

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF SEPTEMBER 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

John J. McGlennon, Chairman, Roberts District
Mary K. Jones, Vice Chairman, Berkeley District
W. Wilford Kale, Jr., Jamestown District
James G. Kennedy, Stonehouse District - Absent
James O. Icenhour, Jr., Powhatan District

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

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE - Katie Stanton, a middle school student at Berkeley Middle School, led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATIONS – None

F. PUBLIC COMMENT

1. Mr. Randy O'Neil, 109 Sheffield Road, Williamsburg, addressed the Board concerning kindergarten through 12th grade fitness and wellness programs in Williamsburg-James City County Schools.

2. Mr. Joe Boggan, 4131 Winthrop Circle, Colonial Heritage Subdivision, Williamsburg, addressed the Board concerning the proposed Dominion Virginia Power Transmission Line.

3. Ms. Marjorie Ponziani, 4852 Bristol Circle, Williamsburg, addressed the Board concerning returning to staggered terms for the Board of Supervisors.

4. Ms. Rosanne Reddin, 2812 King Rook Court, Williamsburg, addressed the Board concerning returning to staggered terms for the Board of Supervisors.

5. Ms. Linda Riese, 511 Spring Trace, Williamsburg, addressed the Board concerning banning dog tethering in James City County.

6. Mr. Ed Oyer, 139 Indian Circle, Williamsburg, addressed the Board concerning the loss of service members in Afghanistan, property values on Indian Circle, and vacant commercial space throughout the County that could be used for the Williamsburg-James City County School Board.

G. BOARD REQUESTS AND DIRECTIVES

Mr. Icenhour stated that, in light of the actions of the Season's Trace Homeowners Association to ban dog tethering in its own neighborhood, he would like to see staff work on drafting an ordinance that could be incorporated into the County Code addressing this issue.

Mr. McGlennon stated that the County needs to contact the Virginia Department of Transportation (VDOT) about the weeds growing along Route 199 between Mounts Bay Road and Henry Street.

Mr. McGlennon noted the loss of three longtime residents of James City County. He stated that Mr. John Hagee, a longstanding member of the business community in James City County and a member of the Planning Commission, passed away and would be recognized for his contributions at the next Board Meeting. He stated that Mr. Kennedy asked him to remember Ms. Jean Taylor, a longtime resident of Williamsburg-James City County. He also noted the loss of Mr. John Lavach, a longtime resident of the County and respected teacher-scholar at the College of William and Mary.

H. CONSENT CALENDAR

Ms. Jones made a motion to approve the Consent Calendar.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Kale, Ms. Jones, Mr. McGlennon (4). NAY: (0). ABSENT: Mr. Kennedy (1).

1. Minutes –
 - a. September 11, 2012, Regular Meeting
2. Grant Award – Department of Motor Vehicles (DMV) Occupant Protection – \$4,200

RESOLUTION

GRANT AWARD – DEPARTMENT OF MOTOR VEHICLES (DMV)

OCCUPANT PROTECTION – \$4,200

WHEREAS, the James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$4,200; and

WHEREAS, funds are to be used toward traffic enforcement overtime where officers will focus on the enforcement of laws related to the proper use of occupant restraints; and

WHEREAS, the grant requires only an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$4,200 grant awarded by the Virginia DMV.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants Fund:

Revenue:

FY 13 DMV – Occupant Protection Enforcement \$4,200

Expenditure:

FY 13 DMV – Occupant Protection Enforcement \$4,200

3. Grant Award – Department of Motor Vehicles (DMV) Alcohol Enforcement – \$20,785

RESOLUTION

GRANT AWARD – DEPARTMENT OF MOTOR VEHICLES (DMV)

ALCOHOL ENFORCEMENT – \$20,785

WHEREAS, the James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$20,785; and

WHEREAS, funds in the amount of \$620 will be used for training and conferences, \$3,365 will be used for the purchase of a breath testing unit and a Light Detection and Ranging (LIDAR), and the balance will be used for overtime pay for traffic enforcement focusing on impaired driving; and

WHEREAS, the grant requires only an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the \$20,785 grant awarded by the Virginia DMV.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants Fund:

Revenue:

FY 13 DMV – Alcohol Enforcement \$20,785

Expenditure:

FY 13 DMV – Alcohol Enforcement \$20,785

4. Grant Award – Department of Motor Vehicles (DMV) Speed Enforcement – \$14,000

RESOLUTION

GRANT AWARD – DEPARTMENT OF MOTOR VEHICLES (DMV)

SPEED ENFORCEMENT – \$14,000

WHEREAS, the James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$14,000; and

WHEREAS, funds are to be used toward speed traffic enforcement overtime; and

WHEREAS, the grant requires only an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$14,000 grant awarded by the Virginia DMV.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants Fund:

Revenue:

FY 13 DMV – Speed Enforcement \$14,000

Expenditure:

FY 13 DMV – Speed Enforcement \$14,000

5. Grant Award – Commonwealth Attorney - Victim’s Witness Grant Program – \$120,637

RESOLUTION

GRANT AWARD – COMMONWEALTH ATTORNEY –

VICTIM’S WITNESS GRANT PROGRAM – \$120,637

WHEREAS, the Commonwealth Attorney for the City of Williamsburg and James City County has been awarded a \$120,637 Federal grant from the Victim’s Witness Grant Fund (Federal Share \$77,247; State share \$25,749; and County match \$17,641) through the State Department of Criminal Justice Services; and

WHEREAS, this grant would fund the personnel costs of two positions to provide comprehensive information and direct services to crime victims and witnesses beginning July 1, 2012, through June 30, 2013; and

WHEREAS, the grant requires a local cash or in-kind match of \$17,641, which is available in the Commonwealth Attorney's General Fund account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the Special Projects/Grants Fund for FY 13 purposes described above:

Revenues:

Victim's Witness Department of Criminal Justice Services Federal Revenue (DCJS)	\$ 77,247
Victim's Witness Department of Criminal Justice Services State Revenue (DCJS)	25,749
James City County Matching Funds	<u>17,641</u>
Total	<u>\$120,637</u>

Expenditure:

Victim's Witness Personnel	<u>\$120,637</u>
----------------------------	------------------

6. Contract Awards – Annual Architectural Services

RESOLUTION

CONTRACT AWARDS – ANNUAL ARCHITECTURAL SERVICES

WHEREAS, a Request for Proposals (RFP) has been advertised and evaluated for annual architectural services; and

WHEREAS, the firms listed below were determined to be the best qualified to provide the required architectural services:

- RRMM Architects
- Guernsey Tingle Architects
- HBA Architecture Interior Design
- Hopke & Associates, Inc.
- Moseley Architects

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contracts for annual architectural services to the firms listed in this resolution.

7. Budget Amendment – Virginia Peninsula Regional Jail

RESOLUTION

BUDGET AMENDMENT - VIRGINIA PENINSULA REGIONAL JAIL

WHEREAS, the Board of Directors of the Virginia Peninsula Regional Jail (“Jail”) has amended the FY 2012 Jail budget and has identified a supplemental assessment of \$76,856 for the four member localities; and

WHEREAS, the Board of Supervisors has been requested to provide an additional \$26,208 to fund its share of the supplemental assessment; and

WHEREAS, a transfer from Operating Contingency is proposed to provide the additional \$26,208 to the Jail.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves a budget amendment for FY 2013 for the Jail and authorizes the following transfer from Operating Contingency:

FY 2013 General Fund Expenditures

Payment to the Virginia Peninsula Regional Jail	+ \$ 26,208
Operating Contingency	- \$ 26,208

I. PUBLIC HEARINGS – None

J. BOARD CONSIDERATIONS

1. Legislative Application Deferral Policy

Mr. Middaugh addressed the Board giving a summary of the memorandum in the agenda packet concerning the Legislative Application Deferral Policy.

Mr. Icenhour made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Kale, Ms. Jones, Mr. McGlennon (4). NAY: (0). ABSENT: Mr. Kennedy (1).

RESOLUTION

LEGISLATIVE APPLICATION DEFERRAL POLICY

WHEREAS, at its meeting on January 10, 2012, the Board of Supervisors (the “Board”) requested a legislative application deferral policy to address circumstances where an applicant requests that an application not be advertised for Board consideration following action by the Planning Commission (the “Commission”) or requests an indefinite deferral by the Board; and

WHEREAS, the Board held a work session on May 22, 2012 to review deferral procedures and criteria and suggested modifications to the draft policy.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the following policy to be used when considering requests for deferral of legislative applications:

1. Legislative applications (“applications”) that have received action from the Planning Commission (the “Commission”) shall be placed on the agenda for the first Board meeting the month following action by the Commission. An applicant may submit a written request to the County Administrator or his designee (the “Administrator”) for a one-month administrative deferral. In this circumstance, the Administrator shall determine whether to grant the deferral in accordance with the criteria expressed herein. If the administrator approves the deferral request, the application shall not be advertised and will instead be scheduled for the first Board meeting on the second month following action by the Commission.
2. All applications shall be placed on a Board agenda with an advertised public hearing, either as a request for further deferral or consideration of approval, no more than three (3) months following action by the Commission. The applicant may withdraw the application at any time.
3. An applicant may request a deferral for a period not to exceed three (3) months. In this circumstance, the application will be advertised and the Board shall determine whether to grant a deferral following a public hearing on the matter. If the Board grants a deferral, the application will be scheduled for a Board meeting requested by the applicant and approved by the Board and the applicant shall be required to pay a deferral fee to cover the costs of advertising the application. Such fee shall reimburse the County for expenses associated with deferring the application. If the Board does not grant the deferral, the Board may either approve or deny the application at that meeting.
4. An applicant may request two additional deferrals from the Board that shall, in total, be valid for no more than twelve (12) months from the date the application was placed on a Commission agenda for action. In this circumstance, the application shall be advertised and the Board shall determine whether to grant a deferral following a public hearing on the matter. If the Board grants a deferral, the application will be scheduled for a Board meeting requested by the applicant and approved by the Board and the applicant shall be required to pay a deferral fee to cover the costs of advertising the application. Such fee shall reimburse the County for expenses associated with deferring the application. If the Board does not grant the deferral, the Board may either approve or deny the application at that meeting.
5. The Administrator and/or the Board may grant a deferral as noted above for one or more of the following reasons:
 - The Commission requests substantive changes to the application, supplemental materials, proffers, or conditions that must be addressed prior to the Board hearing.
 - Substantive issues are raised by a County or external reviewing agency that must be addressed prior to the Board hearing.

- Delays have occurred with County or external reviewing agency comments that affect the application.
- Errors in legally required advertising are discovered and must be rectified.
- Adjacent property owner concerns have been expressed that generate the need for substantive changes or additional public meetings.
- The applicant demonstrates that there are extenuating circumstances that are unique to the application that require additional time.

2. Results of Closed Session

Mr. McGlennon stated that the Board concluded its Closed Session business after the Work Session. He stated that five people were appointed to the Community Action Agency.

Mr. Middaugh stated that the names of the persons appointed were as follows: Ms. Lisa Thomas, Mr. John Smith, Mr. Hunter Old, Ms. Andrea Salamy, and Mr. Tucker Edmonds.

K. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, Williamsburg, addressed the Board questioning if the County had saved money by installing solar panels on Building F in the County Government Complex.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh announced that the James City County Open House would be held on September 26, 2012, from 3 to 7 p.m., at the County Government Complex. He stated that all the County buildings would be open, staff would be available for questions, and many of the departments that are located away from the County Government Complex would be present to answer any questions.

Mr. Middaugh announced the availability of the Speaker Cards online. He stated that citizens could now sign up to speak at a Board meeting in advance by visiting the Board of Supervisors webpage on the main County website. He stated that the electronic Speaker Cards would be accepted until 4 p.m. the day of the Board meeting.

Mr. McGlennon noted that citizens were welcome to continue filling out Speaker Cards at the Board meeting as well.

M. BOARD REQUESTS AND DIRECTIVES

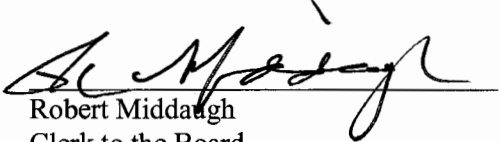
Ms. Jones stated that there will be a public meeting on October 24, 2012, at Warhill High School concerning the proposed Dominion Virginia Power Transmission Line.

Mr. Icenhour stated that he wanted to commend VDOT for its quick response to reports of large potholes on News Road.

N. ADJOURNMENT

At 7:30 p.m., Ms. Jones made a motion to adjourn the Board of Supervisors until 7 p.m. on October 9, 2012.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Kale, Ms. Jones, Mr. McGlennon (4). NAY: (0). ABSENT: Mr. Kennedy (1).


Robert Middaugh
Clerk to the Board

092512bos_min