

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF JUNE 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 – Mr. Bryan Soukup, County Attorney summer Law Clerk Intern, led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATIONS - None

F. PUBLIC COMMENT

1. Ms. Roseanne Reddin, 2812 King Rook Court, Williamsburg, addressed the Board regarding Agenda 21 and International Council for Local Environment Issues (ICLEI).

2. Mr. Ed Oyer, 139 Indian Circle, Williamsburg, addressed the Board regarding Route 60 traffic concerns. Mr. Oyer also expressed concerns regarding the slurry seal work that was done in his neighborhood by the Virginia Department of Transportation (VDOT).

3. Mr. Keith Sadler, 9929 Mountain Berry Court, Toano, addressed the Board regarding Agenda 21 and ICLEI.

G. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon advised the Board that on June 16, 2012, he and Mr. Kale attended three high school graduation ceremonies and had the opportunity to celebrate the achievements of the graduates. He

advised the Board that on June 23, 2012, he attended the North American Field Day for the Williamsburg Area Amateur Radio Club. He expressed appreciation to the Radio Club for the service that it provides for the community.

Mr. Icenhour advised the Board that on June 14, 2012, he attended the openings of two new businesses in New Town: Williamsburg Cupcake and Dudley's Bistro. Mr. Icenhour also advised the Board that he attended the Lafayette High School graduation ceremony. He stated that he was very impressed with the ceremony. He stated that on June 21, 2012, he attended the ribbon cutting ceremony for the County's Fire Department Administrative and Training building. He stated that he was impressed with the facility. Mr. Icenhour also advised the Board that he attended the Colonial Williamsburg Community Leaders breakfast on June 26, 2012.

Mr. Kale advised the Board that he attended the high school graduation ceremonies and stated that it was a wonderful experience. He stated that he enjoyed the opening of Williamsburg Cupcake and Dudley's Bistro. Mr. Kale also stated that he attended the Colonial Williamsburg Community Leaders breakfast on June 26, 2012.

Ms. Jones advised the Board that she attended the openings of Williamsburg Cupcake and Dudley's Bistro. She wished Mr. Kennedy much success with his new business. Ms. Jones advised the Board that she attended a Hampton Roads Planning District Commission (HRPDC) meeting, a Hampton Roads Transportation Commission meeting, and a Mayors and Chairs meeting. She informed the Board that the Mayors and Chairs are discussing transportation issues, stormwater issues, and environmental laws. Ms. Jones stated that on June 22, 2012, she attended the Hampton Roads Military Federal Facilities Alliance. She stated that the key discussion of the Alliance meeting was the future Federal budgetary decisions impact on local areas. Ms. Jones advised the Board that she was elected Vice Chairman of the Hampton Roads Military Federal Facilities Alliance. Ms. Jones informed the Board that on June 21, 2012, she attended the 2012 Welcome Rally for the Harley Owners Group (HOG) in New Town. She stated that it was a successful event and thanked Mr. Russell Seymour, Director of Economic Development, for helping to ensure its success. She stated that she and Mr. Middaugh had the honor to ride in the Flag parade.

H. CONSENT CALENDAR

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

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

1. Minutes –
 - a. June 12, 2012, Regular Meeting
2. Appropriation of Funding for the Homelessness Intervention Program (HIP) - \$13,278

RESOLUTION

APPROPRIATION OF FUNDING FOR THE

HOMELESSNESS INTERVENTION PROGRAM (HIP) - \$13,278

WHEREAS, the Commonwealth of Virginia, through its Department of Housing and Community Development, has made available an additional \$8,793 in the Homelessness Intervention Program (HIP) for assistance to James City County residents who qualify; and

WHEREAS, the James City County Office of Housing and Community Development administers the HIP to benefit residents of the County; and

WHEREAS, James City County has residents who have need of assistance to intervene or prevent their being homeless; and

WHEREAS, the repayment of funds to the Program from past recipients (Program Income) in the amount of \$4,485, not previously appropriated, is available to assist additional participants in the HIP.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to accept the HIP funding in the amount of \$8,793.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the Budget, as adopted for the fiscal year ending June 30, 2012, as follows:

Revenues:

Homelessness Intervention Program	\$ 8,793
Homelessness Intervention Program Income	<u>4,485</u>
Total:	<u>\$13,278</u>

Expenditure:

Homelessness Intervention Program	<u>\$13,278</u>
-----------------------------------	-----------------

3. Certificate of Public Need – Advanced Vision Surgery Center

RESOLUTION

CERTIFICATE OF PUBLIC NEED - ADVANCED VISION SURGERY CENTER

WHEREAS, given the rapid population growth in James City County and the Greater Williamsburg area, additional medical facilities are needed to serve both the current and future population; and

WHEREAS, medical facilities, such as the one proposed, provide services that are in high demand in areas such as James City County that have a relatively high percentage of its population over the age of 65; and

WHEREAS, the proposed facility will assist in providing area residents with additional options for health care providers;

WHEREAS, the proposed facility will be the first in the area to provide residents with the latest state-of-the-art technology used during cataract surgery.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby supports the Advanced Vision Surgery Center’s COPN Application and requests that the Virginia Department of Health approve the proposed project.

I. PUBLIC HEARING

1. Chapter 3. Animal Laws. An Ordinance to Amend James City County Code Section 3-1, Definitions, and Section 3-8, Dangerous and Vicious Animals

Mr. Bryan Soukup, County Attorney summer Law Clerk Intern, stated that the proposed ordinance amendments bring the County Code in line with the State Code regarding animal law provisions. He stated that the proposed amendments will add the Commonwealth's definition of "facility" into the County Code, clarify when courts may determine that a dog is dangerous, and give the courts specific authority to order the owner, custodian, or harbinger of the dangerous or vicious animal to pay restitution for actual damages to any person injured by the dog or whose companion animal was injured or killed by the dangerous dog. Mr. Soukup advised the Board that the amendments alter the fee structure and time frame for obtaining a dangerous dog registration certificate from James City County Animal Control. He stated that the General Assembly has increased the fee for obtaining the certificate from \$50 to \$150. He stated that \$90 will be remitted by the County to the Commonwealth for maintenance of the Virginia Dangerous Dog Registry. He stated that the owner will have 45 days, instead of 10, to acquire a certificate, which must be renewed each year. He stated that the renewal fee has been increased from \$50 to \$85 and that \$25 of the renewal fee will go to the Commonwealth for the upkeep of the Dangerous Dog Registry. Mr. Soukup informed the Board that the Dangerous Dog Registry was started in 2006 and provides an on-line database for citizens to determine if dangerous dogs reside in their neighborhoods and for local animal control officials to post information about dogs that have been declared dangerous by the local court. Mr. Soukup advised the Board that the amendments will make it the responsibility of the local animal control officer to provide information to the Virginia Dangerous Dog Registry. Mr. Soukup stated that he would answer any questions that the Board had regarding the proposed ordinance.

Mr. McGlennon questioned if the proposed ordinance is a housekeeping measurement to bring the County into conformance with State Code.

Mr. Soukup responded yes.

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: McGlennon, Icenhour, Kale, Kennedy, Jones (5). NAY: (0).

J. BOARD CONSIDERATIONS

1. Local Governing Body Concurrence with School Division Electing to Pay the Virginia Retirement System (VRS) Board Certified Rate

Mr. Middaugh, County Administrator, stated that this is required by the Commonwealth. He further stated that when the Board of Education elects to pay the certified Virginia Retirement System (VRS) rate, the Board of Supervisors has to concur with its decision.

Mr. Kennedy made a motion to adopt the resolution.

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

RESOLUTION

LOCAL GOVERNING BODY CONCURRENCE WITH SCHOOL DIVISION

ELECTING TO PAY THE VIRGINIA RETIREMENT SYSTEM (VRS)

BOARD-CERTIFIED RATE

WHEREAS, the Williamsburg-James City County (WJCC) School Board has elected to pay the Employer Contribution Rate certified by the Virginia Retirement System (VRS) Board of Trustees for its Non-Professional Account; and

WHEREAS, in accordance with the 2012 Appropriation Act Item 468 (H), the local governing body must concur with the local public school division's election of the VRS-certified Employer Contribution Rate; and

WHEREAS, the Board of Supervisors agrees with the WJCC School Board's rationale of avoiding reduced contributions to the account which could result in reduced investment earnings and fewer assets available for benefits, as well as avoiding a lower funded ratio when the next Actuarial Valuation is performed and, thus, a higher calculated contribution rate at that time; and

WHEREAS, the WJCC adopted budget reflects payment at the certified rate of 9.05 percent.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, (55147) hereby acknowledge that the Williamsburg-James City County School Division has made the election for its contribution rate to be based on the employer contribution rates certified by the VRS Board of Trustees pursuant to Virginia Code 51.1-145(1) resulting from the June 30, 2011, actuarial value of assets and liabilities (the "Certified Rate").

BE IT FURTHER RESOLVED that James City County (55147) does hereby certify to the VRS Board of Trustees that it concurs with the election of the Williamsburg-James City County School Division to pay the Certified Rate, as required by Item 468(H) of the 2012 Appropriations Act.

BE IT FURTHER RESOLVED that the officers of James City County (55147) are hereby authorized and directed in the name of James City County to execute any required contract to carry out the provisions of this resolution. In execution of any such contract which may be required, the seal of James City County, as appropriate, shall be affixed and attested by the Clerk.

2. Cox Communications Easement/Right-of-Way Agreement – Freedom Park Interpretive Center

Mr. Leo Rogers, County Attorney, informed the Board that the easement is part of a capital project that the County had on the Freedom Park Interpretive Center and the redesign of Centerville and Longhill Roads. He stated that a Cox Communications line is already in place. He stated that Cox Communications has put in shrubs in order to screen it from the entrance and along the Longhill Road corridor.

Mr. Kale made a motion to adopt the resolution.

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

RESOLUTION

COX COMMUNICATIONS EASEMENT/RIGHT-OF-WAY AGREEMENT –

FREEDOM PARK INTERPRETIVE CENTER

WHEREAS, the Board of Supervisors held a public hearing to include in the County's Capital Improvement Program (CIP) construction of an Interpretive Center at Freedom Park; and

WHEREAS, the Board of Supervisors approved the contract award authorizing construction of an Interpretive Center at Freedom Park; and

WHEREAS, an easement is needed to provide data services to the Interpretive Center; and

WHEREAS, Cox Communications Hampton Roads, LLC has agreed to install bushes and shrubs for screening and has ensured that the placement of its equipment would not be visually detracting from Freedom Park; and

WHEREAS, a public hearing is not needed to convey a utility easement for projects consistent with a CIP pursuant to Virginia Code § 152-1800.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute any required Right-of-Way Agreement and such other documents as may be necessary for Cox Communications Hampton Roads, LLC to install lines for data services to the Interpretive Center at Freedom Park.

K. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, Williamsburg, addressed the Board regarding the road pavement work on Jackson Drive and traffic concerns on Route 60.

2. Mr. Joseph Swanenburg, 3026 The Point, Lanexa, congratulated James City County for receiving the 2012 Achievement Award and the 2012 Best Rural Program Award from the National Association of Counties. He stated that both awards were for the 2009 Comprehensive Plan. Mr. Swanenburg questioned if the awards were received because the Board and staff listened to the concerns of the citizens. Mr. Swanenburg addressed the Board regarding Agenda 21 and ICLEI.

3. Dr. Glen Campbell, 5215 Monticello Avenue, Williamsburg, owner of Advanced Vision Institute, thanked the Board for supporting the Advanced Vision Surgery Center.

L. REPORT OF THE COUNTY ADMINISTRATOR

Mr. Middaugh addressed Mr. Swanenburg's comments regarding the Comprehensive Plan award. He stated that the awards are very prestigious national awards. He stated that the awards are very competitive. He stated that there was an enormous amount of public input. He further stated that the Board of Supervisors, Planning Commission and a citizen committee worked very hard on the Comprehensive Plan. Mr. Middaugh stated that the County Administration and County Attorney office are moving out of Building C and moving into Building D over the next couple of weeks. He stated that Economic Development has already moved into Building D. Mr. Middaugh thanked Mr. Russell Seymour for his work on the HOG Rally. He stated it was great to have the group in the community. Mr. Middaugh stated that the Board completed the closed session items at its work session and advised that the Board needs to make a motion to confirm the appointments.

M. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon made a motion to appoint Ms. Linda Reinke to the Social Services Advisory Board, Ms. June Hagee to the Colonial Behavioral Health Board, and Mr. Larry Walk to the Parks and Recreation Advisory Board.

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

Mr. McGlennon stated that last week the County Administrator informed the Board that he was planning to engage the services of consultants to do corridor studies and he asked for any concerns that the Board might have on that matter. Mr. McGlennon stated that he had concerns regarding moving ahead on the Mooretown Road corridor study. Mr. McGlennon made a motion to direct the County Administrator not to engage the services of consultants on the Mooretown Road corridor study, until the Board had an opportunity to determine ways to apply those funds to another project or projects.

Mr. Kale stated that he has questions regarding the project and asked if a time frame could be put in the motion.

Mr. Middaugh stated that the matter could be deferred until the next Board meeting.

Ms. Jones stated that at the last meeting Mr. Kennedy raised concerns regarding the County's landscape ordinance and recommended a working group of architects, landscapers, and citizens in the community to take a look at the ordinances. Ms. Jones stated that she supports Mr. Kennedy's recommendation and looked to the Board for its recommendation.

Mr. Middaugh stated that the Board members can suggest committee members or the Board can ask staff to assemble a group.

Mr. Kale inquired if this would be better handled under the auspices of the Planning Commission.

Mr. Kennedy stated that he wanted to see the representation of landscaping professionals. He stated that there are issues concerning overplanting of trees. He wants to question what the best management practice is when the County requires landscaping. Mr. Kennedy stated that he would recommend Ms. Peggy Krapf to serve on the committee.

Ms. Jones stated that Mr. Chris Basic, a Planning Commission member, would be an asset to the committee. She stated that Mr. Basic is a landscape architect who is familiar with County ordinances and processes.

Mr. McGlennon stated that the committee should be an informal group to give advice to the Planning Division staff who works on this issue.

Mr. Middaugh stated that he will form a group with Ms. Krapf, Mr. Basic, and two to three other members if they are interested.

Mr. McGlennon stated that Mr. Martino may be interested in serving on the informal committee.

Mr. Icenhour stated that he would like to add the area north of Walmart on Route 199 to the list for median maintenance.

Mr. Middaugh stated that based on the approved budget by the Board, the County is buying equipment and hiring people to go through the principal corridors in mid-July to enhance the level of maintenance. Mr. Middaugh stated that he will be providing the Board with a service map to show the medians that will be getting attention.

Ms. Jones stated that she has heard many comments about United Nations Agenda 21 and ICLEI. She stated that she has researched both and that the book, *Behind the Green Mask*, was an excellent research tool. Ms. Jones stated that the book goes into great detail regarding policy and land use. She stated that good planning is important as well as being good stewards of the environments. Ms. Jones stated that it was important to make sure that the County is not planning in a direction that 20 years down the road the County may regret. Ms. Jones stated that she appreciates the citizens coming out to express their concerns and ideas.

Mr. McGlennon stated that he disassociated himself from Ms. Jones' comments. He stated that he has read Agenda 21. He stated that the words in the document are the same words that are in the Comprehensive Plan that Ms. Jones adopted. He said he believes this is an effort to twist an international agreement, which was supported by President George H.W. Bush, into something that it is not.

Ms. Jones stated that the County has been successful in applying land use decisions. Ms. Jones stated that her idea of sustainability is free enterprise and liberty. She stated that sustainability is a good thing, but not when sustainability means minimizing citizen rights for the greater good. ICLEI states on its website that its job is to implement Agenda 21 and it utilizes land use tools to do that. She stated an example would be increasing buffers limiting people the use of their personal property. She acknowledged that she and Mr. McGlennon disagree on this matter. Ms. Jones stated that she wanted to acknowledge the citizens who have voiced concern regarding Agenda 21 and ICLEI.

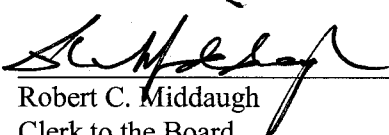
N. CLOSED SESSION - None

O. ADJOURNMENT

Mr. Kennedy made a motion to adjourn the meeting until 7 p.m. on July 10, 2012.

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

The meeting adjourned at 7:51 p.m.


Robert C. Middaugh
Clerk to the Board