

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF APRIL 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
W. Wilford Kale, Jr., Jamestown 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 – Leuchann Johnson, Jr., a second-grade student at J.B. Blayton Elementary School led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATIONS - None

F. PUBLIC COMMENT

1. Mr. Randy O'Neill, 109 Sheffield Road, Williamsburg, addressed the Board concerning the Virginia Recreation Trail Grant. Mr. O'Neill stated that he was pleased that the County was getting the grant, however, he expressed concerns regarding how this investment is going to impact the health of the community.

2. Ms. Sue Sadler, 9929 Mountain Berry Court, Toano, addressed the Board in welcoming Mr. Kale as the new Board Supervisor. Ms. Sadler expressed concern about fiscal and academic accountability in the school system and requested that the Board not raise taxes.

3. Mr. Richard Swanenburg, 4059 South Riverside, Lanexa, addressed the Board regarding the erosion problems at Little Creek Reservoir and Ivy Hill Road. He expressed concern on how a County-owned stadium was not properly being maintained.

4. Ms. Mary Lou Clark, 2035 Bush Neck Road, Williamsburg, addressed the Board regarding Jolly Pond Road and questioned when the road would be reopened.

5. Mr. John Pottle, 4233 Teakwood Drive, Williamsburg, gave an invocation to the Board.
6. Mr. Ed Oyer, 139 Indian Circle, Williamsburg, addressed the Board concerning pothole problems on Route 60.
7. Ms. Rosanne Reddin, 2812 King Rook Court, Williamsburg, addressed the Board on the characteristics of effective leadership.

G. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon stated that he attended a public hearing regarding the Dominion Virginia Power proposal of power lines crossing the James River. He stated that citizens expressed concern about the visual impact of 285-foot power lines crossing above the water and how this was going to affect property values. He requested staff prepare a resolution requesting that the lines cross under the James River.

Mr. Kennedy stated that at the last meeting he brought up questions and concerns about Neighbors Drive and asked staff to provide answers. He stated that he is still awaiting that information. Mr. Kennedy also expressed concern about center median issues in Toano. He stated that the grass is three feet high in some areas and requested that the Virginia Department of Transportation (VDOT) be contacted to address this concern.

Mr. Kale proposed a motion to elect Ms. Jones as Chair to the James City County Board of Supervisors for a term through August 31, 2012 and further proposed that on September 1, 2012, Mr. McGlennon would assume the chairmanship and Ms. Jones would become Vice Chair. He indicated that on September 1, 2012, Mr. McGlennon would assume the representation of the County for the Mayors and Chairs groups and that Ms. Jones would retain the County's representation on the Regional Planning District Commission and the Regional Transportation Planning Organization. He stated that the term would expire at the 2013 Reorganization meeting.

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

Mr. Icenhour requested that the County Administrator contact VDOT regarding speed limits on Ironbound Road and in Seasons Trace. He indicated that the speed limit is 45 mph on Ironbound Road, which borders a neighborhood community and park. He indicated that he believes this is excessive and would like to request a speed study. He stated that Seasons Trace speed limit was increased from 25 mph to 35 mph as a result of a speed study. He indicated he thought that was excessive and would like VDOT to reevaluate the speed study.

Mr. Icenhour requested Mr. Middaugh to instruct staff to follow up on the concerns of Mr. Swanenberg in regard to the County-owned stadium issues. Mr. Icenhour requested that a commitment be received from the company that will be removing the tree from Jolly Pond Road so that the citizens can be informed as to when the road will be opened.

Ms. Jones thanked staff and VDOT for applying a slurry seal in the Deer Run neighborhood. She also thanked VDOT for infrastructure improvements in the Fernbrook neighborhood. Ms. Jones mentioned that she attended the AAA ribbon cutting ceremony on March 29, 2012. She stated that she appreciated AAA staying in James City County and investing in a new facility and creating more jobs. Ms. Jones also mentioned that she attended the Williamsburg Pottery opening on April 5, 2012. She stated that she appreciated its investment in James City County and wished both companies much success. Ms. Jones noted that Go Ape will be having its grand opening on April 11, 2012.

Ms. Jones stated that the Board has been following the Virginia Retirement System (VRS) discussion. She stated that the State will be providing localities the flexibility to phase in the five percent employee contribution. She indicated that the five percent employee contribution would be offset by pay compensation.

H. CONSENT CALENDAR

Mr. Kale requested that the March 7, 2012, Joint Meeting minutes be pulled from the calendar and handled as a separate issue.

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

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

Mr. McGlennon made a motion to approve the March 7, 2012, Joint Meeting minutes.

On a roll call vote, the vote was: AYE: McGlennon, Icenhour, Kennedy, Jones (4). NAY: (0). ABSTAIN: KALE (1).

1. Minutes –
 - a. March 7, 2012, Joint Meeting
 - b. March 27, 2012, Work Session
 - c. March 27, 2012, Regular Meeting
2. Virginia Recreational Trails Program (RTP) Grant - \$200,000

RESOLUTION

VIRGINIA RECREATIONAL TRAILS PROGRAM (RTP) GRANT - \$200,000

WHEREAS, funds are needed to assist with the construction of a trail from Freedom Park to the Blayton Elementary and Hornsby Middle Schools complex; and

WHEREAS, the Virginia Department of Conservation and Recreation (DCR) may fund a trail development project in James City County through the Federal Recreational Trails Program (RTP).

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

1. Any assistance received will be used for the specified trail at Freedom Park;
2. Match funding for the project will be available if the grant is approved;
3. Requests for payment will be made on a reimbursement basis in the format required;
4. Development will be in compliance with the National Environmental Policy Act, Endangered Species Act, Historic Preservation Act, and all other applicable State and Federal laws; and

5. Appropriate public comment opportunities will be provided for this application if selected for advancement as required for approval.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby supports and authorizes application for the Virginia RTP Grant for Freedom Park.

3. Regional Air Service Enhancement (RAISE) Cooperation Agreement

RESOLUTION

REGIONAL AIR SERVICE ENHANCEMENT (RAISE) COOPERATION AGREEMENT

WHEREAS, the cities of Hampton, Newport News, Poquoson, and Williamsburg and the counties of Gloucester and York have entered into a Regional Air Service Enhancement (RAISE) Cooperation Agreement (the "Agreement"); and

WHEREAS, the County of James City (the "County") has been a party to the Agreement since its inception in 2008; and

WHEREAS, the Economic Development Authority of the County of James City (the "EDA") has agreed to contribute the entire \$26,186 required by the Agreement; and

WHEREAS, the Agreement still lists the County as a party and cannot now be changed because all the other localities have already executed the Agreement.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute the RAISE Cooperation Agreement, provided that the funds required by the Agreement shall be paid in full by the EDA.

I. PUBLIC HEARING

1. Case No. Z-0002-2012 – Colonial Manor Proffer Amendment (Epstein Rest Home)

Ms. Leanne Reidenbach, Senior Planner II, advised the Board that the property owner is seeking to amend the proffers to convert from a congregate housing facility to an assisted and independent living facility and also increase the number of allowed units to 110. She indicated that the Special Use Permit (SUP) and Proffer Amendments are required at this time to change the use to Nursing Home and Facilities for the Residents and/or Care of the Aged. She noted that site work for the conversion would occur inside the building and there would be no changes to the exterior. She indicated that the existing parking lot could accommodate the increase and change in units without requiring any expansion. She indicated that the amendment will meet a need for affordable assisted living care and will help an existing business, located in the enterprise zone, adapt to changing market demands.

Ms. Jones opened the Public Hearing.

1. Mr. Ed Oyer, 139 Indian Circle, Williamsburg, expressed a favorable opinion about Colonial Manor.

Ms. Jones closed the Public Hearing and looked to the Board for discussion and/or motion.

Mr. Kennedy clarified that in an assisted living facility, the word "unit" equated to mean "bed." Mr. Kennedy made a motion to approve the resolution and proffer amendment.

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

RESOLUTION (1)

CASE NO. Z-0002-2012. COLONIAL MANOR PROFFER AMENDMENT

(EPSTEIN REST HOME)

WHEREAS, in accordance with §15.2-2204 of the Code of Virginia and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified, and a hearing scheduled for Case No. Z-0002-2012 for amending the proffers for approximately 7.4 acres from R-5, Multi-Family Residential, with proffers, to R-5, Multi-Family Residential, with amended proffers; and

WHEREAS, the site can be further identified as Parcel No. (1-89) on James City County Real Estate Tax Map No. (52-3); and

WHEREAS, the Planning Commission of James City County, following its public hearing on March 7, 2012, recommended approval of Case No. Z-0002-2012, by a vote of 4-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing, does hereby approve Case No. Z-0002-2012 as described herein and accept the amended proffers.

RESOLUTION (2)

CASE NO. Z-0002-2012. COLONIAL MANOR PROFFER AMENDMENT

(EPSTEIN REST HOME)

WHEREAS, in accordance with §15.2-2204 of the Code of Virginia and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified, and a hearing scheduled for Case No. Z-0002-2012 for amending the proffers for approximately 7.4 acres from R-5, Multi-Family Residential, with proffers, to R-5, Multi-Family Residential, with amended proffers; and

WHEREAS, the site can be further identified as Parcel No. (1-89) on James City County Real Estate Tax Map No. (52-3); and

WHEREAS, the Planning Commission of James City County, following its public hearing on March 7, 2012, recommended approval of Case No. Z-0002-2012, by a vote of 4-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing, does hereby approve Case No. Z-0002-2012 as described herein and accept the amended proffers.

2. Case No. ZO-0001-2012 – Addition of Resort Hotel Definition; Amendments to R-4, Residential Planned Community District; and Amendments to Special Regulations

Ms. Melissa Brown, Zoning Administrator, advised the Board that staff received a request from Mr. Vernon Geddy, of Geddy, Harris, Franck, & Hickman, LLP, to consider amending the definition of hotel to broaden the type of units that are permissible under the use designation of the ordinance. She stated that Xanterra Kingsmill, LLC applied to expand the resort. She stated that part of the proposal included additional hotel units developed as single-family detached structures and marketed as cottages to be added to their hotel offering. Currently, the definition of hotel does not permit the use of detached units as part of the hotel development. Ms. Brown stated that there is a benefit to the County to have a broader range of transient occupancies subject to hotel tax. Ms. Brown stated that this change was going to be recommended in the ordinance update process, but the department accelerated the request to help facilitate the Kingsmill business plan and its expansion. Ms. Brown advised the Board that Mr. Geddy was also present to answer any questions.

Mr. Kennedy inquired as to the safeguards to ensure that the cottages would not turn into long-term rentals.

Ms. Brown responded that requirements were built in the definition for the units to be maintained by the hotel facility even though they may be individually owned and that maid service would have to continue on a daily basis. She stated that the units cannot be used as a primary address for any of the occupants. She indicated that the cottages would not have any identifying numbers.

Mr. Icenhour questioned whether the 60-day consecutive limitation was unique to this or was it for all hotels.

Ms. Brown responded that it was unique to this. She stated that there is a similar requirement for campgrounds.

Mr. Kale questioned the County Attorney as to whether they should include the word “family” in Section 24-45(c) in order to prevent long-term rentals.

Mr. Rogers stated that the ordinance, as written, could be subject to abuse.

Mr. Kale asked Mr. Geddy if he had a concern if the Board adopted the ordinance with the understanding that the Board would come back and take a look at Section 24-45(c) to ensure that the County has closed all the potential loopholes.

Mr. Geddy responded that he would not have a problem.

Ms. Jones opened the Public Hearing.

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

Mr. Icenhour made a motion to approve the Ordinance.

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

Mr. Kale requested that the County Attorney take a look at Section 24-45(c) and if need be make minor changes as soon as possible.

Mr. Rogers advised Mr. Kale that he will send out a memorandum on the item.

3. Vacate Easement - 6692 Richmond Road

Mr. Adam Kinsman, Deputy County Attorney, advised the Board that the Williamsburg Pottery has requested the vacation of an easement upon which a former Williamsburg Area Transit Authority (WATA) stop was located. He stated that pursuant to a 2007 proffer, the Pottery was required to move the bus shelter approximately 165 feet southeast to accommodate a new roadway alignment. He indicated that the new location was approved by the County, VDOT, and WATA. He indicated that the bus shelter was moved and is now in operation, rendering the old easement surplus.

Ms. Jones opened the Public Hearing.

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

Mr. Kennedy made a motion to approve the resolution.

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

RESOLUTION

VACATE EASEMENT – 6692 RICHMOND ROAD

WHEREAS, the County of James City (the “County”) owns a 1,250-square-foot easement on a parcel of property located at 6692 Richmond Road and further identified as James City County Real Estate Tax Parcel No. 2430100024; and

WHEREAS, a Williamsburg Area Transit Authority bus shelter serving the Williamsburg Pottery Factory (the “Pottery”) was located upon the easement; and

WHEREAS, due to the reconstruction of the Pottery entrance roads and pursuant to a 2007 proffer requirement, the Pottery was required to relocate the bus shelter and dedicate a corresponding easement to the County; and

WHEREAS, the bus shelter has been relocated, rendering the easement upon which the former bus shelter was located as surplus and unnecessary.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after conducting a public hearing, authorizes the County Administrator to sign any and all documents necessary to vacate the 1,250-square-foot easement on the parcel of property located at 6692 Richmond Road and identified as James City County Real Estate Tax Parcel No. 2430100024,

said easement being further identified as "Ex. 25' x 50' JAMES CITY COUNTY EASEMENT D.B. 727, PG. 817 TO BE VACATED" on that certain plat entitled "PLAT OF EASEMENT AND VACATION TO JAMES CITY COUNTY FOR BUS SHELTER RELOCATION AND VACATION OF A PORTION OF JCSA EXISTING VARIABLE WIDTH UTILITY EASEMENT" made by AES Consulting Engineers, dated February 3, 2012.

J. BOARD CONSIDERATIONS

1. Appropriation of Funds to Provide a Fire/EMS Very High-Frequency (VHF) Radio Paging System Expansion to Provide Coverage for all of James City County - \$88,000

Mr. Tal Luton, Fire Chief, addressed the Board on seeking funds to expand the current voice paging system. He stated that the system is used to notify the stations and volunteer members of incidents. He stated that members carry Motorola pagers that can be activated using a tone alert that can be operated in two modes: open mode in which a person can hear all radio traffic at all times and silent mode in which a person would only get an alert if the station gets a call. He stated that the current transmitter is located on a tower behind Berkeley Middle School. He further stated that the transmitter does not provide enough radio frequency coverage to reach all of James City County and that coverage is sporadic west of Toano, where most of volunteers reside. He stated that Motorola has provided the County with a proposal to install two new transmitters with the ability to simulcast transmission to two pager transmitters. He mentioned that one transmitter will be located at a tower on Owen-Brockway in Toano and one on a tower at Berkeley Middle School. He informed the Board that this proposal will expand coverage to include areas not currently covered.

Mr. Icenhour questioned the height of the tower at the Owen-Brockway site.

Chief Luton responded that the tower is 400 feet.

Mr. Icenhour made a motion to approve the resolution.

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

RESOLUTION

APPROPRIATION OF FUNDS TO PROVIDE A FIRE/EMS VERY HIGH-FREQUENCY (VHF)

RADIO PAGING SYSTEM EXPANSION TO PROVIDE COVERAGE FOR ALL OF

JAMES CITY COUNTY - \$88,000

WHEREAS, the Fire Department utilizes a Motorola Radio Voice Paging System to notify fire stations, staff, and Volunteer Fire and EMS members of incidents including the type of incident and location; and

WHEREAS, the current system does not provide adequate coverage for the entire County, particularly in the western end of the County; and

WHEREAS, volunteer members have missed notification of emergency incidents on numerous occasions; and

WHEREAS, Motorola Radio Communications has proposed a solution that includes installation of a second paging transmitter in Toano.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the appropriation of funds.

2. Board of Supervisors Guidelines for Outside Communications with Applicants Requesting Legislative Approvals

Ms. Jones advised that the Board has deferred this matter until its next work session which will be held on May 22, 2012.

3. School Contract

Mr. Middaugh presented the proposed agreement between the County and the City of Williamsburg (City) for the next five-year period for the joint operation of the schools. He stated that the contract would run from July 1, 2012 to July 1, 2017. Mr. Middaugh stated that there were a few modifications to the existing agreement with one being the funding formula change. Mr. Middaugh explained that currently the formula takes a student count, effective September 30 of each year and establishes the City and the County a percentage of students and then a factor is applied to the City's percentage to inflate it a bit and that becomes the final number for the distribution of costs. He stated that they are proposing that the agreement change to a three-year average instead of the current one year. He stated that the purpose is to help smooth out any significant increases in population so that it is easier for the two jurisdictions to budget. He also stated that the current contract has a section of exclusion for children who do not have an address. He stated that they are requesting that the definition be expanded to include other non-permanent residences such as a hotels, motels, and campgrounds. Mr. Middaugh stated that the last contract change suggested would be how to deal with year-end surpluses. He stated that currently, the schools get everything over \$500,000 applied to capital projects. He stated that the schools get to keep the first \$500,000 and the remainder goes toward capital projects. He stated that the suggestion would be that all of the surpluses roll over to be part of next year's contribution unless the City and the County have approved a spending plan submitted by the school to the respective bodies. He stated the same approach would be used for capital project balances in excess of \$500,000. Mr. Middaugh stated that he and the City Manager of Williamsburg believe this is a fair contract.

Mr. Kennedy questioned that if there was any surplus left at the end of the year, does the City and the County have to both agree on how the money is spent.

Mr. Middaugh stated yes.

Mr. Kennedy questioned if the City, with ten percent of the budget, could dictate how 90 percent of the spending would occur.

Mr. Middaugh explained that if the County agreed and the City disagreed, the money would then roll to the respective parties. The County would get its 90 percent and the City would get its ten percent.

Mr. Kennedy questioned if the County would then give the 90 percent to the schools.

Mr. Middaugh stated that the way the contract is structured is that both parties have to agree on a spending plan for it to proceed. Mr. Middaugh stated that if both parties agreed, the schools get to spend the money and if both parties disagree, the money rolls back to the respective parties and the schools do not have it available.

Mr. Kennedy expressed concerns that he is uncomfortable with the current contract. He stated that he does not support it and does not agree with it. He does not believe it is a good deal for the County. He expressed concerns with the negotiation methodology. Mr. Kennedy also expressed concerns regarding the voting breakdown of the School Board. He stated that the City has 28.96 percent of the voting block; however, they contribute only 10 percent of the budget. He also expressed concerns about who would pay for children living in hotels and motels. Mr. Kennedy also expressed concerns about the step increases over three years. He believed this method does not benefit the County. Mr. Kennedy also stated that he has concerns about the funding of new construction. He stated he is concerned about ambiguity, especially in light of James Blair turning back into a school.

Mr. McGlennon stated that Mr. Kennedy raised some interesting points and wants further clarification to better understand the implications of transient and homeless children. He questioned the effect of the calculations on the ratio.

Mr. Middaugh stated that the students get paid for; however, they don't fall to any one jurisdiction. He stated that they get picked up in the whole budget.

Mr. McGlennon stated that the contract does not say how much money has to be allocated to the school; it says how that money is to be allocated between City and County. He questioned if the County decided that the level of the expenditure was excessive that the School Board requested and that the County could fund below that level. He questioned if the County Board would still retain the ability to determine the overall level of spending, regardless of what the School Board did.

Mr. Middaugh responded yes.

Mr. McGlennon stated that the development of the contract has gone very smoothly and that he prefers the method of distributing the costs based on a three-year rolling average. He stated that he has concerns with the money coming back to the County. He stated that the expiring contract allowed the School Board to actually keep the first half million dollars that was in surplus. He stated his concerns were not enough to delay the adoption of the contract; however, he stated that he wanted to monitor this to evaluate how well this is working over the course of this contract to determine if he wanted to continue it in the next contract.

Mr. Kennedy expressed concerns about spending just to keep the level of funding up. He stated that an incentive to save is a far better system than taking the money back.

Mr. Icenhour questioned that if there was a savings of a \$1 million under the new contract would the School Board need to meet with the two jurisdictions. He further asked if the County could have the ability to allow the schools to keep that \$1 million, would the County have a say in how it was spent.

Mr. Middaugh responded yes and that it is not limited to what it could be used for. He stated it could be used for VRS, capital, books, and buses.

Mr. Icenhour stated that this would give the County tremendous flexibility and as long as the County has a good working relationship, there is an incentive on the part of the School to come back and present the County with a viable plan on how they would like to spend the surplus money. He stated that he would like this to be monitored.

Mr. Middaugh stated that this is a change that is going to require the County to have an effective working relationship with the City Council and the School Board.

Mr. Icenhour questioned if there have ever been any mid-year contract adjustments in contract history.

Mr. John McDonald, Manager of Financial and Management Services, advised the Board that recently the City and County agreed on the percentage of equity in Blayton Elementary and Hornsby Middle Schools. He stated that the City gave up its equity positions so that the County could pledge them as collateral against the financing. He stated that was a mid-year adjustment to the contract.

Mr. Kale questioned if all monies at the end of a given year would be subjected to be returned to the localities unless the School Board makes a proposal.

Mr. Middaugh responded yes.

Mr. Kale asked that this matter be deferred until the next Board meeting.

Mr. Middaugh questioned Mr. McDonald as to when the contract has to be approved.

Mr. McDonald responded that the County has a contract through June 30; however, it does affect the budget.

Mr. Icenhour questioned Mr. McDonald if the \$500,000 has been in the contract for five years.

Mr. McDonald stated yes.

Mr. Icenhour questioned the history of surplus money.

Mr. McDonald responded that for the most part, the Schools have ended the year with unexpended money that they have been able to invest in capital spending.

Mr. Icenhour questioned the average amount of surplus.

Mr. McDonald responded that over the last couple of years, the amount has been in the million dollar range. Mr. McDonald advised the Board that the biggest challenge the County had was when the Governor eliminated the payment they had to make for a quarter to VRS and they were stuck with \$3 million. He stated that under the contract they could not put it aside for next year's VRS payment. He stated that they could not use it to balance an operating budget. He stated that under the contract they had to invest it in capital. He stated this was counter-productive. He stated that in exploring how to make it more flexible, the recommendation to create a separate spending plan for the unspent surplus was put on the table. He stated that they did not envision the City objecting to something that the County would agree to.

Mr. Kennedy questioned if the County took some of the money from the VRS payment and put it toward the auxiliary gym.

Mr. McDonald responded yes, and that the money went into capital projects.

Ms. Jones stated that she could support deferral of the contract. Ms. Jones questioned the County Attorney as to changing the percentage makeup of the City's representation. She questioned whether the City's Charter would have to be changed in order for this to be achieved.

Mr. Rogers responded that this was correct. He stated that it has been in the City's Charter since 1981.

Ms. Jones expressed her concern about being responsible to the taxpayers in the decisions that the Board makes.

Mr. Icenhour stated that he was comfortable with deferring the contract.

Ms. Jones stated that there was a motion on the floor and asked the County Administrator to call the role.

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

K. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, Williamsburg, commented on the School Board surpluses. He also expressed concern about the high cost of education.

2. Mr. Richard Swanenburg, 4059 South Riverside, addressed the Board about environmental concerns of the Chickahominy River.

L. REPORT OF THE COUNTY ADMINISTRATOR

Mr. Middaugh advised the Board that the proposed County Budget will be coming later this week. He stated that the Board will be receiving it on Thursday, April 12, 2012. He stated that the media will be receiving it on Friday, April 13, 2012. He stated that the budget will also be available on the County website. He stated that a public hearing of the budget will be held on April 24 at 7 p.m.

Mr. Middaugh stated that the Board will be going into Closed Session to discuss acquisition of a property for public use.

M. BOARD REQUESTS AND DIRECTIVES

Mr. Kale thanked the Board for voting on the deferral of the school contract. He stated that this would allow him to get up to speed on the matter.

Mr. McGlennon informed the Board that he attended a ribbon cutting ceremony for a new restaurant, Oinkers, in the Roberts District. He also mentioned that he, along with Mr. Icenhour, attended the Teacher of the Year reception. He stated that Ms. Carol Myer from James River Elementary School was chosen as Elementary Teacher of the Year. Mr. Jamal Oweis of Hornsby Middle School was recognized as the Middle School Teacher of the Year, and Ms. Mary Lyons Hanks of Lafayette High School was recognized as the High School Teacher of the Year. Mr. McGlennon also mentioned that two elementary schools, Matthew Whaley and Rawls Byrd, had been recipients of national recognition.

N. CLOSED SESSION

Mr. McGlennon made a motion for the Board to go into Closed Session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia to consider the purchase of a parcel(s) of property for public use.

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(3) of the Code of Virginia, consideration of the purchase of parcel(s) of property for public use.

O. ADJOURNMENT

At 9:28 p.m., Ms. Jones adjourned the Board until 7 p.m. on April 24, 2012.


Robert C. Middaugh
Clerk to the Board