

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 9TH DAY OF OCTOBER 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

Douglas Powell, Assistant County Administrator  
Leo P. Rogers, County Attorney

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE** - Justin Abbott, a 9th-grade student at Lafayette High School, led the Board and citizens in the Pledge of Allegiance.

**E. PRESENTATIONS**

1. Resolution of Appreciation - Mr. John F. Hagee

Mr. McGlennon read the Resolution of Appreciation to the Board and citizens recognizing the contributions of Mr. John F. Hagee to James City County. Mr. McGlennon presented the resolution to the Hagee Family.

2. National 4-H Week, October 7-13, 2012

Mr. McGlennon read the proclamation, proclaiming October 7-13, 2012, as National 4-H Week in James City County, to the Board and citizens. Mr. McGlennon presented the proclamation to members of the James City County 4-H Organization.

3. National Friends of Libraries Week, October 21-27, 2012

Mr. McGlennon read the proclamation, proclaiming October 21-27, 2012, as National Friends of Libraries Week in James City County, to the Board and citizens. Mr. McGlennon presented the proclamation to Mr. John Moorman and Mr. Jim Bowers of the Friends of Williamsburg Regional Library.

4. Rural Lands Study

Mr. William Moyer, a representative of James City County Citizens Coalition (J4C), introduced the authors of the Rural Lands Study. Mr. Thomas Stieger and Mr. Ryan Basques, sophomores at the College of William and Mary, volunteered over the summer to work with the J4C on this project.

Mr. Thomas Stieger stated that the purpose of the report was to find alternative ways to preserve rural lands in James City County. Mr. Ryan Basques expounded upon some of these alternatives that were listed in the Rural Lands Study.

**F. PUBLIC COMMENT**

1. Mr. Randy O'Neil, 109 Sheffield Road, Williamsburg, addressed the Board concerning Kindergarten through 12 grades Health and Fitness Programs in Williamsburg-James City County.

2. Mr. Nathan Walker, 101 Locust Place, Williamsburg, addressed the Board concerning the Eminent Domain Amendment on the November ballot.

3. Ms. Betty Walker, 101 Locust Place, Williamsburg, addressed the Board concerning property rights.

4. Mr. Keith Sadler, 9929 Mountain Berry Court, Toano, addressed the Board concerning property rights and the Eminent Domain Amendment on the November ballot.

5. Ms. Sue Sadler, 9929 Mountain Berry Court, Toano, addressed the Board concerning property rights and the Eminent Domain Amendment on the November ballot.

6. Mr. Mike Maher, 6605 Chapel Crossing, Colonial Heritage Subdivision, Williamsburg, addressed the Board concerning the Virginia Dominion Power transmission line route.

7. Mr. John Bookless, 3 Clarendon Court, Williamsburg, addressed the Board concerning property rights and the Eminent Domain Amendment on the November ballot.

8. Ms. Marjorie Ponziani, 4852 Bristol Circle, Williamsburg, addressed the Board concerning property rights and the Eminent Domain Amendment on the November ballot.

9. Mr. Joseph Swanenberg, 3026 The Pointe Drive, Williamsburg, addressed the Board concerning property rights and the Eminent Domain Amendment on the November ballot.

10. Mr. John Filichko, 9615 Richmond Road, Williamsburg, addressed the Board stating that he appreciated the way that the current Board works together.

11. Mr. Jim Brown, 4 Longleaf Crossing, Williamsburg, addressed the Board concerning the Virginia Dominion Power transmission line route.

12. Ms. Rosanne Reddin, 2812 King Rook Court, Williamsburg, addressed the Board concerning property rights and the Eminent Domain Amendment on the November ballot.

13. Mr. Ed Oyer, 139 Indian Circle, Williamsburg, addressed the Board concerning hands-on education programs in high schools.

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

Ms. Jones wished Mr. Kennedy a speedy recovery. She also raised the question about the Board meeting video archives.

Mr. Powell responded that the County has recently upgraded the video software and the web page looks a little different from before, but the video archives are at the bottom of the page.

Ms. Jones stated that Mr. Kennedy has requested that no votes take place tonight in his absence and because of that, she is not going to propose a specific resolution tonight. However, she stated that she feels that the Board should pass a resolution in support of the Eminent Domain Amendment.

Mr. McGlennon stated that Mr. Kennedy has been absent due to medical reasons and that he has requested that no votes go through on public hearings or significant policy changes. He stated that after discussing the request with the rest of the Board and in consideration of the time, effort, and money put in by the applicants, the business of the Board will be moving forward. He stated that recent changes in State policy do allow for the provision of Board members participating by phone, in the case of medical reasons, and the staff has made a phone line available for tonight's meeting and any future meetings. However, he stated, Mr. Kennedy will not participate this evening.

Mr. McGlennon stated that in his experience the Board has never adopted a resolution either for or against a Constitutional Amendment. He stated that he believes the Board should not be advocating for one side or another in a political debate and that the citizens are well equipped to make those decisions for themselves.

Ms. Jones stated that while the Board may have not adopted a resolution in support of a Constitutional Amendment before, there is always a first time and this would be a good place to start. She also stated that localities across the State are adopting this resolution in support of the Amendment.

Mr. Kale stated that he had a question as to whether or not this Board should take a position as a collective on the Amendment. While he personally supports the Amendment, he is not sure that adopting a resolution in support of it is the correct action to take.

Mr. Icenhour stated that he does not believe that the local government has the right to take anyone's property for anything other than a true public purpose. He stated that he is not in disagreement with much of what he has heard tonight. He stated that the Amendment does, however, have some concerning points. Those being that the Amendment will make it more difficult, if not impossible, and more costly for local governments to use eminent domain in legitimate public use cases. He stated that he is not sure that the Board should be giving advice to the constituents about what they should do.

Ms. Jones stated that it should be extremely difficult for local governments to take someone's personal property. She also stated that the Board adopting a resolution in support of the Amendment is not telling the citizens how to vote, but stating that the leadership of the County strongly supports this Amendment.

## **H. CONSENT CALENDAR**

Mr. Icenhour stated that there is a disconnection between the Work Session and the Regular Meeting Minutes and he would like to pull the minutes from the Consent Calendar to allow for the language to be cleaned up in regards to the Closed Session.

Mr. Kale made a motion to approve Item Nos. 2 and 3 on 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).

**RESOLUTION**

**GRANT AWARD - FY 2012 PORT SECURITY GRANT PROGRAM (PSGP) - \$41,285**

WHEREAS, the James City County Police Department has been awarded an FY 12 Port Security Grant Program from the Department of Homeland Security; and

WHEREAS, the award is in the amount of \$41,285 (\$30,964 PSGP; \$10,321 local match); and

WHEREAS, the matching funds of \$10,321 are available in the County's Grant Match Account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the \$41,285 grant awarded by the Department of Homeland Security and authorizes the following appropriation to the Special Projects/Grants Fund:

Revenues:

FY 12 PSGP	\$30,964
County's Grant Match Account	<u>10,321</u>
Total:	<u>\$41,285</u>

Expenditure:

FY 12 PSGP	<u>\$41,285</u>
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**RESOLUTION OF APPRECIATION**

**MR. JOHN F. HAGEE**

WHEREAS, Mr. John F. Hagee played a critical role in advancing his profession, in shaping his community, and in serving his fellow citizens; and

WHEREAS, Mr. Hagee served as General Manager of Kingsmill Realty for more than 25 years, helping to guide the development of a complex, highly desirable residential area; and

WHEREAS, the Planning Commission of James City County benefitted from the guidance and judgment of Mr. Hagee for 15 years, from 1989 to 2004; and

WHEREAS, Mr. Hagee helped produce the 1997 Comprehensive Plan Update as Chairman of the Commission and also served as Chairman of the Development Review Committee from 2000 to 2004 and in that capacity oversaw the approval of the New Town development; and

WHEREAS, Mr. Hagee passed away September 17, 2012, after a four-year battle with cancer.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby commend the service of Mr. John F. Hagee as an example to his fellow citizens and acknowledge his important contributions to making James City County a vibrant and attractive community.

**MR. JOHN F. HAGEE**

BE IT FURTHER RESOLVED that we extend our sincere condolences to his family and our appreciation for his legacy in the community.

**I. PUBLIC HEARINGS**

1. Case No. Z-0003-2012/MP-0001-2012. New Town Section 12

Ms. Leanne Reidenbach, Planner III, addressed the Board giving a summary of the staff report in the Agenda Packet, which outlined the changes made to the density in the proposed development of New Town Section 12.

Mr. Greg Davis of Kaufman and Canoles, the law firm representing the applicant, Oxford Properties, addressed the Board and provided illustrative maps showing the differences between the plan put before the Board in August and the plan put before the Board this evening. He stated that the major differences in the plans revolve around the section of the property closest to WindsorMeade. He stated that with the removal of four buildings from the section of the property closest to WindsorMeade, the plan now provides more open space and considerable more undisturbed buffer between the proposed development and WindsorMeade. Mr. Davis requested the Board follow the action of the Planning Commission and approve the application.

Mr. McGlennon asked the Board if there were any questions for the applicant at this time.

As there were no Board questions for staff, Mr. McGlennon opened the Public Hearing.

Mr. Icenhour questioned if the tree buffer area, on the section closest to WindsorMeade, would be protected from construction traffic during the development. Mr. Icenhour also asked if this was stated in the proffers specifically.

Mr. Davis stated that the tree buffer is protected by the Design Plan that was approved by the New Town Design Review Board (DRB). He stated that in order to touch that tree buffer the New Town DRB would have to give approval.

Mr. Kale questioned whether there was any plan to disturb any of the trees in the new park area depicted on the site plan.

Mr. Davis stated that the new park area is currently not very wooded. He stated that the site plan does depict a tree buffer around the outside of the cleared park area.

1. Mr. Lee Towle, 4260 Corbridge Course, Williamsburg, a representative of the residents of WindsorMeade, addressed the Board acknowledging its efforts to listen to the residents of WindsorMeade and making changes to the site plan reflecting their concerns.

2. Mr. Jim Waddington, 4701 Dovedale Drive, Williamsburg, addressed the Board, on behalf of the WindsorMeade Residents Association. He acknowledged the applicants efforts to change the site plan in accordance with the direction of the Board and at the request of the residents of WindsorMeade. He stated that most of the residents' concerns have been addressed and requested that the Board approve the application.

As no one else wished to speak on the matter, Mr. McGlennon closed the Public Hearing.

Mr. Icenhour made a motion to approve the resolution.

Mr. Kale stated that he is pleased to see the residents of WindsorMeade and Oxford Properties coming together to achieve a plan that satisfies both sides.

Ms. Jones stated that she wanted to acknowledge both WindsorMeade and Oxford Properties for working together. She stated that the new site plan is in accordance with Comprehensive Plan and the New Town Master Plan, and she would be willing to support this project.

Mr. McGlennon stated the he is very pleased with the new site plan. He stated that he had hoped there would be a way to connect the development with the shopping center nearby to give a more Mixed Use feel. Mr. McGlennon also stated that he had some minor concerns over what would be developed later in Section 12b.

Mr. Icenhour stated that he would like some clarification as to unused density and density transfers that would be applied to Section 12b, but that was a question for another day.

Mr. McGlennon stated that there was a motion on the floor.

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**

### **CASE NO. Z-0003-2012/MP-0001-2012. NEW TOWN SECTION 12**

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-0003-2012/MP-0001-2012, New Town Section 12 with Master Plan, for rezoning 34.2 acres from R-8, Rural Residential District, with proffers to MU, Mixed Use District, with proffers; and

WHEREAS, the Planning Commission of James City County, following its public hearing on July 11, 2012, recommended approval, by a vote of 6 to 0; and

WHEREAS, the property is located at 3950 WindsorMeade Way and can be further identified as 3831900005 on the James City County Real Estate Tax Map.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-0003-2012/MP-0001-2012, New Town Section 12 and accept the voluntary proffers.

2. Case No. SUP-0012-2011. nTelos, Route 199 Wireless Communication Facility

Mr. Luke Vinciguerra, Planner I, addressed the Board giving a summary of the staff report in the Agenda Packet. He noted that the applicant has revised the application and is now requesting a cell tower of 135 feet with a 2-foot lighting rod.

Mr. McGlennon asked the Board if there were any questions for staff.

Ms. Jones asked for clarification if the applicant was requesting 130 feet or 135 feet.

Mr. Vinciguerra stated that the applicant was now requesting a height of 135 feet plus the 2-foot lighting rod.

As there were no more Board questions for staff, Mr. McGlennon opened the Public Hearing.

Ms. Gloria Freye, of McGuire Woods, the law firm representing the applicant, nTelos, addressed the Board stating that the application has been revised for a height of 135 feet. She stated that staff had done an analysis and that both 130 feet and 135 feet heights would be compatible with the Comprehensive Plan, the Performance Standards, and the Community Character Corridor guidelines. She stated that nTelos is requesting the height of 135 feet because the visual impact between the heights is almost indistinguishable; it would provide service to a few more homes and would provide more area for co-location. Ms. Fry stated that the top of the pole would be visible to a proposed street in New Town Section 8, however it would be unobtrusive and the visual impact would be minimal. She stated that at the previous meeting there were several statements that the view of the pole would affect property values. She stated that when looking through the County's housing assessments and records of home sales there is no evidence to support these statements. Ms. Fry stated that the applicant is in agreement with the conditions listed in the resolution and is in agreement with the staff report. She requested that the Board approve the application for 135 feet.

1. Mr. Larry Salzman, 1501 Harborough Road, Richmond, addressed the Board representing New Town Associates. He stated that New Town Associates continues to oppose the application for a cell tower near New Town that does not benefit New Town. He stated that he also has some concerns regarding the wetlands of the property where the tower is proposed to be located. Mr. Salzman also stated that the tower will be much more visible from areas of New Town once the leaves are off all the trees. He reiterated his concerns for home values, visual impacts, and the effect on the businesses of New Town. He requested that the Board apply the same scrutiny used in the New Town Section 12 case to this case. Mr. Salzman requested the Board deny the application.

2. Mr. Robert Casey, a member of New Town Associates, addressed the Board in opposition to the application. He stated that many years, money, and effort has been spent on making New Town what it is today and that a cell tower is in direct opposition to what the County has tried to achieve in New Town. He stated that if the tower is to serve Ford's Colony, then the tower should be located in Ford's Colony. He stated that adopting the resolution will do harm to the people and developments of New Town.

As no one else wished to speak to the case, Mr. McGlennon closed the Public Hearing.

Mr. Kale made a motion to approve the application at a height of 135 feet.

Mr. Icenhour stated that there were several interesting comments this evening, one being that if the tower is to serve Ford's Colony then it should be located in Ford's Colony. He stated that if memory served him correctly, the proposed location is on a parcel in Ford's Colony, one that falls under the original Master Plan of Ford's Colony. He asked Mr. Rogers if that was correct.

Mr. Rogers stated that yes that is correct. The site is a remnant parcel in Ford's Colony.

Mr. Icenhour stated that the Board decided to make recommendations in the New Town Section 12 case to minimize, not erase, the effects on other residents. He stated that the same was done in this case by adjusting the height. He stated the only way to erase the visual impact is to have a tower that does not serve, and that is not feasible. He stated that the goal is to minimize the visual impact as much as possible. He also stated that he has not seen anything conclusive to support the statements that the tower will affect property values.

Ms. Jones stated that she believes a cell tower should be located where it is intended to serve customers, especially when citizens are concerned about the impact. She stated that she does not believe that this tower is located in the area where it will serve. She stated that every citizen she has encountered has stated that it is the tower and the location that they are opposed to, not the height of the tower. She stated that for these reasons she will not support the application.

Mr. Kale stated that in reference to comments made earlier, the company would not spend upwards of \$1 million to build a tower in this location if there was not a need. He stated that he understands that some citizens have concerns. He stated that the Virginia Association of Realtors has no statistics that cell towers have any impact on home prices or property values. He stated that the applicant has done due diligence in trying to find a suitable location and this proposed site is the best that the applicant has found. He stated that staff can now support the application with the reduction in height and that he will be supporting it as well.

Mr. McGlennon stated that this application is a case where there is a disagreement over whether or not a project should happen at all. He stated that he finds some of the comments and concerns raised in this case perplexing. He stated that the question of the impact on the wetlands was raised and he would like to turn that question over to staff.

Mr. Vinciguerra stated that the County's Environmental Division has reviewed the application and the site of the tower is outside the Resource Protection Area (RPA). Therefore, the Environmental Division has no comments on this application. However, when the final site plan comes in it will be reviewed again to make sure it stays out of the RPA.

Mr. McGlennon stated that there were comments that this parcel was intended for residential development. He asked if the residential development would have an effect on the wetlands as well.

Mr. Vinciguerra stated that this parcel is designated as open space on the original Ford's Colony Master Plan, so no homes could be built without amending the Master Plan. However, if residential development was approved, any residences built would have to stay out of the RPA.

Mr. McGlennon stated that when looking at the photos of 190 feet and the photos of 130 feet, it is clear that the visual impacts have been greatly reduced and that it also meets the Performance Standards. He stated that this tower seems to represent the best one can hope for when it comes to cell towers and that he intends to support the application.

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



**RESOLUTION**

**CASE NO. SUP-0012-2012. NTELOS, ROUTE 199 WIRELESS COMMUNICATION FACILITY**

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Ms. Gloria Freye has applied on behalf of nTelos for an SUP to allow for the construction of a wireless communications facility on a parcel of land zoned R-4, Residential Planned Community; and

WHEREAS, the property can be identified as James City County Real Estate Tax Map Parcel No. 3820100005; and

WHEREAS, the Planning Commission, following its public hearing on July 11, 2012, voted 4-3, to recommend denial of this application due to its high visibility from Route 199, a Community Character Corridor; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2009 Comprehensive Plan Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of SUP-0012-2012 as described herein with the following conditions:

1. **Term of Validity:** This SUP shall be valid for a total of one wireless communications facility at a total height of 172 feet including all appurtenances on the property as depicted on Sheet 3 of 3 of the Special Use Permit application site plan titled "*Telecommunications facility NTELOS site NR-6422 Route 199 Williamsburg VA 23188,*" prepared by Jeffery Cronin, and dated March, 29, 2012.
2. **Time Limit:** Final approval shall be obtained within two (2) years of approval of this SUP, or the permit shall become void.
3. **Structural and Safety Requirements:** Before final building approval, certification by the manufacturer, or an engineering report by a structural engineer licensed to practice in the Commonwealth of Virginia, shall be filed by the applicant indicating the tower height, design, structure, installation, and total anticipated capacity of the tower, including the total number and type of antennas which may be accommodated on the tower, demonstrating to the satisfaction of the County Building Official that all structural requirements and other safety considerations set forth in the 2000 International Building Code, or any amendment thereof, have been met.
4. **Tower Color:** The tower color shall be gray. Any alternative color used shall be approved by the Planning Director, or his designee, prior to final site plan approval.
5. **Advertisements:** No advertising material or signs shall be placed on the tower.

6. **Additional User Accommodations:** The tower shall be designed and constructed for at least three (3) users and shall be certified to that effect by an engineering report prior to the site plan approval.
7. **Guy Wires:** The tower shall be freestanding and shall not use guy wires for support.
8. **Enclosure:** The fencing used to enclose the area shall be vinyl-coated and shall be dark green or black in color, or shall be another fencing material of similar or superior aesthetic quality as approved by the Planning Director. Any fencing shall be reviewed and approved by the Director of Planning prior to final site plan approval.
9. **Tree Buffer:** A minimum buffer of 100 feet in width of existing mature trees shall be maintained between the tower, adjacent contiguous parcels and Route 199. This buffer shall remain undisturbed except for the access drive and necessary utilities that accompany the operation of the tower.
10. **Access:** Access to the site shall be from Route 199 per the Limited Access Control Change approved by the Commonwealth Transportation Board on July 20, 2011. The access shall be designed and constructed to the commercial entrance standards in Appendix F of the Road Design Manual.
11. **Severance Clause:** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Ordinance Amendment to Chapter 15, Offenses - Miscellaneous, Section 15-34, Weapons

Mr. Adam Kinsman, Deputy County Attorney, addressed the Board giving a summary of the ordinance that is in the Agenda Packet.

As the Board had no questions for staff, Mr. McGlennon opened the Public Hearing.

As no one wished to speak to this item, Mr. McGlennon closed the Public Hearing.

Mr. Kale made a motion to adopt the ordinance.

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

4. Ordinance Amendment to Chapter 2, Administration, Section 2-3, Designation, population, and election cycle of districts

Mr. Kale addressed the Board giving a summary of the ordinance that is in the Agenda Packet. Mr. Kale stated that he has spent months researching the issue of staggered terms and quadrennial elections and wanted to bring the issue before the Board prior to the November elections. He stated that the Virginia Municipal League and the Virginia Association of Counties (VACo) both support staggered terms for city councils and County Boards of Supervisors. Mr. Kale stated that staggered terms offer continuity, allow citizens to have more influence over their elected officials, allows citizens to have their issues heard without being drowned out because of State and national quadrennial elections, and has less of an impact on County staff. He stated that the only real disadvantage of staggered terms would be the disruption of a Board that works and functions well together. He stated that staggered terms function well except for when redistricting

occurs every 10 years and then there is the potential for disenfranchisement. He stated that based on past voter turn-out rates, under the quadrennial election cycle, all of the Board members would be up for re-election in a time of the lowest turn-out rate. He stated that he opposes quadrennial elections on the face of the issue, but he even more strongly opposes it when the re-election of the whole Board falls during the lowest turn-out rate of voters in a four-year cycle.

Ms. Jones stated that Mr. Kennedy has requested that the Board not act on any policy decisions in his absence. She stated that she strongly opposes moving forward with this item in his absence. Ms. Jones read a statement sent via email by Mr. Kennedy discussing the issue and how it affects the Stonehouse District. Ms. Jones stated that it is disrespectful to be considering this issue without all of the elected officials of the Board present, able to make comments, and able to vote.

Mr. McGlennon opened the Public Hearing.

1. Ms. Sue Sadler, 9929 Mountain Berry Court, Toano, addressed the Board in vehement opposition to the staggered terms ordinance. She stated that she lives in the Stonehouse District and that Mr. Kennedy is not present to represent her and to hear her comments.

2. Mr. John Filichko, 9615 Richmond Road, Williamsburg, addressed the Board in support of the staggered terms ordinance.

3. Ms. Judy Fuss, 3509 Hunters Ridge, Williamsburg, addressed the Board in support of the staggered terms ordinance and stated that staggered terms is good governance.

4. Mr. Chris Henderson, 101 Keystone, Williamsburg, addressed the Board in opposition to the staggered terms ordinance and stated that voters will be disenfranchised.

5. Mr. Jeff Ryer addressed the Board in opposition to the staggered terms ordinance, stating that voters will be disenfranchised.

6. Mr. Keith Sadler, 9929 Mountain Berry Court, Toano, addressed the Board in opposition to the staggered terms ordinance. He stated that his representative is not present to represent the citizens and that this issue should be delayed until his return.

7. Mr. Jay Everson, 103 Branscome Boulevard, Williamsburg, addressed the Board in opposition to the staggered terms ordinance and stated this issue should be delayed until a fully elected Board is present.

8. Mr. Joseph Swanenberg, 3026 The Pointe Drive, Williamsburg, addressed the Board in opposition to the staggered terms ordinance.

9. Ms. Marjorie Ponziani, 4852 Bristol Circle, Williamsburg, addressed the Board in the opposition to the staggered terms ordinance, stating that voters will be disenfranchised.

10. Ms. Rosanne Reddin, 2812 King Rook Court, Williamsburg, addressed the Board in opposition to the staggered terms ordinance, stating that voters will be disenfranchised.

11. Mr. Ed Oyer, 139 Indian Circle, Williamsburg, addressed the Board stating that he has seen no difference in continuity in the 435 Board meetings he has attended. He stated that staggered terms or quadrennial elections have no bearing on continuity.

As no one else wished to speak to the issue, Mr. McGlennon closed the Public Hearing.

Mr. McGlennon stated that comments were made regarding Mr. Kennedy's absence and he wanted to reiterate that provisions were made for Mr. Kennedy to participate electronically this evening. He also stated that the Board moved ahead with the other Public Hearing this evening and this issue should be moved on as well. However, he stated that if the citizens of the Stonehouse District were being affected by this policy, that might be different. He stated that the Stonehouse District is not affected and that they voted last November. Mr. McGlennon stated that he wanted to clarify another issue raised by the citizens, that being the removal of the Chairman in the middle of the year. He stated that at the organizational meeting in January, the Board, at that time, could not agree on a Chairman so the previous Chairman continued in the role. He stated that when Mr. Kale came on to the Board, he proposed an idea that the Board could all agree on. Mr. McGlennon stated that this is how it was supposed to work and there was nothing unusual about it.

Ms. Jones stated that she wanted to reiterate her position that the Board should not move forward on this issue while Mr. Kennedy is absent. She stated that she will vote on this issue tonight, however she is not in favor of it moving forward. She stated that the redistricting committee was in favor of going to quadrennial elections after the large amount of growth in the County over the last 10 years. She stated that the redistricting committee was not about protecting the incumbents and this plan protects the rights of the citizens of James City County. She stated that in regards to continuity, if the citizens voted out five elected officials then obviously there is a reason.

Mr. Kale stated that he would like to have Mr. Kennedy present to ask him some questions about the redistricting. He stated that he would like to defer this vote until the October 23, 2012, meeting in the hopes that Mr. Kennedy could be present. He stated that he resented the statements made that he is less of a Supervisor because he was appointed by a Judge. He stated that he was appointed because the other members of the Board could not make a decision. He stated that he thinks staggered terms is an issue that should be discussed and he would be in favor of the legislature putting the issue on the ballot for the people to decide on.

Mr. Kale made a motion to defer the ordinance to the October 23, 2012, meeting.

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

At 10:31 p.m. the Board took a brief break.

At 10:36 p.m. Mr. McGlennon reconvened the Board with Mr. Kale absent.

**J. BOARD CONSIDERATIONS – None**

**K. PUBLIC COMMENT**

1. Ms. Sue Sadler, 9929 Mountain Berry Court, Toano, addressed the Board in regards to the Eminent Domain Amendment and in response to Mr. Kale's comments.

2. Ms. Rosanne Reddin, 2812 King Rook Court, Williamsburg, addressed the Board in response to Mr. Kale's comments.

3. Mr. Keith Sadler, 9929 Mountain Berry Court, Toano, addressed the Board in response to Mr. Kale's comments.

4. Mr. Joseph Swanenberg, 3026 The Pointe Drive, Williamsburg, addressed the Board in response to Mr. Kale's comments.

5. Ms. Marjorie Ponziani, 4852 Bristol Circle, Williamsburg, addressed the Board in response to Mr. Kale's comments.

#### **L. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Powell stated that citizens could preview the relocated and restored Historic Norge Depot for the first time on Saturday, October 13 from 11 a.m. to 2 p.m. and Sunday, October 14 from 2 p.m. to 4 p.m.

Mr. Powell commended the James City County Police Department's Traffic Safety Program, which received First Place in the 2011 Virginia Law Enforcement Challenge and Second Place in the 2011 National Law Enforcement Challenge.

Mr. Powell reminded all citizens to update and verify their voter registration information by calling the Voter Registrar's Office at 253-6868.

#### **M. BOARD REQUESTS AND DIRECTIVES**

Ms. Jones stated that in the Work Session on September 25, 2012, during the Energy Report, reference was made to Planet Footprint. Ms. Jones asked staff to provide more information about Planet Footprint.

Mr. McGlennon stated that he attended three Open Houses that he wanted to mention. He stated that he attended the Open House at the County Complex which allowed citizens to meet the staff and ask questions about services provided by the County. He stated that he attended the Open House at the Fire Administration Building, which was well attended by the public with lots of children running around. He stated that he attended the Open House at Anheuser-Busch, celebrating 40 years of being in James City County. He stated that it was a great event and that he wanted to commend Anheuser-Busch for being a great corporate citizen of the County.

#### **N. CLOSED SESSION**

Mr. McGlennon stated that there is Closed Session on the Agenda; however, there is no need to go into Closed Session for these items this evening. Mr. McGlennon stated that the Board had appointments to make for the Peninsula Agency on Aging, Peninsula Alcohol Safety Action Program, and the Historical Commission.

Mr. Icenhour made a motion to appoint Mr. Tod Allen to the Peninsula Agency on Aging, Major Brad Rinehimer to the Peninsula Alcohol Safety Action Program, and Mr. Andrew Zellers-Frederick to the Historical Commission.

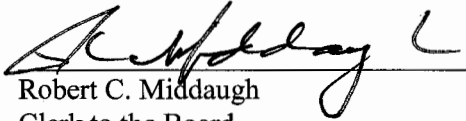
On a roll call vote, the vote was: AYE: Mr. Icenhour, Ms. Jones, Mr. McGlennon (3). NAY: (0). Absent: Mr. Kennedy, Mr. Kale (2).

**O. ADJOURNMENT**

Ms. Jones made a motion to adjourn the meeting until 4 p.m. on October 23, 2012.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Ms. Jones, Mr. McGlennon (3). NAY: (0).  
Absent: Mr. Kennedy, Mr. Kale (2).

At 10:52 p.m., Mr. McGlennon adjourned the meeting.

  
Robert C. Middaugh  
Clerk to the Board

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