

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH DAY OF JULY 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** – Hailey Hopkins, a rising fifth-grader, led the Board and citizens in the Pledge of Allegiance.

**E. PRESENTATIONS**

1. Senior Services Coalition

Ms. Diane Hartley, Director of Senior Services Coalition, thanked the Board for the opportunity to speak. Ms. Hartley advised the Board that the Senior Services Coalition is comprised of members from health and social services organizations, local government and businesses, and area residents who work to identify and address the needs of seniors and to prepare the community to respond to the age wave. She stated that this is done primarily through the implementation of the Community Action Plan on Aging, which is a ten-year plan developed by the community to make the Greater Williamsburg Area more livable for older adults. Ms. Hartley provided senior demographic, transportation, and financial status statistics for the Historic Triangle area based on the 2010 Census. Ms. Hartley advised the Board of the impacts in healthcare, transportation, housing, and volunteerism affected by the aging population. She advised the Board that the Senior Services Coalition, through the Community Action Plan on Aging, has identified several priorities that are being addressed to help seniors. She stated that the priorities are to help seniors and caregivers navigate resources, enhance the support of services to meet the needs of vulnerable seniors and their caregivers, support neighborhoods in maintaining Neighbor to Neighbor Programs to allow seniors to age in place, and to expand opportunities for seniors to remain connected and contribute their skills to the community. Ms. Hartley discussed current Coalition initiatives with the Board that included an Annual Senior Employment Fair, Experienced Works in Transition

Job Club, and Financial Literacy Workshops. Ms. Hartley thanked the Board for including the Community Action Plan on Aging in the Comprehensive Plan. She stated that she hopes the County will participate in the 2013 Aging Summit.

Ms. Jones thanked Ms. Hartley for the presentation.

2. Hampton Roads Military and Federal Facilities Alliance

Ms. Jones advised the Board that she invited the Director of the Hampton Roads Military and Federal Facilities Alliance (HRMFFA) to speak before the Board. She stated that James City County is a member of HRMFFA and thought that a presentation would be helpful to the Board members and citizens to understand the membership benefits.

Mr. Craig Quigley, Executive Director of HRMFFA, addressed the Board and stated that he wanted to provide a history of the organization, how HRMFFA is structured and governed, what it has done in the past, and what it will be doing in the future.

Mr. Quigley stated that in 2005, during the last round of base realignment and closure, it was a big surprise to the elected leaders of Hampton Roads to initially see Naval Air Station Oceana on the list of installations to be closed. He stated that it was not closed and is thriving and doing very well today. He stated that in early 2006, the same elected leaders got together and questioned how they got so surprised. He stated that the elected leaders realized that there was no single organization or person whose primary full-time job was to keep track of what is going on with all of the Federal facilities in the region. He stated that as a result, the elected officials formed HRMFFA and the 13 cities and counties that formed HRMFFA in 2006 are still on the governing Board today. He stated that at the Board's annual meeting in July, Ms. Jones was elected and will serve as Vice Chair for one year and then will be the Chair of the Board for the following year.

Mr. Quigley stated that HRMFFA is funded by tax revenues and that private business members have a flat fee of \$5,000 per year. He stated that the staff of the organization consists of himself and a part-time administrative person. He stated that most of the money pays to retain a consulting and lobbying firm in Washington, D.C. Mr. Quigley stated that his focus of effort is on the region, talking to Board members and talking to the leaders of the Federal facilities to try to carry out the original purpose of the organization, which is to stay ahead of what is going on and what is going to be happening.

Mr. Quigley advised the Board that he came in September 2010 at the front end of the disestablishment of the U.S. Joint Forces Command. He stated that the 2010 HRMFFA Chair made it very clear to him that his first effort was to mitigate the effects of the disestablishment of the Joint Forces Command on the region. He stated that at that point everyone's perception was that every last person and every last building would be closed and today we know that is not true. He stated that 50 percent of the people were retained in the region.

He stated that there are three areas of growth in the defense budget: cyber operations, special operations, and unmanned aerial systems. He stated that there is a robust presence of special operations in Hampton Roads. He stated that there is a significant presence of cyber operations in the area. He stated that most of the cyber operations are located in Little Creek. He stated that it will be moving to Suffolk in the next year. He stated that there is an effort to make sure that Fort Monroe became an asset and not a liability to the region. He stated that HRMFFA assisted in efforts to name Fort Monroe as a national monument.

Mr. Quigley talked about the next steps. He spoke on sequestration and stated that because the Budget Control Act of 2011 resulted in the creation of the Super Committee, which failed; therefore, the next step is that \$1.2 trillion comes out of the Federal budgets, starting January 2, 2013, evenly split between defense and all other agencies of the Federal government.

Mr. Quigley discussed the possibility of a Hampton Roads Energy Corridor. He stated that if a renewable series of energy generators could be set up on some of the Federal facilities and then feed into the grid to take care of the Federal facilities on which they sit, as well as sell some of the energy back to Dominion Virginia Power; it would be a worthwhile effort. He stated that Dominion is interested. He stated that to get ahead of the next round of base realignment and closures, he suggested to do the same thing in the City of Hampton around Langley Air Force Base. He stated that the effort will start in earnest this year. Mr. Quigley provided a map to the Board, which indicated a significant Federal presence in the region. Mr. Quigley advised the Board that he would be available to answer any questions.

Mr. McGlennon questioned what would be the main challenge facing the Federal facilities in Hampton Roads.

Mr. Quigley responded that the inevitable reduction in Federal spending in years is to come. He stated that the nation has a debt crisis. He stated that the President's budget, as it was submitted to Congress in February, took out \$487 billion from the defense budget over the next ten years. He stated that the region will feel its effects.

Ms. Jones thanked Mr. Quigley for his presentation.

## **F. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, Williamsburg, addressed the Board and expressed his objection to the County spending \$50,000 on legal fees to fight the power lines proposed by Dominion Virginia Power. Mr. Oyer commented that Dominion Virginia Power had foresight to obtain easements early on. Mr. Oyer also spoke about the effects of radiation on military personnel. Mr. Oyer also expressed objection to spending \$500,000 on the Longhill Road study and questioned why there was no money to address the Route 60 traffic concerns.

2. Mr. Keith Sadler, 9929 Mountain Berry Court, Toano, addressed the Board concerning United Nations Agenda 21 and International Council for Local Environmental Initiatives (ICLEI).

3. Mr. Eric Danuser, 4091 South Riverside Drive, Lanexa, petitioned the Board to amend the ordinance to allow homeowners in Chickahominy Haven to allow chickens in residential area. He cited that chickens produce a rich fertilizer by-product high in nitrogen, eliminating the need for petro-chemical fertilizers. He stated that chickens eat bugs, which will reduce backyard pest population allowing for reduced use of pesticides. He stated that backyard hens provide an educational opportunity and pet ownership responsibility for children. He stated that a properly cleaned and maintained chicken coop poses no sanitation risks. He requested that the R2 zone be amended to allow for a small number of chickens on lots in James City County.

## **G. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon spoke on the recent deaths of three County citizens. He advised that Board that Mr. Joe Guterrez who worked for 24 years at the Jamestown/Yorktown Foundation passed away after an illness

and wanted to express appreciation for his service to the County and expressed sympathy to his family. He stated that Captain Dave Arnold, Virginia Peninsula Regional Jail, was killed in an automobile accident. He stated that Captain Arnold served at the jail since its opening. He expressed appreciation for his service to the jail and expressed sympathy to his family. Mr. McGlennon stated that Ms. Katherine Perez, former teacher and guidance counselor, passed away after a battle with cancer. He expressed condolences to her family. Mr. McGlennon informed the Board that since its last meeting there was a meeting of the Williamsburg Area Destination Marketing Committee (WADMC) which agreed to move forward on a plan for a destination marketing organization. He stated that based on his request, the proposal was amended to say that WADMC would have the opportunity to vote on the particulars of the destination marketing organization as it comes forward rather than have that responsibility delegated to an executive committee. Mr. McGlennon advised the Board that Mr. Kennedy's role in initiating these discussions was mentioned and singled out for special appreciation.

Ms. Jones mentioned to the Board that since its last meeting she had the opportunity to attend a special event at Jamestown Settlement that the Governor hosted for the National Association of Governors. She stated that it was an honor to meet several governors from around the country. She stated that during the past week a delegation from South Korea arrived. She stated that it was a wonderful experience to have the delegation here and to be able to share the Historic Triangle region with them. Ms. Jones thanked Top Gun for coming back this year. She stated that she attended the opening ceremonies with Mr. Icenhour and Mr. Middaugh. Ms. Jones mentioned that she provided the Board with the final draft of the letter of the Urban Crescent regarding the transportation issue. She requested the Board members advise her if any changes need to be made to the letter.

#### **H. CONSENT CALENDAR**

Ms. Jones stated that Mr. Icenhour had a few questions on Item No. 4 and questioned if he wanted that item pulled.

Mr. Icenhour stated that he would make a motion to approve the Consent Calendar, if no one else from the Board wanted to pull any items from the Consent Calendar. He stated that he had concerns regarding the process and questioned the time frame for the completion of the road improvements.

Mr. Kale stated that he wanted to pull Item No. 1. He stated that he had a correction to the minutes.

Ms. Jones pulled Item Nos. 1 and 4 from the Consent Calendar.

Mr. Icenhour 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. Kale requested that on Board packet pages 23 and 24 of the July 10, 2012, the minutes be corrected to state that in the future the Board should consider the possibility of purchasing additional equipment to be utilized for debris removal. He stated that he did not suggest spending money this year to buy new equipment.

Mr. Icenhour stated that he wanted the public to know what the plans are going forward for Old News Road. Mr. Icenhour stated that he would like a timeline that the road will be under construction.

Mr. Shawn Gordon, Capital Projects Coordinator, responded that the resolution before the Board is to award the contract to Branscome Companies. He stated that the project duration is 90 days, which is divided

into four phases in order to minimize traffic disruptions and to utilize the cross section roads between WindsorMeade Way, Old News Road, and the shopping center. He stated that due to the severe crown of Old News Road, it is their intention to grind down the crown, haul the excess away, and bring back an asphalt base. He stated that when each of the four phases are completed, Branscome will pave the entire road at one time.

Mr. Kale made a motion to approve Consent Calendar Items 1 and 4.

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

1. Minutes –
  - a. July 10, 2012, Regular Meeting
2. Appointment of Animal Control Officer

### **RESOLUTION**

#### **APPOINTMENT OF ANIMAL CONTROL OFFICER**

WHEREAS, the Board of Supervisors of James City County is authorized to appoint Animal Control Officers; and

WHEREAS, the Animal Control Officers are vested with the authority to enforce the animal laws in the County pursuant to Virginia Code Sections 3.2-5900, et. seq., and James City County Code Section 3-2.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that Ms. Sarah Rocchio is hereby appointed Animal Control Officer for James City County, Virginia.

3. Initiation of Consideration of Amendment to the Zoning Ordinance ZO-0004-2012 – Soil Stockpile Areas

### **RESOLUTION**

#### **INITIATION OF CONSIDERATION OF AMENDMENT TO THE ZONING ORDINANCE**

##### **ZO-0004-2012 - SOIL STOCKPILE AREAS**

WHEREAS, in order to make the Zoning Ordinance more conducive to proper development, public review and comment of draft amendments is required pursuant to Virginia Code §15.2-2286; and

WHEREAS, the Board of Supervisors is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of amendments.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate review of the Zoning Ordinance to consider adding to the language of Article I. In General, Section 24-2. Definitions; and Article II. Special Regulations, Division 1. In General, by adding provisions and procedures relating to stockpiling of materials. The Planning

Commission shall hold at least one public hearing on the consideration of amendments of said ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with the law.

4. Contract Award – Old News Road Improvements – \$312,897.02

**RESOLUTION**

**CONTRACT AWARD – OLD NEWS ROAD IMPROVEMENTS – \$312,897.02**

WHEREAS, funds are available for James City County as part of the revenue share program with the Virginia Department of Transportation (VDOT) to cover the construction phase expenses for the Old News Road Improvements; and

WHEREAS, eight bids were considered for award with the lowest responsive and responsible bidder being Branscome Companies with a bid in the amount of \$312,897.02; and

WHEREAS, the award of this contract shall also be based upon approval by VDOT.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract for the Old News Road Improvements to Branscome Companies in the total amount of \$312,897.02 and upon approval by VDOT.

5. Longhill Road Corridor Study Project Administration Agreement

**RESOLUTION**

**LONGHILL ROAD CORRIDOR STUDY PROJECT ADMINISTRATION AGREEMENT**

WHEREAS, in accordance with the Code of Virginia to provide localities the opportunity to administer projects financed by the Regional Surface Transportation program in accordance with the Virginia Department of Transportation (VDOT) Locally administered Projects Manual; and

WHEREAS, the Board of Supervisors of James City County, Virginia, has expressed its desire to locally administer the work of the Longhill Road Corridor Study Contract UPC No. 98811 in the amount of \$500,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the Project Administration Agreement for the Longhill Road Corridor Study Contract UPC No. 98811.

6. Resolution to Establish Petty Cash Fund for Freedom Park Interpretive Center

**RESOLUTION**

**TO ESTABLISH A PETTY CASH FUND FOR FREEDOM PARK INTERPRETIVE CENTER**

WHEREAS, the Board of Supervisors of James City County has been requested to authorize establishment of an initial \$200 petty cash fund for James City County Freedom Park Interpretive Center; and

WHEREAS, funds are needed to assist customers completing cash transactions.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the Treasurer to establish an initial \$200 petty cash fund for Freedom Park Interpretive Center.

**I. PUBLIC HEARINGS - None**

**J. BOARD CONSIDERATION**

1. A Resolution of the Board of Supervisors of the County of James City, Virginia, Requesting the Economic Development Authority of the County of James City, Virginia, to Issue its Public Facility Lease Revenue Bonds to Finance and Refinance the Costs of Certain Public Facilities

Mr. John McDonald, Director of Financial and Management Services, advised the Board that the resolution requests that the Economic Development Authority (EDA) issue, on behalf of the County, lease revenue financing in the amount of \$20 million for improvements to Lafayette High School, Toano Middle School, James River Elementary School, and replacement of Fire Station 1 in Toano. He stated that lease financing option is an alternative for counties that cannot issue general obligation debt without a referendum. He stated that facilities, such as a school or fire station, are leased to the EDA which leases them back for a sum sufficient to pay the debt service on an annual basis. Mr. McDonald stated that combined with the new money projects is a refinancing which focuses on 2003 lease revenue bonds that were initially issued for improvements to the E-911 system and radio equipment with Motorola. He stated that including the refinancing and the new money projects costs of the issuance are spread out and the County tries to get the best rate possible for both pieces at the same time. He stated that the resolution was prepared by bond counsel and would authorize the sale of bonds, as long as the interest rates on the bonds do not exceed five percent. Mr. McDonald stated that should the Board and the EDA approve the lease revenue bond issue, it is expected that the bonds would be sold in late August. Mr. McDonald advised the Board that the School Board approved its role in this matter at its July meeting.

Mr. McGlennon made a motion to approve the resolution.

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, continued his comments from the first public comment section.

2. Mr. Keith Sadler, 9929 Mountain Berry Court, Toano, continued his comments from the first public comment section regarding ICLEI.

**L. REPORT OF THE COUNTY ADMINISTRATOR**

Mr. Middaugh advised the Board that the new playground sculpture design for Mid-County Park is available for review online. He stated that the Parks and Recreation Commission is anxious to hear any comments, questions, or concerns about the design. Mr. Middaugh noted that there have been reports of car theft around the County. Mr. Middaugh stated that the Police Department is working very hard on this matter. He stated that the Police Department is advising that people take the simple precaution of locking their cars. He stated that most of the thefts are occurring in unlocked vehicles.

**M. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon responded to a comment made by Mr. Oyer and stated that Dominion Virginia Power does not have easements for the lines that they are planning to run in James City County across the James River. Mr. McGlennon informed the Board that he was sent a customer newsletter by Dominion North Carolina noting that Dominion replaced overhead lines and moved the lines underground, citing that the lines were moved for safety rather than aesthetics. Mr. McGlennon stated that the proposed line in James City County has economic issues, including effects on property values and the tourism industry in terms of the impact of visibility from Jamestown Island. He stated that the proposed line can potentially interfere with military operations and exercises at Fort Eustis. He stated that the Board's consideration in this matter is a well justified high priority issue.

Mr. Icenhour passed along Ford's Colony citizens' appreciation to the Fire Department to a rapid and professional response to a lightning strike. Mr. Icenhour informed the Board that on July 18, 2012, he attended a Parks and Recreation forum for public input regarding Mid-County Park.

Mr. Kale informed the Board that last week he, Mr. McGlennon, and Mr. Icenhour joined the County leadership staff in a presentation regarding leadership and management. Mr. Kale commended Mr. Middaugh for his initiative. He stated that he found the program very insightful.

Mr. Icenhour made a motion to reappoint Mr. Fred Boelt to the Historical Commission.

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

**N. CLOSED SESSION**

Mr. McGlennon made a motion for the Board to go into Closed Session pursuant to Section 2.2-3711(a)(1) of the Code of Virginia for consideration of a personnel matter(s), the appointment of individuals to County boards and/or commissions to the Colonial Behavioral Health Commission and requested that the closed session be amended to include required action from the closed work session.

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



**O. ADJOURNMENT**


Mr. McGlennon made a motion to appoint Ms. Gina Thorne and Ms. Lynda Dunnigan to the Colonial Behavioral Health Board.

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

Mr. McGlennon made a motion to adjourn the meeting until 4 p.m. on August 14, 2012.

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

The meeting adjourned at 9:01 p.m.

  
Robert C. Middaugh  
Clerk to the Board

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