

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF OCTOBER 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 (absent)
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

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

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Delegate Brenda Pogge led the Board and citizens in the Pledge of Allegiance.

E. PUBLIC COMMENT

1. Mr. Mark Rickards, Executive Director of Williamsburg Area Transit Authority (WATA), thanked the Board for its support of public transportation. He noted that WATA has experienced ridership growth for five consecutive years and that ridership on the traditional WATA routes surpassed \$1 million for the first time in FY 11. Total ridership for FY 11 was \$2.7 million including the Colonial Williamsburg routes. He also noted there would be funding challenges in the future.

2. Mr. Robert Richardson stated he did not think speakers should have to provide their address. He asked the Board to consider the Special Use Permit (SUP) for the St. Bede Mausoleum at its November 8 meeting.

3. Mr. Randy O'Neill, 109 Sheffield Road, spoke about the importance of children's health and wellness.

4. Ms. Sue Sadler, 9929 Mountain Berry Court, expressed her opposition to Agenda 21.

5. Ms. Mary Lou Clark, 2035 Bush Neck Road, spoke in favor of the resolution on Jolly Pond Road that would begin the process to potentially reopen the road.

6. Mr. Keith Sadler, 9929 Mountain Berry Court, expressed his opposition to Agenda 21.

7. Mr. David Brown, 1502 Bush Neck Road, spoke in favor of reopening Jolly Pond Road.

8. Dr. Don Cherry, 31 Whittaker's Mill, spoke in support of the Enhancement Grant for the Route 60 East Corridor from the Colonial Williamsburg Area to the Busch Gardens/I-64 Interchange. He asked if the area in James City County that is four lanes could be reduced to three, advocated for more enhancements in the islands, and asked for wider bike paths.

9. Mr. Ed Oyer, 139 Indian Circle, commented on the Veterans Administration and his concern about the maintenance and upkeep of 101 Indian Circle. He discussed provisions of the State Code as it relates to the St. Bede mausoleum and expressed concern about a recent newspaper article that mentioned bailing out hotels.

10. Mr. Fred Patrick, 108 Deerwood Drive, asked the Board to reopen Jolly Pond Road and expressed concern that lights at the athletic fields at Blayton Elementary and Hornsby Middle Schools remain on until 10 p.m. even though no one is on the fields.

F. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon raised the issue of the preventative maintenance overlay the Virginia Department of Transportation (VDOT) recently applied to some subdivision streets in the County. He stated he has received complaints that this type of resurfacing is causing conditions that are dusty, rougher, and noisier. The material is running off to the side making walking and biking difficult. He asked the Board to support writing a letter to VDOT expressing that the County finds this type of resurfacing unacceptable in the future and that the County would like for them to take corrective action to the roads that have already been treated. The Board by consensus supported Mr. McGlennon's request.

Mr. Icenhour mentioned that he attended the opening of Youth Career Café at Thomas Nelson Community College.

Ms. Jones mentioned that she attended the Regional Issues Committee meeting, the Mayors and Chairs meeting, and the Hampton Roads Military and Federal Facilities Alliance meeting.

G. BOARD CONSIDERATION

1. Jolly Pond Road

Mr. Steven Hicks, Manager of Development Management, stated that the County requested that Timmons Group revisit recommendations made for the dam and road in 2008 with a focus on what actions would be necessary to reopen the road. As a result of this recent study, Timmons Group concluded that conditions have not worsened since 2007 and recommended that the County decommission Jolly Pond Road as a State road and open it as a County road. As part of assuming the road as a County road, Timmons Group recommended that the County implement a Continued Monitoring Program, which would consist of weekly monitoring visits and develop an Emergency Action Plan. Mr. Hicks stated that the earliest the road would open is in February 2012. He also stated that if the Board approved the resolution, the County is not obligated to continue to maintain the road and keep it open if there is a failure that would require significant funds to correct.

Mr. Icenhour made a motion to approve the resolution.

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

RESOLUTION

JOLLY POND ROAD

WHEREAS, Timmons Group provided an update regarding the status of the impoundment of water by Jolly Pond Dam, the status of Jolly Pond Road, and the plan of action for any necessary repairs; and

WHEREAS, a site visit was conducted on August 25, 2011, by representatives of Timmons Group and James City County to observe current field conditions of the principal spillway, the emergency spillway, and the overall condition of the impounding structure in order to make recommendations regarding possible management and re-opening of the road by James City County; and

WHEREAS, the overall condition of the impounding structure does not appear to have changed significantly from previous observations in 2007 and 2008 and no additional risks of failure were observed; and

WHEREAS, among the options presented in the alternatives analysis study prepared by Timmons Group in 2008 was the option to institute an aggressive Continued Monitoring program and an Emergency Action Plan; and

WHEREAS, pursuant to § 33.1-150 of the Code of Virginia, 1950, as amended, the County may petition the Commonwealth Transportation Board for discontinuance of a road from the Secondary System of State Highways if such road appears to no longer serve public convenience warranting its maintenance by the Virginia Department of Transportation at public expense; and

WHEREAS, it no longer serves the public convenience for the portion of Jolly Pond that extends across the Jolly Pond Dam to be included in the Secondary System of State Highways; and

WHEREAS, the County desires to take this portion of road within the County road system, which will allow the eventual re-opening of Jolly Pond Road.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes implementation of the Continued Monitoring program and the Emergency Action Plan.

BE IT FURTHER RESOLVED that the Board hereby petitions the Commonwealth Transportation Board and requests the Virginia Department of Transportation take the necessary actions to discontinue the aforesaid portion of Jolly Pond Road as part of the Secondary System of State Highways pursuant to § 33.1-150, Code of Virginia, as amended.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

H. CONSENT CALENDAR

Mr. Goodson requested that Item No. 4 be removed from the Consent Calendar.

1. Minutes --
 - a. October 11, 2011, Regular Meeting
2. Approval of the Peninsula Hazard Mitigation 2011 Update

RESOLUTION

APPROVAL OF THE PENINSULA HAZARD MITIGATION PLAN 2011 UPDATE

WHEREAS, James City County, is seeking Federal Emergency Management (FEMA) approval of its Hazard Mitigation Plan 2011 Update, recognizing the threat that natural hazards pose to people and property within our community; and

WHEREAS, undertaking hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences; and

WHEREAS, an adopted Peninsula Hazard Mitigation Plan 2011 Update is required as a condition for future funding for mitigation projects under multiple FEMA pre-and post-disaster mitigation grants and flood mitigation assistance; and

WHEREAS, James City County fully participated in the FEMA-prescribed mitigation planning process to prepare this Peninsula Hazard Mitigation Plan 2011 Update; and

WHEREAS, the Virginia Department of Emergency Management and Federal Emergency Management Agency, Region III, have reviewed the Peninsula Hazard Mitigation Plan 2011 Update and approval is contingent upon this official adoption of the participating governments and entities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the Peninsula Hazard Mitigation Plan 2011 Update as an official plan.

BE IT FURTHER RESOLVED that James City County will submit this adoption resolution to the Virginia Department of Emergency Management and Federal Emergency Management Agency, Region III, to enable the Plan Update's final approval.

3. Grant Appropriation - Litter Prevention and Recycling Grant - \$10,224

RESOLUTION

GRANT APPROPRIATION - LITTER PREVENTION AND RECYCLING GRANT - \$10,224

WHEREAS, the Department of Environmental Quality has awarded James City County a Litter Prevention and Recycling Grant in the amount of \$10,224.

4. Endorsement of the Proposed Virginia Transportation Enhancement Grant for Improvements to the Route 60 East Corridor from the Colonial Williamsburg Area to the Busch Gardens/I-64 Interchange

Mr. Hicks stated that planning for enhancements along the Route 60 East corridor has been ongoing among several stakeholders, including the three localities of James City County, the City of Williamsburg, and York County. The three jurisdictions are applying for a grant which requires the support of the Board of Supervisors for the process to go forward. The total project is split into three phases totaling about \$4 million. The resolution allows for the County Administrator to review the scope and cost for each phase before the County commits to its local share.

Mr. Goodson noted that he had spoken to Dr. Cherry about reducing the number of lanes from four.

Mr. Hicks stated the resolution allows for the County Administrator to review these types of issues.

Mr. Goodson made a motion to approve the resolution.

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

RESOLUTION

**ENDORSEMENT OF THE PROPOSED VIRGINIA TRANSPORTATION ENHANCEMENT
GRANT FOR IMPROVEMENT TO THE ROUTE 60 EAST CORRIDOR FROM THE COLONIAL
WILLIAMSBURG AREA TO THE BUSCH GARDENS/I-64 INTERCHANGE**

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the sponsoring local jurisdiction requesting that the Virginia Department of Transportation (VDOT) establish an enhancement project in that jurisdiction; and

WHEREAS, the Williamsburg City Council held a public hearing in conjunction with the communities of Virginia's Historic Triangle – City of Williamsburg, James City County, and York County on October 13, 2011, to receive public comment on the proposed Virginia Transportation Enhancement Grant for improvements to the Route 60 East corridor in the three jurisdictions; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Commonwealth Transportation Board establish a project for the improvement of the Route 60 East Corridor located from the Colonial Williamsburg Historic Area to Busch Gardens in the jurisdictions of the City of Williamsburg, James City County, and York County.

BE IT FURTHER RESOLVED that James City County agrees to provide a minimum 20 percent of the total cost for planning and design, right-of-way, and construction of that portion of the project located in James City County.

BE IT FURTHER RESOLVED that James City County hereby agrees to enter into an agreement with VDOT to provide oversight that ensures the project is developed in accordance with all State and

Federal requirements for design, right-of-way acquisition, and construction of a Federally funded transportation project.

BE IT FURTHER RESOLVED that the James City County Administrator has the ability to review and revise the scope of work for the project as cost estimates are submitted to keep James City County's portion of the project within James City County's budget resources.

BE IT FURTHER RESOLVED that James City County will be responsible for maintenance and upkeep of the portions of the project that are located in James City County and constructed with Enhancement Program funds.

BE IT FURTHER RESOLVED that if James City County subsequently elects to cancel this project, James City County hereby agrees to reimburse VDOT for the total amount of costs properly attributed to James City County expended by the Department through the date the Department is notified of such cancellation. James City County also agrees to repay any funds previously reimbursed that are later deemed to be ineligible.

I. PUBLIC HEARINGS

1. Amendments to Appropriations in the Capital Budget

Mr. John McDonald, Manager of Financial and Management Services, noted that the Board adopted budgets that included spending that was identified with possible debt financing. The projects are able to be completed by using residual capital balances or in the case of one project, the Warhill community gymnasium, by being deferred. The resolution also appropriates the recently approved \$1 million Qualified School Construction Bond. As a result of these amendments, \$730,000 is available as a contingency for several projects currently under construction.

No one spoke during the Public Hearing.

Mr. McGlennon made a motion to approve the resolution.

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

RESOLUTION

AMENDMENTS TO APPROPRIATIONS IN THE CAPITAL BUDGET

WHEREAS, the James City County Board of Supervisors has previously adopted capital budgets that anticipated the issuance of bonded indebtedness; and

WHEREAS, the construction climate has resulted in project savings that eliminate the need for new debt; and

WHEREAS, previous appropriations of debt proceeds need to be eliminated in the current Capital Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following adjustments in appropriations in the Capital Budget:

<u>Revenues:</u>	
2009/2010 Bond Proceeds	\$(4,494,577)
2011 Bond Proceeds	(3,500,000)
2012 Bond Proceeds	<u>1,000,000</u>
	<u>\$(6,994,577)</u>

<u>Expenditures:</u>	
Blayton Elementary School	\$(2,790,704)
Community Gymnasium	(3,210,463)
Hornsby Middle School	(1,723,410)
Public Facility Improvements	<u>730,000</u>
	<u>\$(6,994,577)</u>

2. Case No. HW 0002-2011 and HW 0003-2011. Jamestown and Warhill High Schools Athletic Field Lighting

Mr. Luke Vinciguerra, Planner, stated that James City County’s Department of Parks and Recreation has requested height waivers to illuminate the athletic fields at Jamestown and Warhill High Schools by constructing four 80-foot, six 70-foot, and two 60-foot light poles at Warhill High School and four 80-foot, four 70-foot, and five 60-foot light poles at Jamestown High School. Mr. Vinciguerra noted that the lights focus downward and there would be no spillage beyond the property lines. Staff recommended approval.

Mr. Icenhour referenced earlier comments from the public and asked staff to ensure that lights are operated in a way to conserve energy.

Mr. Goodson asked staff to explore the potential for using the light poles as cell towers.

No one spoke during the Public Hearing.

Mr. McGlennon made a motion to approve the resolutions.

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

RESOLUTION

CASE NO. HW-0002-2011. JAMESTOWN HIGH SCHOOL ATHLETIC FIELD LIGHTING

WHEREAS, Mr. Dan Smith, on behalf of James City County (JCC) Parks and Recreation, has applied for a height limitation waiver to allow for the construction of four 80-foot tall, four 70-foot tall, and six 60-foot tall light poles; and

WHEREAS, the light poles will be at Jamestown High School which is located at 3751 John Tyler Hwy and is further identified as JCC Real Estate Tax Map No. 4610100002d; and

WHEREAS, a public hearing was advertised, adjoining property owners and homeowners associations notified, and a hearing scheduled on Case HW-0002-2011; and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-535.9 of the James City County Zoning Ordinance have been satisfied in order to grant a height limitation waiver to allow the erection of structures in excess of 60 feet.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. HW-0002-2011 which permits the construction of athletic field lighting with the following conditions:

1. Height and Location: Light poles shall be placed at the height and general locations as shown in the document titled "Jamestown High School Light Pole Placement & Location Map."
2. Lighting: Athletic fields will be illuminated with Musco brand lighting or other lighting of equivalent design as determined by the Planning Director to prevent off-site light spillage.

RESOLUTION

CASE NO. HW-0003-2011. WARHILL HIGH SCHOOL ATHLETIC FIELD LIGHTING

WHEREAS, Mr. Dan Smith on behalf of James City County (JCC) Parks and Recreation has applied for a height limitation waiver to allow for the construction of four 80-foot tall, six 70-foot tall, and two 60-foot tall light poles; and

WHEREAS, the light poles will be located at Warhill High School which is located at 4615 Opportunity Way and is further identified as JCC Real Estate Tax Map No. 3210100018; and

WHEREAS, a public hearing was advertised, adjoining property owners and homeowners associations notified, and a hearing scheduled on Case HW-0003-2011; and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-535.9 of the James City County Zoning Ordinance have been satisfied in order to grant a height limitation waiver to allow the erection of structures in excess of 60 feet.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. HW-0003-2011 which permits the construction of athletic field lighting with the following conditions:

1. Height and Location: Light poles shall be placed at the height and general locations as shown in the titled "Warhill High School Light Pole Placement & Location Map."
2. Lighting: Athletic fields will be illuminated with Musco brand lighting or other lighting of equivalent design as determined by the Planning Director to prevent off-site light spillage.

J. BOARD CONSIDERATION

1. Resolution to Rescind Approval of Commercial Districts Zoning Ordinances

Ms. Jones stated the item would be deferred to the November 8 meeting.

K. PUBLIC COMMENT

1. Mr. Scott Walter, 210 Matoaka Court, stated his support for Mr. Goodson's comments that Route 60 be reduced from four lanes as part of the enhancement grant. He asked if the multipurpose trail could be used for bicycles, and asked for clarification about the buffer between the CSX tracks and Route 60.

Mr. Hicks clarified that a buffer would not be created, but rather the existing buffer would be cleaned up.

2. Mr. Robert Richardson spoke about the requirement for speakers to provide their address.
3. Mr. Ed Oyer stated that citizens do not want their tax dollars used to subsidize businesses.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh reminded citizens to check their polling place as many have changed as a result of redistricting. He encouraged citizens to vote on Election Day.

M. BOARD REQUESTS AND DIRECTIVES

None

N. ADJOURNMENT to 7 p.m. on November 8, 2011.

Mr. McGlennon made a motion to adjourn.

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

At 8:11 p.m., Ms. Jones adjourned the Board until 7 p.m. on November 8, 2011.


Robert C. Middaugh
Clerk to the Board