

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 13TH DAY OF MARCH 2012, 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
John J. McGlennon, Vice Chairman, Roberts District
James G. Kennedy, Stonehouse District
James O. Icenhour, Jr., Powhatan District

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

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Tiger Cub Scouts of Cub Scout Pack 1932 led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATIONS

1. Thomas Nelson Community College (TNCC)

Ms. Carol Scheid, James City County Advisory Board Representative to TNCC, introduced Dr. John Dever, President of TNCC. Ms. Scheid provided the Board with a background of Dr. Dever's educational and academic achievements.

Dr. Dever, thanked the Board for the opportunity to speak about the college. He spoke of the College's mission to assist those seeking to benefit from higher education and commitment to keeping the cost affordable. He stated that presently the college has over 16,000 students in credit instruction and over 13,000 students in non-credit work force development. Dr. Dever expressed gratitude to the Board of Supervisors for providing visionary leadership and contributions for the state-of-the-art campus on Opportunity Way. He stated that in addition to the campus, the college operates the Discovery Center in New Town. Dr. Dever stated that localities provide assistance in developing, maintaining, and improving the campus site. Dr. Dever noted that the County's investment and support of the college is making a difference in the lives of the individuals and community for the better. Dr. Dever introduced Mr. Bruce Goodson to address the Board.

Mr. Goodson, James City County Advisory Board Representative to TNCC, addressed the Board about the college being a community investment and spoke about the importance of local dollars to support the college. Mr. Goodson thanked the Board for its support.

2. Planning Commission Annual Report for 2011

Mr. Jack Fraley, Chairman of the Planning Commission in 2011, recognized Ms. Jennifer Van Dyke and Ms. Tammy Rosario, Planning Division personnel, for their participation in preparing the 2011 Planning Commission Annual Report. Mr. Fraley spoke about the County's population and advised the Board on a three-year downward trend growth rate. He stated that residential growth activity reflected the slowdown, as virtually no residential units were approved through the legislative process for the second consecutive year. He advised the Board that in 2011 a major effort was made to update the zoning and subdivision ordinances. He expressed the importance of preserving the rural character of the County. He stated that the current policies do not preserve rural characteristics and discussed open space zoning as an alternative. He urged the Board to consider open space zoning as part of the County's Zoning Ordinance revision and to give it strong consideration at the work session with the Planning Commission.

Mr. McGlennon thanked Mr. Fraley for his service to the Planning Commission and for his thought-provoking comments expressed to the Board.

Ms. Jones expressed appreciation to Mr. Fraley for his time and energy serving on the Planning Commission.

3. Community Emergency Response Team (CERT) Graduation

Ms. Kate Hale, Emergency Service Director, addressed the Board about the training and functions of the CERT team. She stated that the CERT program began in 2003 and since that date 350 volunteers have been trained in the program.

For their participation and rigorous training in the program, Ms. Jones presented certificates to:

Mr. Raymond Hoyle	Toano Trace	Stonehouse
Ms. Barbara Miller	Villas Five Forks	Berkeley
Mr. Tom Miller	Villas Five Forks	Berkeley
Ms. Patricia McSherry	Colonial Heritage	Stonehouse

F. PUBLIC COMMENTS

1. Mr. Robert Venable, 9212 Diascund Road, Lanexa, gave an invocation to the Board.
2. Mr. Keith Sadler, 9929 Mountain Berry Road, Toano, addressed the Board concerning his opposition to the Neighbors Drive Improvement Project. He spoke about the project being redistribution of wealth. Mr. Sadler also expressed opposition to common pages in the Comprehensive Plan with the other Historic Triangle localities.
3. Mr. John Bookless, 3 Clarendon Court, Williamsburg, addressed the Board about his concerns regarding the upcoming joint planning meeting. He stated that it was difficult to determine who was funding the Vision Project. Mr. Bookless also spoke on transportation and ride sharing issues.
4. Mr. Jeffrey Smith, 116 Neighbors Drive, expressed his support of the Neighbors Drive Improvement Project.
5. Mr. Ed Oyer, 139 Indian Circle, discussed the Jamestown seat vacancy and questioned how the Board is representing all of James City County.

6. Mr. Kevin O'Shea, 119 Neighbors Drive, voiced support of the Neighbors Drive Improvement Project to rehabilitate the road.

G. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon made a motion to appoint Mr. George Drummond, Roberts District, to the Planning Commission. Mr. McGlennon requested that the Board act expeditiously as there were two matters that went before the last Planning Commission meeting and the Roberts District was not represented.

Mr. Kennedy advised the Board that he would be abstaining on Mr. Drummond's application.

On a roll call vote, the vote was: AYE: McGlennon, Icenhour, Jones (3). NAY: (0). ABSTAINED: Kennedy (1).

Mr. McGlennon mentioned that the Planning staff will host an upcoming meeting on March 14, 2012, from 6:30 to 7:30 p.m., dealing with Section 6 of Peleg's Point. Mr. McGlennon also advised the Board that Dominion Power will be holding a meeting on March 26, 2012, about an alternative route for its transmission line that would come across the James River to the southern end of the County.

Ms. Jones stated that she participated in the Arbor Day Celebration at Legacy Hall on March 9, 2012. She also stated that she, Mr. Icenhour, Mr. Middaugh, and Mr. Allen Murphy, Director of Planning, would be spending the day in Richmond on March 14, 2012, to attend the Commonwealth Transportation Board meeting where the Jolly Pond Road discontinuance will be discussed.

H. CONSENT CALENDAR

1. Minutes –
 - a. February 28, 2012, Work Session
 - b. February 28, 2012, Regular Meeting

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

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

I. PUBLIC HEARING - None

J. BOARD CONSIDERATIONS

1. Neighbors Drive/Richmond Road Neighborhood Improvement Project – Community Development Block Grant Application – \$1,070,000

Mr. Vaughn Poller, Housing and Community Development Administrator, addressed the Board regarding the Neighbors Drive/Richmond Road Neighborhood Improvement Project – Community Development Block Grant (CDBG). Mr. Poller provided a developmental and funding history of the project. Mr. Poller provided statistics about the neighborhood's eligibility for qualifying for the block grant. He

indicated that Neighbors Drive will be built to State standards indicating that the roads will be maintained by the Virginia Department of Transportation (VDOT). Mr. Poller provided project cost and funding source detail summaries to the Board. Mr. Poller welcomed questions from the Board members.

Mr. Kennedy questioned the total amount of grants received to date.

Mr. Poller responded \$1.4 million.

Mr. Kennedy questioned if all the property owners have signed off on the project.

Mr. Poller responded that 14 out of the 17 property owners have signed-off.

Mr. Kennedy stated that he prefers 100 percent participation before he votes for any grant applications that could affect property ownership.

Mr. Poller stated that he is pursuing conversations with the property owners on a weekly basis.

Mr. McGlennon stated that Mr. Poller is requesting permission to submit a grant application.

Mr. Poller responded that this is a competitive grant and if the County is successful in receiving funds, he would then come back before the Board requesting contract acceptance.

Mr. McGlennon stated that if the Board does not act on the application tonight, the County cannot apply for the grant.

Ms. Jones stated that this project began ten years ago because of the condition of the road. She questioned the results if the County does not apply for the grant or applies and does not get the funding. She stated that she was under the impression that this project was under one umbrella.

Mr. Poller stated that the County would not be able to do the Neighbors Drive portion. He stated that when this was first brought forward it was the intention to do Forest Heights and Neighbors Drive under one grant. He stated that the costs were too high. Therefore, the Virginia Department of Housing and Community Development requested that the County not submit an application for the total amount, but to separate the project into two projects and the County could come back to apply for the Neighbors Drive funding.

Mr. Icenhour questioned the total amount of the project if the project was not split.

Mr. Poller replied that the total cost would have been approximately \$4 million.

Mr. Kennedy questioned the size of the road that is going to get paved.

Mr. Poller responded that the road is approximately 1,400 feet long by 25 feet wide with a sidewalk, curb, and gutter on one side.

Mr. Kennedy expressed concerns about the high cost of the project.

Mr. Icenhour questioned how big the community was going to be.

Mr. Poller replied that there will be 46 houses with an additional eight lots in Forest Heights and an additional five lots on Neighbors Drive. He stated that Housing Partnerships and Habitat for Humanity have committed to participate in building affordable housing in Forest Heights. His staff will be seeking their participation in the Neighbors Drive development.

Ms. Jones questioned if there are any long-term requirements attached to the grant money.

Mr. Poller responded that depending on the funding source, there could be long-term requirements. He stated that for the housing rehabilitation monies, persons have to be at 80 percent of the area median income to qualify. He stated that those who have the ability to pay may have to repay part of it. For those who do not have the ability to pay, a lien is attached to the property for 10 to 15 years. He stated that it is forgiven year over year as long as the occupant stays there.

Ms. Jones questioned if the homeowners chose to sell, do they have the ability to participate in the free market.

Mr. Poller responded that homeowners can participate in the free market by selling to whomever they please. However, the County recovers the money that it has invested.

Mr. Kennedy inquired about past rehabilitation projects: if the properties are maintaining their values, if the properties are increasing in value, and if the property owners are able to keep up with repairs. He questioned the homeowner's responsibility on the County's investment of property repairs.

Mr. Poller responded that as a part of the program requirements, participants go through some training. He stated that the Extension Office provides classes on basic upkeep.

Ms. Jones stated that she is in support of putting in the basic infrastructure. She questioned the itemized list category, Streets, and asked if the figure of \$388,000 was just the cost of putting in the road.

Mr. Poller responded that yes it was an estimate.

Mr. McGlennon stated that the costs were over \$1 million for stormwater management, water/sewer upgrades, and putting in the road.

Ms. Jones expressed concern about competing with the private market, especially in this economy. She expressed concern that not all property owners are on board. She stated that she had significant concerns about continuing on with grant money.

Mr. Icenhour made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: McGlennon, Icenhour, Kennedy (3). NAY: Jones (1).

RESOLUTION

NEIGHBORS DRIVE/RICHMOND ROAD NEIGHBORHOOD IMPROVEMENT PROJECT -

COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION - \$1,070,000

WHEREAS, financial assistance is available to units of local government through the Commonwealth of Virginia Community Development Block Grant (VCDBG); and

WHEREAS, in compliance with VCDBG requirements, two public hearings were advertised in a newspaper with general circulation in the County, notices of the public hearings were mailed to the project area residents, and the hearings were held on December 7, 2011, and February 7, 2012, regarding this application; and

WHEREAS, James City County wishes to apply for \$1,070,000 in VCDBG funds to be used in undertaking a multiyear Comprehensive Community Development Project in the designated Neighbors Drive/Richmond Road Neighborhood Improvement Project Area; and

WHEREAS, \$818,330 in local funds are allocated to the project and \$38,400 in Federal funds will be expended on this project; and

WHEREAS, the project is anticipated to benefit 64 persons, of whom 48 are low- and moderate-income, by providing public roads, stormwater management, property clearance, and development of a multi-use path, and by providing new homeownership opportunities and housing rehabilitation and replacement, which will meet the National Objective of providing benefits to persons of low and moderate incomes.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, pursuant to two public hearings, the County of James City, Virginia, hereby wishes to apply for \$1,070,000 of VCDBG Funds for the Neighbors Drive/Richmond Road Neighborhood Improvement Project.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to sign and submit appropriate documents, including an application with all the understandings and assurances contained therein, and to provide such additional information as may be required for the submittal of the VCDBG proposal.

2. **Dominion Virginia Power Proposed Transmission Line**

Mr. Middaugh advised the Board that the resolution expressed the Board's opposition to the original of two routes to bring in a new transmission line from a Chickahominy substation in Charles City County down to the southern part of James City County.

Mr. Middaugh stated that last week Dominion Virginia Power informed the County that there is a second route under consideration that will go directly from the Surry Nuclear Plant across the James River and come into the southern part of the County at BASF and cross over to a switch station. He indicated this line is less expensive than the original and the impacts associated with this route seem to be significantly less than the originally planned route, which cut through significant forested properties in Charles City and James City Counties. The route passed adjacent to one the County's parks, through several historic and cultural resources, through a residential area, and across the Chickahominy River, which is in various stages of approval for scenic and/or historic designation.

Mr. Middaugh stated the importance of going on record stating that the original route that Dominion Virginia Power planned is not the one that the County has favored. Mr. Middaugh further stated that if the original route becomes an active route by approving the resolution, it authorizes the County Administrator and County Attorney to intervene on behalf of the County to take any appropriate action.

Mr. McGlennon stated that per a telephone conversation with a Dominion Virginia Power representative, it was indicated that even if they voluntarily chose the alternative route, it is expected within the next several years to come back to this proposed route. He believed that it is important to indicate now this is an inappropriate route for the transmission lines.

Mr. McGlennon made a motion to approve the resolution.

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

RESOLUTION

OPPOSITION TO A PROPOSED CORRIDOR FOR THE CONSTRUCTION OF

A 500-KV UTILITY TRANSMISSION LINE

WHEREAS, Virginia Electric and Power Company (VEPC) Dominion Virginia Power (DVP) has proposed to construct a 500-kV electric transmission line from the Chickahominy Substation to the Skiffe's Creek Switching Station in order to provide additional electric utility capacity for the Peninsula area, which incorporates James City County; and

WHEREAS, DVP has proposed a corridor for the 500-kV electric transmission line which runs from the Chickahominy Substation in Charles City County through Charles City County, crossing the Chickahominy River, and crossing portions of James city County to a point in James City County where the new 500-kV electric transmission line would connect to an existing DVP corridor near the Lightfoot Substation; and

WHEREAS, the proposed 500-kV electric transmission line corridor crossing through Charles City County and James City County would traverse areas of both counties that are unspoiled heavily wooded areas, as well as near or through significant cultural and historical resource areas and a crossing of the scenic and historic Chickahominy River; and

WHEREAS, in light of significant concern in James City County, the Board of Supervisors feels that it is imperative that James City County make known those concerns early in the process, with the expectation that DVP and/or the permitting authority for the transmission line, the State Corporation Commission, may take appropriate alternative action.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that in light of significant adverse environmental, natural resource, historic and cultural resource adverse impacts, which cannot be mitigated, as a result of the construction of a new 500-kV electric transmission line in the proposed corridor which crosses Charles City County and James City County, the James City County Board of Supervisors hereby expresses its opposition to the proposed corridor and further directs that the County Administrator and County Attorney intervene on behalf of James City County in the State Corporation Commission permitting process and take all appropriate actions to see that the DVP 500-kV electric transmission line is built in a corridor other than the proposed crossing through Charles City County and James City County.

K. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, read a 1998 newspaper article to the Board on promoting and defining affordable houses in the County.

L. REPORT OF THE COUNTY ADMINISTRATOR

Mr. Middaugh reported that on March 14, 2012, he will be attending the Commonwealth Transportation Board to seek approval of the discontinuance of a small section of Jolly Pond Road so that it can be taken out of the State system and put in the County system and can be opened for vehicular traffic.

Mr. Middaugh stated that the Board will be going into Closed Session to discuss the School Board contract and an appointment to the Planning Commission.

M. BOARD REQUESTS AND DIRECTIVES - None

N. CLOSED SESSION

Mr. Kennedy made a motion for the Board to go into Closed Session pursuant to Section 2.2-3711(A)(6) and Section 2.2-3711(A)(11) of the Code of Virginia to discuss:

- a. School Contract Negotiation
- b. Planning Commission Vacancy

On a roll call vote, the vote was: AYE: McGlennon, Icenhour, Kennedy, Jones (4). 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)(6) of the Code of Virginia, discussion of contract negotiations where financial interests of the County are involved.

RESOLUTION

CERTIFICATION OF CLOSED MEETING

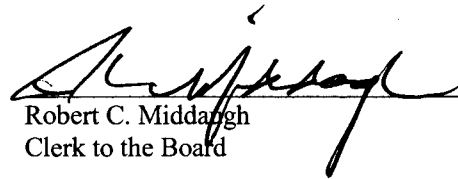
WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

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, consideration of a personnel matter, the appointment of individuals to County boards and/or commissions.

O. ADJOURNMENT

At 8:54 p.m., Ms. Jones adjourned the Board until March 27, 2012, at 4 p.m.


Robert C. Middaugh
Clerk to the Board