would support Option 1 because of how well it met the criteria set forth by the Board and the support it received from the Committee. She commented that her position was based on the legal requirements. She commented on the transparency of the process and thanked the Committee participants.

Mr. Middaugh noted that the ordinance was amended to clarify the voting precincts for 0203 and 0204.

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

RESOLUTION

ADOPTING THE

2011 REDISTRICTING PLAN

WHEREAS, the Board of Supervisors of James City County has received the recommendation of the Citizen Redistricting Advisory Committee; and

WHEREAS, that the Committee conducted meetings open to the public and considered a number of options; and

WHEREAS, the Board conducted public hearings on April 12, 2011, and April 26, 2011, to receive public comment on the proposed redistricting plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the map identified as "James City County Redistricting Option 1, submitted by Jeff Ryer" and establishing new boundaries for election districts in James City County.

2. Lease Agreement – Chickahominy Riverfront Park Boat House

Ms. Jones opened the Public Hearing.

As no one wished to speak to this matter, Ms. Jones stated that the Public Hearing would remain open until the second meeting in June.

I. BOARD CONSIDERATIONS

1. FY 2012 County Budget

Ms. Sue Mellen, Assistant Manager of Financial and Management Services, stated that the appropriation resolution was based on the County Administrator's proposed budget with changes that resulted from the Board's Budget Work Sessions. She recommended approval of the resolution.

Mr. Middaugh gave an overview of the budget and noted that savings would be added to the debt reserve in preparation of revenue shortfalls in the next biennium. He stated that the funding to the Historic Triangle Senior Center was restored and resources were reallocated for Economic Development, Zoning, Engineering and Capital Projects, and a Tourism Investment Fund. He commented that additional public safety employees would be a priority at a later date when funding was available. He thanked the Board and staff for their contributions.

Mr. Icenhour thanked Mr. Middaugh and staff for their work on the budget. He stated concerns about decreasing revenues, decreased assessment values and biennial assessments, loss of State and Federal funding, and increases in unfunded mandates. He stated that a shrinking government resulted in shifting the burden from businesses to homeowners. He stated that he hoped for compensation or recognition for employees, and

expressed concern for disparity in regard to the Virginia Retirement System (VRS) plans. He expressed concern for putting Capital Projects on hold and the difficulty of paying to maintain projects. He stated that staff needed better guidance in the future. He stated that he would support the budget.

Mr. McGlennon stated his support for the budget. He stated concern about a 20 percent reduction per capita in staff, inability to give employees a raise or bonus for three years, and decreased funding for required services. He commented on funding requirements for the schools filled by stimulus funds and the need for State and local funds to support schools in the next year. He stated concern for stagnation of the greenspace and Purchase of Development Rights (PDR) program due to lack of funds to pay interest on the bonds approved in the referendum. He stated concern for stormwater issues and the lack of funding to mitigate related problems. He thanked the Board and staff for their work on the budget, but noted that the relative costs of government were being shifted onto homeowners by eliminating taxes from members of the business community.

Mr. Goodson stated that the economy is calling for business and government to be reinvented and do more with less. He stated that it has been difficult to give additional compensation and that he hoped for revenues to exceed expectations to provide a bonus or increase, but the County must live within its means. He stated that important fiscal choices needed to be made. He stated that he felt this government helped make government better and stated support for the budget.

Mr. Kennedy stated that the County's bond ratings were demonstrations of good fiscal stewardship. He stated that there were declining fiscal projections, fees were eliminated as a result of representation changes, and the referendum for stormwater taxes failed. He stated that he was unaware of reductions to Business, Professional, and Occupational License (BPOL), but the reductions were based on declining gross sales. He stated that all markets were interconnected and that citizens come to the County for low tax rates. He stated that if a Board member wished to raise taxes or fees, he urged a motion to come forward to be voted on by the Board. He stated that without increasing jobs and businesses in the community, taxes would need to be increased. He asked for clarification on the greenspace acquisition funding and stated that he understood that landowners have not opted to enter into the program. He stated that biennial assessments did not benefit citizens this year, but in past years annual assessments were detrimental. He stated that growth occurred when revenues grew and additional services were offered; and those that were reduced were not being utilized. He stated that he recommended biennial assessments during times of increased revenues with the idea that revenues would not be maintained. He commented on the economy and how each citizen was trying to do more with less. He stated that he would support the budget, but felt that the County could still be more efficient.

Ms. Jones thanked staff members for their work on this budget. She stated that she believed that revenues would be lower next year. She expressed her pride in the community and support for the budget. She stated that efficiencies should continue to be identified.

Mr. Kennedy made a motion to adopt the budget.

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

RESOLUTION

RESOLUTION OF APPROPRIATION

WHEREAS, the County Administrator has prepared a Proposed Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, and a six-year Capital Improvements Program, five years of which are for information and fiscal planning purposes only; and

WHEREAS, it is now necessary to appropriate funds to carry out the activities proposed therein for the fiscal year beginning July 1, 2011, and ending June 30, 2012, and to set tax rates on real estate, tangible personal property, and machinery and tools, to provide certain revenue in support of those appropriations; and

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

1. The following amounts are hereby appropriated in the FY 2012 General Fund for the offices and activities in the amounts as shown below:

GENERAL FUND REVENUES

	<u>FY 2012</u>
General Property Taxes	\$ 108,915,620
Other Local Taxes	18,400,000
Licenses, Permits and Fees	6,377,000
Fines and Forfeitures	300,000
Revenue from Use of Money and Property	270,000
Revenue from the Commonwealth	24,866,592
Revenue from the Federal Government	6,500
Charges for Current Services	4,738,588
Miscellaneous Revenues	<u>125,700</u>
TOTAL REVENUES	<u>\$164,000,000</u>

GENERAL FUND EXPENDITURES

	<u>FY 2012</u>
General Administration	\$3,125,338
Court Services	3,433,891
Public Safety	20,945,352
Financial Administration	5,870,018
Development Management	3,476,113
General Services	7,926,217
Citizen and Community Services	5,147,795
Contribution - Outside Agencies	2,279,831
Nondepartmental	635,223
WJCC Schools	74,280,815
Contribution - School Debt Service	18,000,000
Library and Arts Center	4,067,456
Other Regional Entities	3,288,804

Health Services	1,586,610
Contributions - Other Funds	<u>9,936,537</u>
TOTAL EXPENDITURES	<u>\$164,000,000</u>

The appropriation for education includes \$74,250,000 as a local contribution to the Williamsburg-James City County Schools operations.

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

TAX RATES

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

3. That the following amounts are hereby appropriated in other budgets in FY 2012 for the activities in the amounts as shown below:

CAPITAL PROJECTS BUDGET

Revenues and Other Funding Sources:

County General Fund	\$ 1,818,000
Investment Income	399,000
Reallocation of Capital Balances/Other	315,000
County Project Indebtedness	<u>6,166,000</u>
	<u>\$8,698,000</u>

Expenditures:

Schools	933,000
Other County	<u>7,765,000</u>
	<u>\$8,698,000</u>

DEBT SERVICE BUDGET

From General Fund	\$22,825,000
Build American Bonds Subsidy	228,000
Investment Income	50,000
Fund Balance	<u>1,503,000</u>

Total Debt Service Fund Revenues	<u>\$24,606,000</u>
Current Year Expenditures	\$24,606,000
Debt Service Fund Disbursements	<u>\$24,606,000</u>

VIRGINIA PUBLIC ASSISTANCE FUND

Revenues:

From the Federal Government/Commonwealth	\$4,438,170
From the General Fund	1,578,400
Other	384,500
Grant	<u>34,203</u>
Total Virginia Public Assistance Fund Revenues & Fund Balance	<u>\$6,435,273</u>

Expenditures:

Administration and Assistance	<u>\$6,435,273</u>
Total Virginia Public Assistance Fund Expenditures	<u>\$6,435,273</u>

COMMUNITY DEVELOPMENT FUND

Revenues:

General Fund	\$ 533,241
Grants	1,691,467
Generated Program Income	300,000
Other	<u>200,000</u>
Total Community Development Fund Revenues & Fund Balance	<u>\$2,724,708</u>

Expenditures:

Administration and Programs	<u>\$2,724,708</u>
Total Community Development Fund Expenditures	<u>\$2,724,708</u>

COLONIAL COMMUNITY CORRECTIONS FUND

Revenues:

From the Federal Government/Commonwealth	\$ 744,514
General Fund	34,470
Supervision Fees	48,099
Grants	110,821
Other	<u>70,234</u>
Total Colonial Community Corrections Fund Revenues	<u>\$1,008,138</u>

Expenditures:

Administration and Programs	<u>\$1,008,138</u>
Total Colonial Community Corrections Fund Expenditures	<u>\$1,008,138</u>

SPECIAL PROJECTS/GRANTS FUND

Revenues:

General Fund – Nondepartmental	\$ 500,000
Road Match – Developer Contribution	500,000
Road Match – James City Service Authority	100,000
Comprehensive Services Act (CSA)	319,300
CSA Local Match - General Fund	367,426
CSA School Share	<u>112,000</u>
Total Special Projects/Grants Fund Revenues	<u>\$ 1,898,726</u>

Expenditures:

Comprehensive Services Act	\$ 798,726
VDOT Sharing Road Match	600,000
Watershed Management Study	200,000
Stream Restoration Project	150,000
Drainage Improvements	100,000
Grants – Flood Mitigation	<u>50,000</u>
Total Special Projects/Grants Fund Expenditures	<u>\$ 1,898,726</u>

TOURISM INVESTMENT FUND

Revenues:

General Fund from Room Tax Revenues	<u>\$ 280,000</u>
Total Tourism Investment Fund Revenues	<u>\$ 280,000</u>

Expenditures:

Tourism Activities	<u>\$ 280,000</u>
Total Tourism Investment Fund Expenditures	<u>\$ 280,000</u>

4. The County Administrator be authorized to transfer funds and personnel from time to time within and between the offices and activities delineated in this Resolution as he may deem in the best interest of the County in order to carry out the work of the County as approved by the Board of Supervisors during the coming fiscal year.
5. The County Administrator be authorized to administer the County's Personnel Policy and Compensation Plan as previously adopted by the Board of Supervisors. There will be a salary increase of 5.7% effective July 1, 2011 for those employees hired between July 1, 2010 and June 30, 2011 who are classified as Plan 2 employees under the Virginia Retirement System. Plan 2 employees shall also pay for the employee share of their retirement, beginning July 1, 2011.
6. The County Administrator be authorized to transfer funds to and from the Personnel Contingency account and divisional personnel line items in order to capture turnover savings at a divisional level.
7. All outstanding encumbrances in all County funds at June 30, 2011, shall be an amendment to the FY 2012 budget, and appropriated to the FY 2012 budget to the same department and account for which they were encumbered in the previous year.
8. The County Administrator be authorized to make expenditures from the Donation Trust Fund for the specified reasons for which the fund was established. In no case shall the expenditure exceed the available balance in the fund as verified by the Treasurer.

2. Grant Appropriation – Commonwealth Attorney – V-Stop Grant Program – \$59,407

Ms. Mellen stated that this resolution would appropriate a continuation grant for the Commonwealth Attorney. She stated it appropriates through December 31, 2011, which was why it was a consideration with the budget.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

GRANT AWARD – COMMONWEALTH ATTORNEY –

V-STOP GRANT PROGRAM FUND – \$59,407

WHEREAS, the Commonwealth Attorney for the City of Williamsburg and James City County has been awarded a \$59,407 Federal grant from the V-Stop Grant Fund (Federal share \$28,372; County Match \$31,035) through the State Department of Criminal Justice Services; and

WHEREAS, this grant would fund the personnel costs of a position to advocate for victims of crimes involving domestic violence, sexual abuse, and stalking beginning January 1, 2011, through December 31, 2011; and

WHEREAS, the grant requires a local cash or in-kind match of \$31,035, which is available in the Commonwealth Attorney's general fund account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the Victim's Grant Fund through December 31, 2011, for the purposes described above:

Revenues:

CY 11 V-Stop Department of Criminal Justice Services Federal Revenue (DCJS)	\$28,372
CY 11 V-Stop James City County Matching Funds	<u>31,035</u>
Total	<u>\$59,407</u>

Expenditure:

CY 11 V-Stop Grant Program	<u>\$59,407</u>
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J. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on the emergency plan for Surry Power Plant; he noted that four units were involved in the disaster in Japan. He commented on the extent of the nuclear disaster in Japan. He commented on government efficiencies and the increasing cost of fuel.

2. Mr. Jeff Ryer, thanked the Board for adopting the Option 1 map; he stated that previously in 2001 he had commented that Mr. McGlennon's neighborhood would be redistricted as a result of a lack of growth in that area. He stated that he did not say what Mr. Icenhour alleged, but he did stress the importance of compactness and contiguousness. He noted that the Board elected not to include incumbency in its criteria unlike other Boards and the General Assembly. He thanked those involved in the process.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh stated that a meeting of the James City Service Authority (JCSA) Board of Directors should be held and following that meeting the Board should recess 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 when the Board completed its business it should adjourn to 7 p.m. on Tuesday, May 10, 2011.

L. BOARD REQUESTS AND DIRECTIVES – None

At 10:02 p.m., Ms. Jones recessed the Board for a meeting of the JCSA Board of Directors.

At 10:34 p.m., Ms. Jones reconvened the Board.

M. CLOSED SESSION

Mr. Goodson made a motion to go into Closed Session for the consideration of the acquisition of parcels of property for public use pursuant to Section 2.2-3711(A)(3) of the Code of Virginia.

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

At 10:35 p.m., Ms. Jones recessed the Board into Closed Session.

At 10:42 p.m., Ms Jones reconvened the Board.

Mr. McGlennon made a motion to adopt the Closed Session resolution.

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

Mr. McGlennon made a motion to adopt the resolution for the purchase of the Skillman property as part of the Purchase of Development Rights program.

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

RESOLUTION

PURCHASE OF DEVELOPMENT RIGHTS (PDR) – ACCEPTANCE OF OFFER

TO SELL A CONSERVATION EASEMENT

WHEREAS, the County has received an offer to sell a conservation easement under the Purchase of Development Rights (PDR) Program from the owner of the property known as 8417 Diascund Road, James City County Real Estate Tax Map Parcel No. 1010100040; and

WHEREAS, the Board of Supervisors approved the purchase of the easement for \$335,000 at its March 9, 2010, meeting; and

WHEREAS, the title search indicated that there is a one-half acre portion of the parcel for which title insurance cannot be obtained; and

WHEREAS, the Board of Supervisors still desires to purchase the easement minus the one-half acre at a proportionate cost, which is \$330,781.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the offer to sell the conservation easement described above, or as modified by the County Attorney, and authorizes the County Administrator to execute all documents necessary for completing the acquisition.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby directs the PDA Administrator to send a copy of this resolution to the owner of the property identified herein.

N. **ADJOURNMENT** to 7 p.m. on May 10, 2011.

Mr. McGlennon made a motion to adjourn.

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

At 10:45 p.m., Ms. Jones adjourned the Board until 7 p.m. on May 10, 2011.


Robert C. Middaugh
Clerk to the Board