

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH DAY OF MAY 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 – Daisy Troop 1104: Lily Colls, Isabel Kantor, Kendall Nerenberg, Grace Pitts, Midori Pitts, Madison Przybysz, Katherine Quinlan, Elizabeth Reilly, Emma Reilly, Kennedy Saumier, Jacqueline Shearer, Claire Waldron, and Eve Waldron led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Mr. Rick Rangel, 3962 Bournemouth Bend, commented on environmental, permitting, and inspection issues at the Wellington subdivision, including failing to uphold stormwater management requirements.

2. Mr. Richard Mericle, 106 Alwoodley, on behalf of St. Martin's Episcopal Church, stated his support for the Mill Creek Watershed Management Plan.

3. Mr. Ed Oyer, 139 Indian Circle, commented on character and morality.

4. Mr Randy O'Neill, 109 Sheffield Road, commented on spending and performance by the Williamsburg Community Health Foundation, as well as the value and standards for fitness in James City County.

At 7:17 p.m., Ms. Jones recessed the Board for a meeting of the James City Service Authority (JCSA) Board of Directors.

At 7:20 p.m., Ms. Jones reconvened the Board.

E. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy stated that he had asked for a list of repeat offenders related to code violations of trash and grass regulations. He asked staff to investigate a tiered fine structure for habitual offenders of these violations.

Mr. Middaugh stated that since the ordinance would need to be brought forward to implement recent authority granted to the Board for occupied trash and grass violations, opportunity would be taken to bring forward this tiered fine structure.

Mr. McGlennon stated that he recently attended a memorial service for Mr. Ron Springs. He stated his appreciation for the Board's agreement for County staff to conduct a study on the Jamestown Road proposed traffic light. He stated that staff determined that the traffic light was not warranted.

Mr. Goodson recognized the Grove Christian Outreach Center for its efforts in assisting those impacted by the recent EF-3 tornado. He stated that he attended a recent fund-raiser to assist the citizens in Grove. He noted that the organization has done a great deal to assist with the recovery.

Mr. Icenhour thanked the Chesapeake Bay Foundation and County staff for their efforts to restore the shoreline at Jamestown Beach.

F. CONSENT CALENDAR

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

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

1. Minutes – May 10, 2011, Regular Meeting
2. Grant Award – Wal-Mart – \$1,000

RESOLUTION

GRANT AWARD -- WAL-MART -- \$1,000

WHEREAS, the James City County Police Department has been awarded a \$1,000 grant from the local Wal-Mart Distribution Center; and

WHEREAS, the grant has been awarded to fund the purchase of cameras for the Investigations Division of the Police Department; and

WHEREAS, there is no match required of this grant.

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

Revenue:

FY 11 – Wal-Mart Distribution Center Grant \$1,000

Expenditure:

FY 11 – Wal-Mart Distribution Center Grant \$1,000

- 3. Grant Award – Junior Woman’s Club of Williamsburg – \$250

RESOLUTION

GRANT AWARD – JUNIOR WOMAN’S CLUB OF WILLIAMSBURG – \$250

WHEREAS, the James City County Police Department has been awarded a \$250 grant from the Junior Woman’s Club of Williamsburg; and

WHEREAS, the grant has been awarded to fund a program that the Police Department is initiating to allow citizens to text crime tips to the Department, while maintaining anonymity; and

WHEREAS, there is no match required of this grant.

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

Revenue:

FY 11 – Junior Woman’s Club Grant \$250

Expenditure:

FY 11 – Junior Woman’s Club Grant \$250

- 4. Contract Award – Law Enforcement Center Renovation to Fire Administration Headquarters and Training Center – \$1,385,560

RESOLUTION

CONTRACT AWARD – LAW ENFORCEMENT CENTER RENOVATION TO FIRE

ADMINISTRATION HEADQUARTERS AND TRAINING CENTER – \$1,385,560

WHEREAS, a Request for Qualifications to pre-qualify contractors for the Law Enforcement Center Renovation to Fire Administration Headquarters and Training Center was publicly advertised

and 11 firms submitted their qualifications. Six firms were determined to be qualified to submit bids for the renovation work. Five bids were submitted and David A. Nice Builders, Inc. was the lowest responsive and responsible bidder with a bid of \$1,385,560; and

WHEREAS, the bid exceeded the project budget prepared before the Board of Supervisors adopted the Sustainable Building policy. The budget does not contain funds to cover the costs associated with achieving LEED silver certification.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following budget transfer within the FY 2011 Capital Projects Budget to allow the acceptance of the low bid and authorizes the contract award for the Law Enforcement Center Renovation to Fire Administration Headquarters and Training Center to David A. Nice Builders, Inc. in the amount of \$1,385,560.

BE IT FURTHER RESOLVED, that the following transfer be made within the County's Capital Budget.

Expenditures:

Fire Administration Headquarters	<u>\$100,000</u>
Capital Contingency	<u>(\$100,000)</u>

- 5. Contract Award – Building F HVAC Upgrades to Damuth Trane – \$286,913

RESOLUTION

CONTRACT AWARD – BUILDING F HVAC UPGRADES TO DAMUTH TRANE – \$286,913

WHEREAS, the James City County Department of General Services is standardizing HVAC building controls and equipment in County facilities to promote operational efficiency and safety; and

WHEREAS, the current Building F HVAC controls and equipment will become more reliable with these system replacements; and

WHEREAS, it has been determined by General Services, in consultation with the Purchasing Office, that Damuth Trane is the only source practicably available to engineer and install the HVAC controls and equipment required; and

WHEREAS, Damuth Trane submitted a proposal to perform the required services, the proposed rates have been determined to be reasonable, and adequate funds are available in the FY 11 Capital Improvements Program budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the contract award in the amount of \$286,913 to Damuth Trane and Trane Corporate for the Building F HVAC controls and equipment.

G. BOARD CONSIDERATIONS

1. Reimbursing Current Spending from Future Bond Proceeds

Mr. John McDonald, Manager of Financial and Management Services, stated that the resolution before the Board allowed the County to reimburse itself for money spent for projects prior to borrowing money. He stated that the resolution did not commit the Board to borrow money or to commence with the project, but allowed flexibility to pursue the projects, including renovations and improvements to Building D, Mid County Park, and Fire Station 4.

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

RESOLUTION OF THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA,

DECLARING ITS INTENTION TO REIMBURSE THE COST OF CERTAIN EXPENDITURES

WHEREAS, James City County, Virginia (the "County") has made or will make, directly or indirectly, expenditures (the "Expenditures") in connection with (i) the renovation of Building D at the County Government Center; (ii) renovations to Building E; and (iii) renovations and/or the demolition of Building C (clauses (i) - (iii) being collectively referred to as "the Building D Project"); and

WHEREAS, the County has made or will make, directly or indirectly, Expenditures in connection with the design, construction, renovation, and/or replacement of improvements at Mid County Park, referred to as "the Mid County Park Project"; and

WHEREAS, the County has made or will make, directly or indirectly, Expenditures in connection with the design and construction of an enlarged and renovated Fire Station 4, referred to as "the Fire Station 4 Project"; and

WHEREAS, such Expenditures may be made directly by the County or indirectly through the Economic Development Authority of James City County, Virginia (the "Authority"); and

WHEREAS, the County or the Authority may determine that the funds advanced and to be advanced to pay Expenditures will be reimbursed to the County or the Authority from the proceeds of one or more tax-exempt obligations to be issued by the County or by the Authority, on behalf of the County (the "Indebtedness").

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

1. The Board hereby adopts this declaration of official intent under Treasury Regulations Section 1.150-2 and declares that the County intends to reimburse itself or the Authority with the proceeds of Indebtedness for Expenditures made on, after or within 60 days prior to the date hereof with respect to the Building D Project, the Mid County Park Project,

and/or the Fire Station 4 Project, except that Expenditures made more than 60 days prior to the date hereof may be reimbursed as to certain de minimis or preliminary expenditures described in Treasury Regulations Section 1.150-2(f) and as to other expenditures permitted under applicable Treasury Regulations.

2. The maximum principal amounts of Indebtedness expected to be issued for the Building D Project is \$1,900,000, for the Mid County Park Project is \$1,800,000, and for the Fire Station 4 Project is \$3,800,000.
3. This resolution shall take effect immediately upon its adoption.

2. Watershed Management Plans for Gordon and Mill Creeks

Mr. Middaugh stated that the watershed plans discussed were substantial. He stated that there were requests from members of the Board for additional time to consider the matter.

Ms. Fran Geissler, Director of Stormwater Management, stated that staff has been working on watershed management plans for Gordon Creek and Mill Creek. She stated that the plans are the result of stakeholder input, staff experience implementing previous watershed plans, and advances in data collection and pollutant modeling since the first watershed plans were completed in the County. She stated these plans also represent an incentive-based approach to encouraging improved resource management. The strategies contained in the Gordon Creek plan are written to protect the almost pristine condition of the watershed and the plan identifies a number of potential conservation areas worthy of protection. The County itself is a major landowner in the watershed with Freedom Park, Chickahominy Riverfront Park, and Hornsby and Blayton Schools. She stated that the plan for the highly developed Mill Creek watershed provides projected pollutant reductions for each recommended stormwater retrofit or restoration project. These estimated pollution reductions address nutrients and sediment and will be used to develop capital improvement program plans to improve water quality. Those improvements will also contribute to a response to any future regulatory requirements the County may face. She stated the plans do not include any financial obligations.

Mr. Goodson asked when the plans were put on the website.

Ms. Geissler stated that the plans have been on the website for about a year with the most recent versions being posted on May 10, 2011.

Mr. Goodson requested a deferral until the second meeting in June to allow for further review and comment on the plans. He stated that he would like to invite people to email the Board with comments.

Mr. Middaugh stated that if the Board members would like a more detailed briefing, staff could accommodate that request.

Mr. Goodson made a motion to defer until June 28, 2011.

Mr. McGlennon complimented staff members on their efforts to allow for public input on these plans. He stated that he believed people were very engaged in the process and consultants and staff were able to take information away from those meetings.

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

The item was deferred until June 28, 2011.

H. PUBLIC COMMENT

1. Mr. Rick Rangel, 3962 Bournemouth Bend, continued his comments on the environmental concerns related to routine and non-routine maintenance of the stormwater facility at Wellington. He commented that it was obvious that the builder disregarded the Chesapeake Bay Act. He stated that homeowners were unaware of the implications of the codes violated by the builder.

I. REPORTS OF THE COUNTY ADMINISTRATOR - None

J. BOARD REQUESTS AND DIRECTIVES

Ms. Jones asked Mr. Rogers to follow up with Mr. Rangel's concerns.

Mr. Rogers stated that his office would coordinate a response with Development Management staff.

K. CLOSED SESSION

Mr. McGlennon made a motion to go into Closed Session for consideration of contractual matters pursuant to the Code of Virginia Section 2.2-3711(A)(29) and consultation with legal counsel and staff members pertaining to actual or probable litigation pursuant to the Code of Virginia Section 2.2-3711(A)(7).

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

At 7:42 p.m. Ms. Jones recessed the Board into Closed Session.

At 8:37 p.m., Ms. Jones reconvened the Board.

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

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.

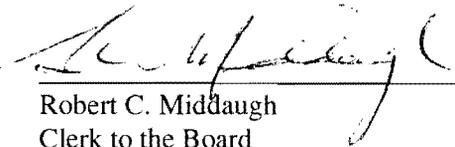
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this 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)(29) of the Code of Virginia, to consider contractual matters where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body; and Section 2.2-3711(A)(7) of the Code of Virginia, to consult with legal counsel and staff members pertaining to actual or probably litigation.

L. **ADJOURNMENT** to 7 p.m. on June 14, 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 8:38 p.m. Ms. Jones adjourned the Board until 7 p.m. on June 14, 2011.


Robert C. Middaugh
Clerk to the Board

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