

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF JUNE 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

Ms. Jones recognized Planning Commissioner Al Woods in attendance.

C. PLEDGE OF ALLEGIANCE – Kasiah Grant, a sixth-grade student at Hornsby Middle School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATION – Disabled Veterans Real Estate Exemption

Mr. Richard Bradshaw, Commissioner of the Revenue, gave an overview of a constitutional amendment allowing for a real estate tax exemption for veterans who have been fully and permanently disabled in service and gave information on how to apply for the exemption.

Mr. Goodson asked about updating the Commissioner of the Revenue website with this information.

Mr. Bradshaw explained that the form could be found online, but it could not be filed electronically due to the attachments required.

Mr. Goodson asked about a deadline for the form submission.

Mr. Bradshaw explained that there was no deadline for this exemption.

Mr. Goodson highlighted the importance of updating the website for the benefit of people with disabilities.

Mr. Bradshaw noted that the form should be posted by the end of the week.

Mr. McGlennon asked about deadlines for reapplication.

Mr. Bradshaw explained that the reapplication was intended to confirm continued residence on the property and there was a need to keep the real estate land books current. He stated that if an exemption was allowed, a person would be exempt due to the State statute; no application deadline would prevent the exemption.

Mr. Icenhour commented on concerns from citizens related to the statement from the Veterans Affairs office that indicated there was not a 100 percent disability, though the veteran was receiving compensation for a 100 percent disability.

Mr. Bradshaw stated that the guidance has been that there must be a 100 percent service-related disability; the compensation rate was not the criteria considered.

E. PUBLIC COMMENT

1. Mr. Rick Rangel, 3962 Bournemouth Bend, commented that he previously spoke on stormwater management concerns at Wellington Estates. He indicated that he had not been contacted by staff regarding this issue.

2. Mr. Ed Oyer, 139 Indian Circle, commented on unkempt or derelict properties in his neighborhood and on Route 60; unsold properties in the County; enhancement opportunities for the Grove entryway corridor; and a third center lane on Route 60 East.

F. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy commented on letters related to unkempt properties on Route 60 in Norge. He encouraged action against the habitual offenders to rectify the states of the properties. He noted that he was interested in having a "habitual offender" ordinance come before the Board.

Mr. Goodson stated that the Hampton Roads Transportation Planning Organization (TPO) was going to be adopting the Transportation Improvement Program (TIP). He stated that any road projects to receive Federal funds would need to be in the TIP. He highlighted the TIP projects within James City County, including the Pocahontas Trail relocation at Skiffe's Creek; studies including the Skiffe's Creek Connector Corridor, Longhill Road Corridor Study, and Mooretown Road corridor study, bicycle lane improvements on Richmond Road, and Williamsburg Area Transit Authority (WATA) vehicle replacements; resurfacing and signal upgrades; shoulder pavement and intersection improvements; bikeway improvements; funding for the Norge Depot Restoration Program, and Restoration of the *Godspeed* and *Discovery*. He noted that additional information was available on the Hampton Roads Planning District Commission (HRPDC) website.

Mr. McGlennon stated that he and Mr. Powell attended a meeting on Total Maximum Daily Load Levels and the Impacts on Waterways and the Chesapeake Bay. He recognized the observance of Flag Day. He noted that he participated in the recent Memorial Day service and that he and Chairman Jones attended Clean the Bay Day on June 4, 2011. He noted that he attended the dedication service for the Ann Yankovic Immunization Clinic at Olde Towne Medical Center. He noted the passing of Mr. Jim Yankovic and recognized his contributions to James City County and expressed his condolences.

Mr. Icenhour noted that on June 7, 2011, he attended a community meeting on the Forest Heights/Neighbors Drive revitalization meeting. He stated there was a good turnout with good feedback from citizens. He stated that staff has a monthly meeting on this item and the project was on schedule to be completed. He noted that he spoke at the General Education Diploma (GED) graduation ceremony at the

Virginia Peninsula Regional Jail. He recognized the eight graduates and the program administrators for their hard work. He noted concerns about paving in residential communities. He indicated that he did not think the Virginia Department of Transportation (VDOT) had done residential resurfacing; he asked for details about whether or not residential resurfacing has been done and what the priorities were for these projects.

Ms. Jones stated that she attended the Leadership Historic Triangle graduation, along with Mr. McGlennon. She also noted that she met with the riders of the Veterans' Ride for Recovery event. She noted that she attended the Clean the Bay Day and that Congressman Rob Wittman was also in attendance. She also attended the National Association for the Advancement of Colored People (NAACP) Celebration of Scholars and the GED graduation at Warhill High School.

Mr. McGlennon asked for a response to Mr. Rangel's concerns.

Mr. Middaugh stated that a brief response was sent to Mr. Rangel with an update and that a final report was being compiled for him. He stated that the request was very large and the documentation should be available shortly.

G. CONSENT CALENDAR

Mr. Goodson 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 –
 - a. May 24, 2011, Work Session Meeting
 - b. May 24, 2011, Regular Meeting
2. Grant Award – Hampton Roads Planning District Commission – \$137,000

RESOLUTION

GRANT AWARD – HAMPTON ROADS PLANNING DISTRICT COMMISSION – \$137,000

WHEREAS, James City County has been awarded funding in the amount of \$137,000 from the Hampton Roads Planning District Commission (HRPDC) under the FY 09 Urban Areas Security Initiative (UASI) Homeland Security Grant Program to purchase and install a generator to augment a medical friendly shelter in James City County; and

WHEREAS, James City County will designate the Fire Training Center within the refurbished Fire Administration building as a medical friendly shelter; and

WHEREAS, the generator will be purchased and installed at the refurbished Fire Administration building; and

WHEREAS, the grant requires no match.

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

Revenue:

HRPDC-Medical Shelter Generator \$137,000

Expenditure:

Fire Administration Headquarters \$137,000

3. Grant Award – Commonwealth Attorney – Victim’s Witness Grant Program – \$107,067

RESOLUTION

GRANT AWARD – COMMONWEALTH ATTORNEY –

VICTIM’S WITNESS GRANT PROGRAM – \$107,067

WHEREAS, the Commonwealth Attorney for the City of Williamsburg and James City County has been awarded a \$107,067 Federal grant from the Victim’s Witness Grant Fund (Federal share \$75,732; State share \$25,244; and County Match \$6,091) through the State Department of Criminal Justice Services; and

WHEREAS, this grant would fund the personnel costs of two positions to provide comprehensive information and direct services to crime victims and witnesses beginning July 1, 2011, through June 30, 2012; and

WHEREAS, the grant requires a local cash or in-kind match of \$6,091, 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 Special Projects/Grants Fund for FY 12, for the purposes described above:

Revenues:

Victim’s Witness Department of Criminal Justice Services Federal Revenue (DCJS)	\$75,732
Victim’s Witness Department of Criminal Justice Services State Revenue (DCJS)	25,244
James City County Matching Funds	<u>6,091</u>
Total	<u>\$107,067</u>

Expenditure:

Victim’s Witness Personnel \$107,067

4. Grant Award – Colonial Community Corrections (CCC) Better Ways Program – \$6,670

RESOLUTION

GRANT AWARD – COLONIAL COMMUNITY CORRECTIONS (CCC) BETTER WAYS

GRANT PROGRAM – \$6,670

WHEREAS, Colonial Community Corrections (CCC) has been awarded a grant of \$6,670 for gap funding from the Williamsburg Community Health Foundation (WCHF) for the Better Ways substance abuse treatment program; and

WHEREAS, this gap funding will be used for professional fees to conduct group and individual substance abuse sessions and staff consultations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the CCC for the purposes described above:

Revenue:

WCHF Grant \$6,670

Expenditure:

Professional Fees – Better Ways \$6,670

5. Colonial Community Corrections (CCC) Supervision/Intervention Fee Collection Appropriation – \$15,000

RESOLUTION

COLONIAL COMMUNITY CORRECTIONS (CCC) SUPERVISION/INTERVENTION

FEE COLLECTION - \$15,000

WHEREAS, Colonial Community Corrections (CCC) will collect \$15,000 more in Supervision and Intervention Fees in FY 11 than the \$35,000 originally appropriated; and

WHEREAS, this increased revenue will be used to fund Offender Services and the unanticipated costs associated with a relocation of the Satellite Office in York County, to include purchase of office furniture.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the CCC fund for the purposes described above:

Revenue:

Supervision/Intervention Fees \$15,000

Expenditures:

Offender Services \$ 5,000

Relocation of Satellite Office/Equipping Satellite Office 10,000

Total \$15,000

6. Contingency Transfer – Motor Fuel Costs – \$39,000

RESOLUTION

CONTINGENCY TRANSFER – MOTOR FUEL COSTS - \$39,000

WHEREAS, over the past few months, gasoline prices have risen significantly; and

WHEREAS, additional funding in some County departments is needed to cover these increased costs through June 30, 2011.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the previously adopted budget for FY 2011 as follows:

Expenditures:

Contingency	\$ (39,000)
Sheriff's Office	3,000
Police Department	4,500
Fire	23,500
Solid Waste	2,500
Facilities Maintenance	4,000
Fleet Maintenance	1,500

7. Change to Chapter 4, Compensation, of the Personnel Policies and Procedures Manual

RESOLUTION

CHANGES TO CHAPTER 4, COMPENSATION, OF THE

PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, most other localities in the Hampton Roads region count paid time off as hours worked in calculating overtime; and

WHEREAS, James City County wants to be competitive with other localities in recruiting and retaining quality employees; and

WHEREAS, the recommended revisions to Chapter 4, Compensation, of the Personnel Policies and Procedures Manual will change the County's Overtime Policy to include paid time off as hours worked in calculating overtime; and

WHEREAS, other recommended changes bring the compensation policies into alignment with law and practice.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the attached revision to Chapter 4, Compensation, of the James City County Personnel Policies and Procedures Manual effective July 1, 2011.

8. Amending the Employment Agreement between Robert C. Middaugh and James City County

RESOLUTION

A RESOLUTION OF THE BOARD OF SUPERVISORS AMENDING THE EMPLOYMENT

AGREEMENT BETWEEN ROBERT C. MIDDAUGH AND JAMES CITY COUNTY

WHEREAS, James City County entered into an employment agreement with Robert C. Middaugh, Jr. dated June 29, 2010 (the "Agreement"), that identified the terms of employment for Robert C. Middaugh, Jr. as the James City County County Administrator (the "Employee"); and

WHEREAS, the Agreement has a specific provision in Section 3 establishing the Employee's salary at \$165,000; and

WHEREAS, the Agreement has a specific provision in Section 7 in which the County agrees to make all appropriate contributions on the Employee's behalf for both the employer and employee share required of the Virginia Retirement System; and

WHEREAS, it is the desire of the Board of Supervisors and the Employee to amend the Agreement dated June to reflect different terms in Section 3 related to compensation and Section 7 related to retirement that make the Agreement consistent with the provisions applied to other County employees hired after June 1, 2010; and

WHEREAS, the Board of Supervisors and the Employee have agreed that Section 3 of the Agreement relating to compensation shall be adjusted to reflect a 5.7% increase in the base salary, making the contract provision read a base salary of \$174,405; and

WHEREAS, the Board of Supervisors and the Employee have agreed that Section 7 of the Agreement relating to retirement be adjusted to reflect that the 5% employee share be paid by the employee rather than by the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that Section 3 of the Agreement be amended to read as follows:

- a. Base salary: employer agrees to pay employee annual a base salary of \$174,405 payable in installments at the same time that other management employees of the employer are paid.

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County that Section 7 of the Agreement be amended to read as follows:

- a. The employer agrees to the enroll the employee into the applicable state or local retirement system and to make all appropriate employer contributions on the employee's behalf and that the employee will be required to make a 5% contribution towards the required employee share.

BE IT FURTHER RESOLVED that this resolution shall be incorporated as an amendment to Agreement.

9. Appointment to Colonial Group Home Commission

RESOLUTION

APPOINTMENT TO THE COLONIAL GROUP HOME COMMISSION

WHEREAS, James City County has one governmental representative on the Colonial Group Home Commission; and

WHEREAS, Mr. Doug Powell, Assistant County Administrator, has expressed an interest in serving on the Commission.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Doug Powell to the Colonial Group Home Commission for a term expiring June 30, 2015.

10. Appointment to Williamsburg Regional Library Board of Trustees

RESOLUTION

APPOINTMENT TO THE WILLIAMSBURG REGIONAL LIBRARY BOARD OF TRUSTEES

WHEREAS, Ms. Sue Mellen, Assistant Manager of Financial and Management Services, has been serving on the Williamsburg Regional Library Board of Trustees; and

WHEREAS, Ms. Mellen has expressed an interest in being reappointed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Sue Mellen to the Williamsburg Regional Library Board of Trustees for a term expiring June 30, 2015.

11. Zoning Administrator Appointment

RESOLUTION

APPOINTMENT OF ACTING ZONING ADMINISTRATOR

WHEREAS, Ms. Melissa C. Brown was appointed Zoning Administrator of James City County; and

WHEREAS, Ms. Brown is currently unable to perform the functions and duties of Zoning Administrator, and it is necessary to appoint an Acting Zoning Administrator to temporarily fulfill the legal and functional duties related to the interpretation and enforcement of the County's Zoning Ordinance; and

WHEREAS, Mr. Allen J. Murphy, Jr., Director of Planning/Assistant Development Manager, previously served as the County's Zoning Administrator and has demonstrated knowledge, skills, and abilities related to this position; and

WHEREAS, pursuant to Section 24-5 of the Code of the County of James City, the Board of Supervisors is responsible for appointing the Zoning Administrator.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Mr. Allen J. Murphy, Jr. as Acting Zoning Administrator.

12. Grant Award – Hampton Roads Planning District Commission (HRPDC) – \$66,816

RESOLUTION

GRANT AWARD – HAMPTON ROADS PLANNING DISTRICT COMMISSION

(HRPDC) – \$66,816

WHEREAS, James City County entered into an agreement with the Hampton Roads Planning District Commission (HRPDC) to host the regional WebFUSION servers at the County Emergency Operations Center (EOC) pursuant to the Special Needs/WebEOC project initiated through the FY 07 Urban Areas Security Initiative (UASI) Homeland Security Grant Program; and

WHEREAS, this agreement called for HRPDC to reimburse James City County \$1,856 per month for costs associated with the acquisition of bandwidth for the EOC to host the regional WebFUSION servers; and

WHEREAS, the Board of Supervisors previously appropriated \$44,544 on April 28, 2009, for reimbursement of an initial 24 months of bandwidth costs; and

WHEREAS, the County and HRPDC agreed in April 2011 to extend the reimbursement period to a total of 60 months from October 2008 through September 2013, increasing the maximum reimbursement under the agreement from \$44,544 previously appropriated by \$66,816 appropriated in this resolution to a total of \$111,360.

WHEREAS, Mr. Thomas W. Coghill has been hired as the Director of Building Safety and Permits and has attained Certified Building Official status in accordance with the Virginia Uniform Statewide Building Code.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Mr. Thomas W. Coghill as Building Official.

H. PUBLIC HEARING

1. Ordinance to Amend Chapter 13, Motor Vehicles and Traffic, Adoption of State Law, Generally

Mr. Leo Rogers, County Attorney, explained that this ordinance amendment was an annual update to the County's Driving Under the Influence (DUI) laws to match the General Assembly's recent actions. He stated that the new ordinance would take effect on July 1, 2011. Mr. Rogers recommended adoption of the ordinance following the Board's public hearing.

Ms. Jones opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the ordinance.

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

I. BOARD CONSIDERATIONS

1. Virginia Retirement System (VRS) Plan 2 Employees Begin Paying the Five Percent Employee Share of their Retirement Contribution

Mr. Middaugh explained that during the Board's budget deliberations this year, the Board opted to exercise its ability to require Plan 2 employees, hired after July 1, 2010, to pay the five percent employee share of their Virginia Retirement System (VRS) retirement contribution. He explained that this resolution would enact that Board direction. He recommended adoption of the resolution.

Mr. Icenhour asked about circumstances where there could be a difference in take-home pay between Plan 1 and Plan 2 employees as a result of the contribution.

Mr. Middaugh stated that could be the case and that at the time of hire, an internal and external equity evaluation was done to ensure a competitive salary.

Mr. Goodson made a motion to adopt the resolution.

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

RESOLUTION

REQUIRING VIRGINIA RETIREMENT SYSTEM (VRS) PLAN 2 EMPLOYEES TO PAY THE FIVE PERCENT EMPLOYEE SHARE OF THEIR RETIREMENT CONTRIBUTION

WHEREAS, the Virginia General Assembly, in its 2010 session, passed legislation creating a separate retirement plan for those hired into Virginia Retirement System (VRS) covered positions on or after July 1, 2010, who were either new VRS members or prior members with no service credit, hereafter referred to as "Plan 2 employees"; and

WHEREAS, the legislation allowed local governments the option of having Plan 2 employees pay all or part of the five percent employee portion of their retirement contribution; and

WHEREAS, James City County elects to have Plan 2 employees participate in the cost of their retirement plan by paying all of their five percent member contribution through salary reduction in accordance with Internal Revenue Code § 414 (h); and

WHEREAS, this election represents a long-term cost savings measure.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby will have Plan 2 employees pay the five percent Virginia Retirement System member contribution effective July 1, 2011.

2. **Fund Balance Policy**

Ms. Sue Mellen, Assistant Manager of Financial and Management Services, stated that the Governmental Accounting Standards Board (GASB) has issued a statement which has changed the categories located in the Fund Balance in financial statements. She stated that the names were being changed from Reserved, Unreserved, Designated, and Undesignated to be called Non-spendable, Restricted, Committee Assigned, and Unassigned. She stated this was an attempt by GASB to make the Fund Balance more understandable to the reader. She explained that the resolution would establish the categories designated by GASB and formalize the policy established by the Board to maintain a minimum of eight percent and a target of 12 percent fiscal liquidity in the Unassigned category.

Mr. Icenhour asked how close the Board was to the 12 percent target.

Ms. Mellen stated that the balance was about 9.5 percent.

Mr. McGlennon made a motion to adopt the resolution.

RESOLUTION

FUND BALANCE POLICY

WHEREAS, the Governmental Accounting Standards Board (GASB) has adopted new financial reporting standards to provide more clearly defined categories to make the nature and extent of the constraints placed on a government's fund balance more transparent; and

WHEREAS, the County of James City intends to be in compliance with the new financial reporting standards.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the following Fund Balance Policy:

**County of James City, Virginia
Fund Balance Policy**

Purpose

This fund balance policy is intended to:

1. Ensure that the County of James City (the County) maintains adequate levels of fund balance to provide quality services to its residents in a fiscally responsible manner.
2. Protect the County against unforeseen circumstances and events such as revenue shortfalls and unanticipated expenditures.
3. Provide a long-term perspective recognizing that stated thresholds are considered minimum balances and that credit markets carefully monitor levels of fund balance to maintain creditworthiness.

This policy and the procedures established therein supersede all previous regulations regarding the County's fund balance and reserve policies.

Components of Fund Balance

The following shall constitute the components of fund balance:

- A. Nonspendable - Amounts that cannot be spent because of their nature (such as the County's inventory) and amounts that must be maintained intact legally or contractually (such as the long-term amount of loans/notes receivable).
- B. Restricted - Amounts constrained for a specific purpose by external parties, constitutional provisions, or enabling legislation.
- C. Committed - Amounts constrained for a specific purpose by the Board of Supervisors.
- D. Assigned - Amounts constrained for a specific purpose by the Manager of Financial and Management Services, who has been given the delegated authority by the board of Supervisors to assign amounts. The total amount reported as assigned should not result in a deficit in unassigned fund balance.
- E. Unassigned - Amounts not classified as nonspendable, restricted, committed, or assigned. Fiscal Liquidity of no less than eight percent, with a target of 12 percent, of the total operating budget (General Fund plus the County's share of Component Unit Schools) will be included in the unassigned fund balance and this policy will be disclosed in the Notes to the Financial Statements. The General Fund is the only fund that would report a positive amount in the unassigned fund balance.

Implementation and Review

Upon the adoption of this policy, the Board of Supervisors authorizes the Manager of Financial and Management Services to establish any standards and procedures, which may be necessary for its implementation. The Manager of Financial and Management Services shall review this policy at least annually and make any recommendations for changes to the Board of Supervisors.

3. Self-Fund Line of Duty Act Claims

Ms. Mellen explained that there were two resolutions related to Line of Duty Act funding in 1972. The General Assembly passed the Line of Duty Act (LODA) program, which provided a death benefit for public safety officers killed in the line of duty. The State bore the responsibilities for these payments. Since then, the General Assembly has expanded the population of employees eligible for the benefit and has liberalized the benefits by providing a health insurance component. The increasing costs of the program and the requirement to show the liability for these benefits on the State's balance sheets prompted the General Assembly to renege on its promise to pay for the program. In 2010, the legislature passed on to local governments the responsibility for funding the LODA benefits for local employees. Local governments can finance these benefits through contributions to a trust managed by the VRS, finance them on their own, or through programs outside of VRS, such as one offered through the Virginia Association of Counties (VACO). The FY 2012 County budget allocated \$48,000 for LODA based on the best available information at the time. Local governments have until June 30, 2012, to make an irrevocable decision about whether to stay in the VRS trust fund or pay for the costs some other way. Staff has analyzed the risks and costs associated with the various funding options and believes that opting out of the VRS program prior to July 1, 2011, and financing these liabilities through a guaranteed cost insurance program offered by VACO is the best option.

Ms. Mellen explained that the first resolution was an irrevocable election to opt out of the program which was required by VRS and the second resolution is to authorize the County Administrator to enter into the addendum to the Member Agreement for the Virginia Association of Counties Group Self Insurance Risk Pool (VACoRP) and transfer \$62,000 in the FY 2012 General Fund budget from the Contingency Account to the County's Insurance Account.

Mr. Goodson asked if the contingency transfer was for an additional \$62,000 for the program or a total of \$62,000.

Ms. Mellen stated that the total cost estimated for the program for FY 2012 would be about \$110,000 and that \$48,000 was previously budgeted.

Mr. Icenhour commented that the \$110,000 insurance investment protected the County from claims in excess of the estimated \$250,000 per year.

Ms. Mellen stated that was correct. She noted that it was also insurance against additional upcoming claims. She stated that the \$250,000 figure was related to known claims.

Mr. Icenhour stated that though the costs of the program were initially low, the costs could expand quickly. He stated that he understood this approach could be more fiscally responsible in the long term.

Ms. Mellen stated that was correct.

Mr. Icenhour made a motion to adopt the resolutions.

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

RESOLUTION

IRREVOCABLE ELECTION NOT TO PARTICIPATE IN LINE OF DUTY ACT FUND

WHEREAS, pursuant to Item 258 of the Appropriations Act, paragraph B, the Virginia General Assembly has established the Line of Duty Act Fund (the "Fund") for the payment of benefits prescribed by and administered under the Line of Duty Act, (Virginia Code § 9.1-400 et seq.); and

WHEREAS, for purposes of administration of the Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph B2 of Item 258 of the Appropriations Act) may make an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and

WHEREAS, it is the intent of the County of James City to make this irrevocable election to be a non-participating employer with respect to the Fund.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby elects to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds effective July 1, 2011.

BE IT FURTHER RESOLVED that the following entities of James City County, the James City-Bruton Volunteer Fire Department, and the James City Volunteer Rescue Squad, to the best of the knowledge of James City County, constitute the population of their past and present covered employees under the Line of Duty Act.

BE IT FURTHER RESOLVED that, as a non-participating employer, James City County agrees that it will be responsible for, and reimburse the State Comptroller for, all Line of Duty Act benefit payments (relating to existing, pending, or prospective claims) approved and made by the State Comptroller on behalf of James City County on or after July 1, 2010.

BE IT FURTHER RESOLVED that, as a non-participating employer, James City County agrees that it will reimburse the State Comptroller an amount representing reasonable costs incurred and associated, directly and indirectly, with the administration, management, and investment of the Fund.

BE IT FURTHER RESOLVED that James City County shall reimburse the State Comptroller on no more than a monthly basis from documentation provided to it from the State Comptroller.

RESOLUTION

LINE OF DUTY ACT FUNDING AUTHORIZING COUNTY ADMINISTRATOR TO ENTER

INTO AGREEMENT WITH VACoRP AND CONTINGENCY TRANSFER

WHEREAS, the Virginia General Assembly has created the Line of Duty Act Fund for the payment of liabilities prescribed by and administered under the Line of Duty Act, § 9.1-400 et seq. of the Code of Virginia; and

WHEREAS, the Virginia General Assembly has shifted the cost of paying past, present and future liabilities under the Line of Duty Act from the State to local government entities through Item 258 of the 2010 Budget Bill; and

WHEREAS, the County of James City chooses to self fund its mandated obligations under the Line of Duty Act through coverage offered by the Virginia Association of Counties Group Self Insurance Risk Pool; and

WHEREAS, the County of James City has opted out of the Line of Duty Act Fund.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to enter into an Addendum to the County's Member Agreement for Virginia Association of Counties Group Self Insurance Risk Pool for Line of Duty coverage.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following transfer of funds in the FY 2012 General Fund operating budget.

Expenditures:

Contingency	<u>\$(62,000)</u>
Financial and Management Services Insurance	<u>\$ 62,000</u>

4. Urban Development Areas (UDAs)

Ms. Ellen Cook, Senior Planner, stated that Urban Development Areas (UDAs) were first adopted as part of Virginia's 2007 Transportation Financing Package. James City County has been subject to the statute since it was first adopted and has a compliance date of July 1, 2011. Compliance with the statute involves accommodation of development in the manner described in the statute. The legislation provides two paths to compliance: 1) Amend the Comprehensive Plan to incorporate one or more urban development areas, or 2) Adopt a resolution describing how the locality's plan accommodates growth in a manner consistent with the legislation. Staff recommends that the Board of Supervisors adopt a resolution certifying that the 2009 Comprehensive Plan accommodates growth in a manner consistent with Section 15.2-2223.1 of the Code of Virginia. Staff brought this information to the Policy Committee meetings on March 16, 2011, and April 25, 2011. In addition, the Planning Commission held a work session with public comment to discuss the topic on April 13, 2011. For the Board's reference, minutes from these meetings are attached.

At its May 4, 2011, meeting, the Commission voted 6-1 to endorse staff's certification proposal, subject to removing Five Forks from the list of mixed use areas that would be certified as the County's UDAs. Staff had no objection to removal of this mixed use area. Staff recommended approval of the resolution.

Mr. Icenhour asked if the Croaker interchange was located entirely within the Primary Service Area (PSA).

Ms. Cook stated that it was located within the PSA.

Mr. McGlennon commented that this legislation was part of a larger piece of legislation; he stated that the legislation was subject to revision or even repeal. He stated that this may not even be a continuing concept in State regulations. He asked if that was part of the rationale for staff's recommendation.

Ms. Cook stated that staff was aware of changes since the concept was adopted.

Ms. Jones stated that she would support this item, but if State law was repealed or if this matter became optional, this matter come back before the Board for reconsideration. She stated that she would prefer to opt out of the UDAs if possible.

Mr. McGlennon stated that he understood that adoption of the resolution was an indication of how the County would be in compliance with the legislation, rather than taking a position on the desirability of UDAs in public policy.

Ms. Cook stated that was correct.

Mr. Goodson stated that he believed this was the most reasonable way to handle compliance with the legislation. He 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

URBAN DEVELOPMENT AREAS (UDAs)

WHEREAS, Section 15.2-2223.1 of the Code of Virginia, referred to herein as the Urban Development Areas (UDA) law, requires every locality that has adopted zoning, a population of at least 20,000, and population growth of at least five percent to incorporate one or more "urban development areas" in its comprehensive plan; and

WHEREAS, "urban development areas" are defined as areas that are appropriate for higher density development as defined in the statute and incorporate principles of traditional neighborhood development, which may include, but are not limited to, mixed-use neighborhoods, mixed housing types, pedestrian-friendly road design, street connectivity, reduction of subdivision street widths and turning radii at subdivision street intersections, reduction of front and side yard building setbacks, and preservation of natural areas; and

WHEREAS, in order to fulfill this requirement, localities that meet the criteria must either amend their comprehensive plans to incorporate urban development areas or adopt a resolution certifying

that the comprehensive plan accommodates growth in a manner consistent with the UDA law; and

WHEREAS, the James City County 2009 Comprehensive Plan establishes a mixed use land use designation that provides for mixed-use development standards promoting the new urbanist and traditional neighborhood design principles set forth in the UDA law and referenced above; and

WHEREAS, the 2009 Comprehensive Plan's mixed-use designated areas include Stonehouse (with zoning implementing the whole planned unit development of Stonehouse), Anderson's Corner, Toano, Norge, Croaker Interchange, Lightfoot, New Town, Williamsburg Crossing, Route 60/143/199 Interchanges, GreenMount, and Treyburn Drive, with sufficient acreage to accommodate at least ten but not more than 20 years of projected growth and which allow for development at sufficient residential and commercial densities to comply with the UDA law; and

WHEREAS, the UDA law states that a certification resolution shall describe any financial and other incentives for development in the areas that accommodate such growth, which James City County does not have specifically.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that the James City County 2009 Comprehensive Plan, adopted November 24, 2009, accommodates growth in a manner consistent with the provisions set forth in Section 15.2-2223.1 of the Code of Virginia.

5. Purchase of Development Rights (PDR) Program – Offer to Sell a Conservation Easement – \$300,000

Mr. Ed Overton, Purchase of Development Rights Program Administrator, stated that Dennis P. and Christine A. Weygand, have agreed upon terms for a perpetual conservation easement on their property consisting of 34.03 acres located at 8155 Diascund Road. He described the location, scenic, and environmental qualities of the property. The appraisal report prepared by Simerlein Appraisals, Ltd., established a baseline easement value of \$287,500. Mr. and Mrs. Weygand submitted a counteroffer of \$300,000, or \$8,815.75 per acre, which was presented to the Purchase of Development Rights (PDR) Committee for consideration. The PDR Committee recommended acceptance of the counteroffer. In accordance with the PDR Ordinance, the County Administrator invited the landowners to sell to the County a conservation easement on their property. The landowners signed and returned an offer letter to the PDR Administrator on May 19, 2011. The letter offers to sell a conservation easement to the County for the value of \$300,000 on the parcels identified as James City County Tax Map Parcel No. 1030100013, subject to the terms and conditions set forth in the proposed Deed of Easement. The PDR Ordinance states in Section 16A-12(e) that "an offer to sell a conservation easement shall be accepted by the Board in writing, following an action by the Board authorizing acceptance." If the Board accepts the offer, final closing documents, including the Deed of Easement, will be prepared and approved by staff and the County Attorney.

The PDR Committee and staff recommend approval of the resolution accepting the offer by Dennis P. and Christine A. Weygand to sell a conservation easement for the appraised value of \$300,000 and authorizing the County Administrator to execute all documents necessary for completing the acquisition.

Mr. Kennedy clarified that this program was over a decade old. He noted that this program purchased development rights and that the property owner keeps their property, but limitations are placed on development of the parcel. He noted that this program was entirely voluntary. He commented that there was a tax benefit for undeveloped land as opposed to developed land. He 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

PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM – OFFER TO SELL A

CONSERVATION EASEMENT – \$300,000

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:

8155 Diascund Road
James City County Tax Map Parcel No. 1030100013.; and

WHEREAS, the owner offered to sell a conservation easement on the property for a purchase price of \$300,000, subject to the conditions set forth in the proposed deed of easement referenced in the County's invitation of offer.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the offer to sell a 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 PDR Administrator to send a copy of this resolution to the owner of the property identified herein.

J. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, continued his comments about decrepit buildings on Route 60 in Grove; funds for replacing an engine in a County vehicle; off-street parking ordinance; and the quality of education in Williamsburg-James City County schools.

2. Mr. Rick Rangel, 3962 Bournemouth Bend, asked for clarification of staff's response to his issues at Wellington Estates related to stormwater management.

Mr. Middaugh indicated that staff had responded to Mr. Rangel via email about improvements to Best Management Practice (BMP), but additional documents were being compiled in response to his questions.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh noted that the Jamestown Road/Colony Square traffic signal was determined not to meet warrants. He stated that work on the project has been ceased. He stated that the Williamsburg area, including James City County, has been named as a finalist for the Most Patriotic Community. He stated that the community would be visited by assessors and that the Chamber was working on encouraging patriotic enthusiasm and involvement in the process. He stated that additional information was available on the Chamber's website.

Mr. Middaugh stated that a Closed Session was on the agenda for consideration of a personnel matter, the appointment of individuals to County boards and/or commissions, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, specifically the Williamsburg Area Arts Commission and for consideration of the acquisition of parcel(s) of property for public use pursuant to Section 2.2-3711(A)(3) of the Code of Virginia.

L. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson recognized and congratulated those who would be graduating from Williamsburg-James City County high schools on Saturday.

Mr. McGlennon expressed his appreciation to the Board and staff for evaluating the Jamestown Road/Colony Square traffic signal. He also noted that the Virginia Transit Association recognized the career of Mr. Richard Drumwright, formerly an employee of WATA, as Public Transit Employee of the Year. He also noted that he and Mr. Icenhour attended the Annual Police Department Awards.

Mr. McGlennon made a motion to appoint Mr. Timothy G. Harris to serve a vacant position on the Economic Development Authority (EDA).

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

Mr. Icenhour commented on the storm impact and recovery in Grove. He asked if all avenues have been exhausted to assist citizens in that area.

Ms. Jones commented on concerns about the County's membership of International Council for Local Environmental Initiatives (ICLEI), or the Cool Counties organization. She stated that citizens have commented that the County should not be a member of an organization specifically tied into Agenda 21 of the United Nations. She stated that she shared those sentiments and believed that the County could preserve sustainability without participation in ICLEI. She asked the Board to consider withdrawal of the County's membership in ICLEI.

Mr. McGlennon stated that he was aware of conversations related to ICLEI and sustainability; he noted that sustainability was specifically in the Comprehensive Plan. He commented that the Virginia Municipal League and the American Planners Association were in favor of the County's participation in ICLEI, which provides very useful tools to allow information gathering and dissemination about sustainability in the County. He stated that he hoped the Board would take a very careful look at the benefits and drawbacks of the organization before withdrawing membership. He stated that those who brought this issue forward create a conspiracy out of the concept of sustainability.

Ms. Jones stated that she would like to see the benefits of membership and tools provided by the organization. She stated discomfort for paying dues to tie in with the United Nations and its policies.

Mr. Goodson stated that he was uncomfortable with the original resolution and requested a change in language to depoliticize the resolution. He stated that he was recently contacted by a leader of the group requesting lobbying efforts and support for Environmental Protection Agency (EPA) water regulations. He stated concern for what the membership dues were being used to do.

Mr. Kennedy asked to see the information related to the resolution adopted. He stated that the benefits and resources should be evaluated and reported. He stated that he wanted to view all the information related to the membership before a decision was made.

Mr. Goodson stated that the membership was not intended to be for environmental political advocacy.

Ms. Jones stated that she investigated the ICLEI website for more information. She stated appreciation for the consideration by the Board.

Mr. Kennedy commented that he would not take a position on national political issues and he wished to work collectively to address local concerns. He stated concern for the overuse of the concept of freedom being threatened.

M. CLOSED SESSION

Mr. Icenhour made a motion to go into Closed Session for consideration of a personnel matter, the appointment of individuals to County boards and/or commissions, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, specifically the Economic Development Authority and the Williamsburg Area Arts Commission and for consideration of the acquisition of parcel(s) 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 8:22 p.m., Ms. Jones recessed the Board into Closed Session.

At 8:42 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)(1) of the Code of Virginia, to consider personnel matters, the appointment of individuals to County boards, and/or commissions and Section 2.2-3711(A)(3) of the Code of Virginia, to consider the acquisition of parcels of property for public use.

Mr. Goodson made a motion to appoint Elena Duggan and Robert Roberson to terms on the Williamsburg Area Arts Commission.

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

Mr. McGlennon made a motion to reappoint Leanne DuBois to a term on the Economic Developmt Authority.

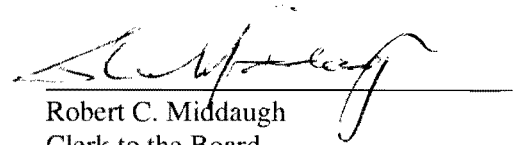
On a roll call vote, the vote was AYE: Kennedy Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

N. ADJOURNMENT to 4 p.m. on June 28, 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 8:44 p.m., Ms. Jones adjourned the Board until 4 p.m. on June 28, 2011.


Robert C. Middaugh
Clerk to the Board

ADOPTED

JUN 14 2011

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

ORDINANCE NO. 66A-68

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 13-7, ADOPTION OF STATE LAW; AND ARTICLE II, DRIVING AUTOMOBILES, ETC., WHILE INTOXICATED OR UNDER THE INFLUENCE OF ANY DRUG, SECTION 13-28, ADOPTION OF STATE LAW, GENERALLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Motor Vehicles and Traffic, is hereby amended and reordained by amending Section 13-7, Adoption of state law; and Section 13-28, Adoption of state law, generally.

Chapter 13. Motor Vehicles and Traffic

Article I. In General

Sec. 13-7. Adoption of state law.

(a) Pursuant to the authority of section 46.2-1313 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the state contained in title 46.2 of the Code of Virginia, as amended, and in force on July 1, ~~2010~~ 2011, except those provisions and requirements the violation of which constitutes a felony, and those provisions and requirements which by their very nature can have no application to or within the county, are hereby adopted and incorporated in this chapter by reference and made applicable within the county. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any provision of title 46.2 of the Code of Virginia which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under title 46.2 of the Code of Virginia.

(b) It is the intent of the board of supervisors that all future amendments to sections of the Code of Virginia incorporated by reference in the provisions of this article be included in this article automatically upon their effective date, without formal amendment of this article by the board of supervisors.


State law reference-Authority to adopt state law on the subject, Code of Va., § 46.2-1313.

Article II. Driving Automobiles, Etc., While Intoxicated
or Under the Influence of any Drug

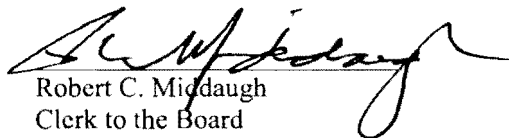
Sec. 13-28. Adoption of state law, generally.

Article 9 (section 16.1-278 et seq.) of chapter 11 of title 16.1 and article 2 (section 18.2-266 et seq.) of chapter 7 of title 18.2, Code of Virginia, as amended and in force July 1, ~~2010~~ **2011**, are hereby adopted and made a part of this chapter as fully as though set out at length herein. It shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any section of the Code of Virginia as adopted by this section.

State law reference-Authority to adopt state law on the subject, Code of Va., § 46.2-1313.


Mary K. Jones, Chairman
Board of Supervisors

ATTEST:


Robert C. Middaugh
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June, 2011.