

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27TH DAY OF NOVEMBER 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  
James G. Kennedy, Stonehouse District, Present by Phone  
James O. Icenhour, Jr., Powhatan District  
W. Wilford Kale, Jr., Jamestown District

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

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE** - Layla Brown, a 7th grade student at Berkeley Middle School, led the Board and citizens in the Pledge of Allegiance.

**E. PRESENTATIONS**

1. Gold Medal Award Presentation to Department of Parks and Recreation

Mr. John Carnifax, Director of Parks and Recreation, addressed the Board stating that James City County is the recipient of the 2012 Gold Medal Award which recognizes the County as the best managed park and recreation system in the nation in its population category. The award was presented by the National Recreation and Park Association and the American Academy for Park and Recreation Administration during their annual conference last month.

The Gold Medal Award honors communities throughout the United States that demonstrate excellence in long-range planning, resource management, volunteerism, environmental stewardship, program development, professional development, and agency recognition. Each agency is judged on its ability to address the needs of those it serves through the collective energies of citizens, staff, and elected officials.

**F. PUBLIC COMMENT**

1. Ms. Rosanne Reddin, 2812 King Rook Court, Williamsburg, addressed the Board in regards to concerns over the County's spending and concerns over the agenda of the current Board and the summation of comments in the minutes.

2. Mr. Robert Venable, 9212 Diascund Road, Lanexa, led the Board and citizens in a moment of prayer.

3. Ms. Marjorie Ponziani, 4852 Bristol Circle, Williamsburg, addressed the Board in regards to concerns over the financial management and fiscal responsibility of the County, as well as the summation of comments in the minutes.

4. Mr. Ed Oyer, 139 Indian Circle, Williamsburg, addressed the Board in regards to the heavy traffic on Route 60 between the County and Ft. Eustis as well as the financial management of the County.

5. Mr. Chris Henderson, 101 Keystone, Williamsburg, addressed the Board in regards to concern over County spending, specifically the Forest Heights Project and the fiscal responsibility of the County.

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

Mr. Icenhour stated that on November 28, 2012, he would resign his Powhatan Seat and take the Oath of Office and assume the Jamestown Seat. He stated that the Board then has 30 days to appoint a candidate to fill the Powhatan Seat. He stated that the Board needs to begin planning and scheduling how to deal with the interviews and the selection of the candidate.

Mr. McGlennon made the recommendation to add a Work Session to the Board Calendar to review the candidates and to discuss the scheduling of the interviews. He stated that the Work Session could always be cancelled later if it is not necessary.

Mr. McGlennon asked the Board to give dates of availability to the County Administrator.

Mr. Kennedy stated that he believed the State Code allowed 45 days for the appointment of the candidate.

Mr. Rogers stated that the County Code would have control over the State Code. He stated that last year the Board received an extension of time from the Courts, but the County Code stipulates 30 days. Mr. Rogers also stated that the Board would need to make a motion to amend the Calendar and add a Work Session.

Ms. Jones made a motion to amend the Board Calendar to add a Work Session, if necessary, to December 11, 2012.

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

Mr. Kennedy asked Mr. Middaugh to clarify the amount of overages of the Forest Heights Project from the last meeting.

Mr. Middaugh stated that it was roughly around \$1 million.

Mr. McGlennon stated the overages to address stormwater issues was closer to \$600,000 and those extra costs were from the engineers who had under-estimated the costs of certain aspects of the project. He also stated the total of \$1 million does not include the offset of the sale of the homes in the neighborhood.

Mr. Icenhour made a nomination of Ms. Elizabeth Peterson to the Williamsburg Area Arts Commission (WAAC).

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

**H. CONSENT CALENDAR**

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

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

- 1. Minutes -
  - a. November 13, 2012, Regular Meeting
- 2. Federal Grant Award - Bulletproof Vest Partnership (BVP) - \$9,750

**RESOLUTION**

**FEDERAL GRANT AWARD – BULLETPROOF VEST PARTNERSHIP (BVP) – \$9,750**

WHEREAS, the James City County Police Department has been awarded a Bulletproof Vest Program (BVP) grant from the Office of Justice Programs' Bureau of Justice Assistance for \$9,750 (\$4,875 grant/\$4,875 local match); and

WHEREAS, the grant requires a match of \$4,875, which is available in the Special Projects/Grants Fund; and

WHEREAS, the funds are to be used to purchase approximately 15 replacement bulletproof vests for officers.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and the following appropriation amendment to the Special Projects/Grants Fund:

Revenues:

BVP-FY 12	\$4,875
Grant Match Account	<u>4,875</u>
Total:	<u>\$9,750</u>

Expenditure:

BVP – FY 12	<u>\$9,750</u>
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- 3. Grant Award - Dam Safety Assistance Fund for the Warhill Western Pond Dam - \$6,200

**RESOLUTION**

**GRANT AWARD – DAM SAFETY ASSISTANCE FUND FOR THE**

**WARHILL WESTERN POND DAM – \$6,200**

WHEREAS, the Virginia Department of Conservation and Recreation and the Virginia Resources Authority, as administrator of the Dam Safety, Flood Prevention, and Protection Assistance Fund, has awarded James City County a grant to improve dam safety; and

WHEREAS, funds are needed for the Warhill Western Pond Dam to develop a dam break inundation map as required for renewal of a regular six-year Operational and Maintenance Certificate in accordance with Virginia Dam Safety Act and Impounding Structure Regulation Requirements; and

WHEREAS, the award is in the amount of \$6,200 (\$6,300 local match required); and

WHEREAS, the matching funds of \$6,300 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 \$6,200 grant awarded by the Virginia Department of Conservation and Recreation and the Virginia Resources Authority for the Warhill Western Pond Dam and authorizes the County Administrator to execute the grant agreement.

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:

Revenues:

Dam Safety Assistance Fund	\$ 6,200
County’s Grant Match Account	<u>\$ 6,300</u>
Total:	<u>\$12,500</u>

Expenditure:

Warhill Western Pond Dam	<u>\$12,500</u>
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4. Warhill Sports Complex Easement

**RESOLUTION**

**WARHILL SPORTS COMPLEX EASEMENT**

WHEREAS, funds have been approved in the County Capital budget to support lighting of basketball courts at the Warhill Sports Complex; and

WHEREAS, electrical service is currently not provided to site location; and

WHEREAS, easement granted to Dominion Virginia Power is necessary to establish new service in the location of the park.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby grants Dominion Virginia Power an easement as defined on the attached map to establish electrical service at the basketball courts within the Warhill Sports Complex.

**I. PUBLIC HEARINGS**

1. Case No. ZA-0006-2012. Williamsburg Pottery - Proffer Violation Appeal (Lights)

Mr. McGlennon stated that the applicant has withdrawn their appeal.

Mr. McGlennon opened the Public Hearing.

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

2. Case No. ZO-0007-2011 and Z-0009-2011. Residential Districts and Cluster Overlay District. Case No. ZO-0010-2012. Affordable and Workforce Terminology - Amendments to the Definitions Section and the Residential and Multiple Use Districts.

Mr. Jose Ribeiro, Senior Planner, addressed the Board giving a summary of the staff report included in the Agenda Packet. He stated that the changes requested by the Board at its September 11, 2012, meeting have now been completed.

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

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

Mr. McGlennon expressed his appreciation for the diligent work of the staff in making the revisions that the Board requested.

Mr. Icenhour made a motion to approve all of the resolutions and ordinances included in the case.

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

**RESOLUTION**

**RESIDENTIAL REDEVELOPMENT POLICY**

WHEREAS, the task of creating the Residential Redevelopment District, R-3, was included as a part of the adopted methodology for the zoning ordinance update adopted by the Board of Supervisors in May 2010; and

WHEREAS, the 2009 Comprehensive Plan referenced the importance of supporting efforts to improve the condition and variety of the County's housing stock; and

WHEREAS, after receiving feedback from the Policy Committee, the Planning Commission, and the Board of Supervisors, the following policy is recommended for all Residential Redevelopment projects.

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

hereby endorse the following:

Projects seeking rezoning to the R-3, Residential Redevelopment District, should meet or exceed the following expectations:

1. Be located inside the Primary Service Area;
2. Bring existing non-conforming parcels into conformance with the requirements of this district;
3. Provide or improve public infrastructure (including but not necessarily limited to public streets, water and/or sewer service, and stormwater facilities); and
4. Provide affordable and workforce housing units, where at least 50 percent of all proposed housing units are targeted to families earning 30-120 percent of Area Median Income (AMI), with a minimum of 25 percent of all proposed housing units targeted to families earning 30-80 percent of AMI.

## RESOLUTION

### HOUSING OPPORTUNITIES POLICY

WHEREAS, the 2009 Comprehensive Plan recognizes the importance of providing housing opportunities which are affordable for homeowners and renters with particular emphasis on households earning 30 to 120 percent of James City County's Area Median Income (AMI); and

WHEREAS, consideration of measures to promote affordable and workforce housing was included as part of the Zoning Ordinance update methodology adopted by the Board of Supervisors in May 2010; and

WHEREAS, the Policy Committee recommended approval of the Housing Opportunities Policy to the Planning Commission on October 11, 2011; and

WHEREAS, the James City County Planning Commission, after a public hearing, recommended approval of the Housing Opportunities Policy on November 7, 2012, by a vote of 6-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes the following Housing Opportunities Policy in order to identify criteria whereby the provision of workforce housing in residential and multiple-use rezoning cases is done in a consistent manner:

The Housing Section of the 2009 Comprehensive Plan sets the following goal for housing opportunities in the County: "*Achieve high quality in design and construction of all residential development and neighborhood design, and provide a wide range of choices in housing type, density, price range, and accessibility.*" In order to address the objectives of this goal, this policy is designed to increase the range of housing choices in the County through the provision of affordable and workforce housing in all rezoning applications that include a residential component.

This policy identifies criteria whereby the provision of affordable and workforce housing (rental and ownership) in residential rezoning cases is consistent yet flexible. Provision of housing at different price ranges is a strategy to achieve the greater housing diversity goal described in the 2009 Comprehensive Plan.

1. Definitions

- a. **Affordable Housing.** Housing available at a sales price or rental amount that does not exceed 30 percent of the total monthly income of households earning between 30 percent and 80 percent of the area median income as determined by the U.S. Department of Housing and Urban Development (HUD).
- b. **Workforce Housing.** Housing available at a sales price or rental amount that does not exceed 30 percent of the total monthly income of households earning between greater than 80 percent and 120 percent of the area median income as determined by the U.S. Department of Housing and Urban Development (HUD).

2. Provision and Integration of Housing Opportunity Dwelling Units

- a. At least 20 percent of a development's proposed dwelling units should be offered for sale or made available for rent at prices that are targeted at households earning 30 to 120 percent of Area Median Income (AMI). Of that 20 percent, the units should be targeted at the AMI ranges specified below:

Units targeted to (percent of AMI):	Percent of the development's proposed dwelling units expected
30 percent – 60 percent	8 percent
Over 60 percent – 80 percent	7 percent
Over 80 percent – 120 percent	5 percent

- b. These units should be fully integrated in the development with regard to location, architectural detailing, quality of exterior materials, and general appearance.

3. Applicability of Cash Proffers for Housing Opportunity Dwelling Units

- a. Units targeted at household meeting 30 to 120 percent of AMI will have reduced expectations for cash proffers in accordance with the amounts set forth in the Cash Proffer Policy for Schools adopted by the Board of Supervisors on July of 2007, as amended, other cash proffers related for water and sewer improvements (typically proffered to the James City Service Authority), and other public facility and infrastructure capital improvement program items. The reductions in the expected proffer amounts would be as follows:

Units targeted to (percent of AMI):	Percent cash proffer reduction:
30 percent – 60 percent	100 percent
Over 60 percent – 80 percent	60 percent
Over 80 percent – 120 percent	30 percent

4. Retention of Housing Opportunity Units Over Time

- a. Rental units must be made available at the targeted rents for a period of at least 30 years.

- b. Sales of all targeted for-sale units as specified in paragraph one shall include a soft second mortgage payable to the benefit of James City County or third party approved by the Office of Housing and Community Development and the County Attorney's Office. The term of the soft second mortgage shall be at least 50 years. In addition, a provision shall be included in the deed that establishes a County right of first refusal in the event that the owner desires to sell the unit.

5. In-lieu Contribution to the Housing Fund

Applicants may choose to offer cash contributions in-lieu of the provision of the percentages of affordable and workforce housing units specified above. Such cash contributions shall be payable to the James City County Housing Fund. The Housing Fund will be used to increase the supply and availability of units targeted at households earning 30 to 120 percent of AMI in the County. If applicants choose to offer a cash contribution in-lieu of construction of the units, the guideline minimum amount per unit shall be:

Units targeted to (percent of AMI):	Cash in-lieu amount
30 percent – 60 percent	The cost to construct a 1,200 square-foot dwelling as determined below
Over 60 percent – 80 percent	The cost to construct a 1,200 square-foot dwelling as determined below
Over 80 percent – 120 percent	The cost to construct a 1,400 square-foot dwelling as determined below

Beginning in February 2013, and continuing in every subsequent February, the Housing and Community Development Director shall establish the average square foot cost to construct an affordable/workforce dwelling unit, which will be added to the median cost of a lot in the proposed subject development. The dwelling unit construction cost shall be determined based on the cost information provided by at least three builders of affordable/workforce dwellings in James City County. If no costs are available from James City County builders, the Director may consult builders from nearby localities. The anticipated median cost of a lot in the proposed development shall be documented and submitted by the developer; in the case of a proposed all-apartment development, the developer shall work with the Housing and Community Development Director to reach an acceptable estimate based on land and infrastructure costs.

6. Procedures

- a. For rental units, the developer shall provide assurances in a form acceptable to the County Attorney that the development will provide a statement of rental prices, demonstrating that they are within the specified affordable and workforce housing income range, for the proffered units for each year of the 30-year term.
- b. For for-sale units, the developer shall offer units at prices that fit within the affordable and workforce housing price range as stated in the definitions<sup>1</sup>, which shall be calculated and made available on an annual basis by the County.

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<sup>1</sup> The prices shall be established based on payment of 30 percent of household income toward housing cost.



- i. With regard to the soft-second mortgages, the James City County Office of Housing and Community Development ("OHCD") shall be named beneficiary of a second deed of trust for an amount equal to the sales price of the market rate unit and the sales price of the proffered unit. The soft second shall be a forgivable loan, upon the terms specified in Section 5 above, in a form approved by OHCD and the County Attorney. The soft second deed of trust, the deed of trust note, and the settlement statement shall be subject to the approval of the County Attorney and Housing and Community Development Director prior to closing. The original note and deed of trust and a copy of the settlement statement identifying the net sales price shall be delivered by the closing agent of the OHCD after the deed of trust is recorded and no later than 45 days after closing. If down-payment assistance loans are authorized by OHCD, the lien on the deed of trust for the soft second may be recorded in third priority.
- ii. Owner shall consult with and accept referrals of, and sell to qualified buyers from the OHCD on a noncommission basis.
- iii. Prior to closing, OHCD shall be provided with copies of the HUD deed and the original deed of trust and note for the soft second.

**J. BOARD CONSIDERATIONS**

1. Zoning Ordinance Transition

Ms. Tammy Rosario, Principal Planner, addressed the Board giving a summary of the staff report included in the Agenda Packet.

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

Ms. Jones made a motion to approve the resolution.

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

**RESOLUTION**

**ZONING ORDINANCE TRANSITION**

WHEREAS, the Board of Supervisors is considering revisions and amendments to sections of Chapter 24, Zoning, of the Code of the County of James City, Virginia, as described in Case No. ZO-0007-2011; and

WHEREAS, the orderly transition from the existing zoning regulations to revised regulations requires a transition resolution to affect changes in law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia hereby grandfathers proposed developments which meet the criteria identified below under the regulations in effect prior to the November 27, 2012, adoption of revisions to the James City County Zoning Ordinance, as described in Case No. ZO-0007-2011, if all of the following

conditions were fully and completely met on or before November 27, 2012:

5. The landowner had obtained or was the beneficiary of a "significant affirmative governmental act" (as defined herein) which remains in effect allowing development of a specific project; and
6. Relied in good faith on the significant affirmative governmental act; and
7. Incurred extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

Each of the following are deemed to be a "significant affirmative governmental act":

- a) The Board of Supervisors has accepted proffers or proffered conditions which specify use related to a zoning amendment;
- b) The Board of Supervisors has approved an application for a rezoning, with master plan, for specific use(s) or density;
- c) The Board of Supervisors or Board of Zoning Appeals has granted a special exception or use permit, with master plan, with conditions;
- d) The Board of Zoning Appeals has approved a variance;
- e) The Board of Supervisors or its designated agent has approved a preliminary subdivision plat, site plan, or plan of development for the landowner's property and the landowner diligently pursues approval of the final plat or plan within a reasonable period of time under the circumstances;
- f) The Board of Supervisors or its designated agent has approved a final subdivision plat, site plan, or plan of development for the landowner's property; or
- g) The zoning administrator or other administrative officer has issued a written order, requirement, decision or determination regarding the permissibility of a specific use or density of the landowner's property that is no longer subject to appeal and no longer subject to change, modification, or reversal under subsection C of Section 15.2-2311 of the Code of Virginia, 1950, as amended.

2. Initiation of Zoning Changes to 225 Meadowcrest Trail

Mr. Robert Middaugh, County Administrator, addressed the Board giving a summary of the staff report included in the Agenda Packet.

Mr. McGlennon clarified for the public that this piece of property is owned by the County, but that it is located in a residential area and the County has no use for this piece of property. The County is looking to rezone the property to residential and then sell the property to a developer so that it may be developed like the neighborhoods around it. Mr. McGlennon asked if the surrounding neighborhoods were supportive of this action.

Mr. Middaugh stated that the County had spoken with the Wellington Estates Homeowners Association and they are supportive and would like to see a development plan.

Mr. Kennedy stated that this property is located in his district and he does not support this action for a variety of reasons. He stated that when the County acquires greenspace, it is because the County wants to preserve the vistas. He stated that now the County wants to sell the property so that it can be developed. Mr. Kennedy believes that developing the property will cause a burden on the already over-crowded schools in the district. Mr. Kennedy stated that he does not agree with bringing in "large-tract" builders and believes the County should support the small, locally-owned construction companies and builders. He stated that for these reasons he will be opposing the resolution.

Ms. Jones 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: Mr. Kennedy (1).

## RESOLUTION

### INITIATION OF ZONING CHANGES TO 225 MEADOWCREST TRAIL

WHEREAS, the County is the owner of certain real property located at 225 Meadowcrest Trail and further identified as Parcel No. 1330100016 on the James City County Real Estate Tax Map (the "Property"); and

WHEREAS, NVR, Inc. (Ryan Homes) desires to purchase the Property so that it may be incorporated into the Windsor Ridge neighborhood; and

WHEREAS, the Property may not be used for residential development unless and until the current PL, Public Lands, zoning designation is changed; and

WHEREAS, the Board of Supervisors of James City County is of the opinion that it is in the public interest to rezone the Property for use as a residential development.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia does hereby initiate the rezoning of the Property from PL, Public Lands to R-1, Limited Residential with any other zoning changes (including, but not limited to a special use permit) necessary to achieve a density on the Property similar to that in the adjacent Windsor Ridge neighborhood. The Planning Commission shall hold at least one public hearing on the proposed rezoning and Special Use Permit and shall forward its recommendation thereon to the Board of Supervisors in accordance with the law.

3. Resolution of the Board of Supervisors of James City County, Virginia, Declaring Its Intention to Reimburse Itself from the Proceeds of One or More Financings for Certain Costs of Capital Improvements

Mr. John McDonald, Director of Financial and Management Services, addressed the Board giving a summary of the staff report included in the Agenda Packet. Mr. McDonald stressed that this is a permissive resolution, that it does not obligate the Board to borrow money or reimburse itself later. The resolution allows the Board to do those actions in the future, under treasury regulations, should the Board so desire.

Mr. Icenhour asked if the original bond expiration was 2013 and questioned if the County has applied to the court for an extension.

Mr. McDonald stated that he does not believe that the County has applied for the extension as of yet. He stated that would be something the Board would have to direct staff to do.

Mr. Icenhour stated that he believed the Board had already directed staff to do so. He asked Mr. Middaugh and Mr. Rogers for clarification.

Mr. Middaugh stated that staff would have to check the records to be sure.

Ms. Jones stated that three of the Board members supported being able to borrow more money and approved the bond extension.

Mr. Rogers stated that the County has not applied for the extension because the expiration date has not come up yet. He stated that the County would come back to the Board with a resolution to apply for the extension and then take that resolution to the courts.

Mr. Kennedy asked Mr. McDonald to explain, for the citizens watching at home and in the audience, how a local government can borrow and spend money and then repay itself.

Mr. McDonald stated that it is actually preferred that localities borrow the money after spending it. He stated that some of the \$14 million the County is allowed to borrow under the referendum can be used to reimburse the County for money already spent in the specific areas allowed.

Mr. Kennedy asked if there was a chance that the bank or the bond agency could come back later and say they are not going to fund that bond, after the County has already spent the money.

Mr. McDonald stated that by adopting this resolution the Board is protecting itself and allowing the County to reimburse itself at any later date for any future indebtedness. He stated that the lending agency or bond agency would actually look for a resolution like this prior to issuing any bonds or funds.

Mr. Kale made a motion to approve the resolution.

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

## RESOLUTION

### RESOLUTION OF THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA,

#### DECLARING ITS INTENTION TO REIMBURSE ITSELF

#### FROM THE PROCEEDS OF ONE OR MORE FINANCINGS

#### FOR CERTAIN COSTS OF CAPITAL IMPROVEMENTS

WHEREAS, voters in James City County have approved a bond referendum to issue general obligation bonds in a principal amount not to exceed \$20 million pursuant to the Public Finance Act of 1991, as

amended, for the purpose of financing a portion of the cost of the acquisition of land and voluntary land conservation agreements that will serve as greenspace for the County and preserve agricultural, forestal, or environmentally sensitive lands in the County; and

WHEREAS, \$14 million of that borrowing authority currently remains and discussions with landowners have proceeded to the point where some of that bond authority may be desirable in order to finance the acquisition of property.

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

1. The Board of Supervisors adopts this declaration of official intent under Treasury Regulations Section 1.150-2.
2. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the County to pay the costs of the Project from the proceeds of one or more financings. The maximum amount of financing expected to be issued for the Project is \$14 million.
3. This resolution shall take effect immediately upon its adoption.

4. Compensation Initiatives

Mr. Middaugh stated that before the Board is a resolution based upon the Compensation Initiatives discussion held during the Work Session. He stated that in response to a question posed during the Work Session, the two constitutional officers that have had a salary increase in response to increase in population are Sheriff Deeds in 2009, and Ms. Ann Davis in 2006. Mr. Bradshaw and Mr. Green have not had a salary adjustment due to population increases.

Mr. McGlennon asked for clarification if the Sheriff's deputies would be included in this Compensation Initiative.

Mr. Middaugh stated that the Sheriff's Department would be included in the Compensation Initiative, because they participate in the County's salary plan.

Mr. Kale asked if the \$600,000 listed on the resolution included all eligible employees, including the James City Service Authority (JCSA) and the Library.

Mr. McDonald clarified that the JCSA would be bringing forth its own resolution later this evening during its Board of Directors meeting and those funds would come from the JCSA fund. The Library Board of Directors would have to enact its own resolution and the funds would come from its General Fund.

Mr. Kennedy stated that he wanted to make his position clear and that he did agree with comments early about the minutes sometimes paraphrasing too much. He stated that he would support a pay raise for County employees in the next budget, but he does not support this bonus in part because it does not include the school employees. He stated that in the Work Session he suggested splitting the pie down the middle and offering a 1 percent real estate tax reduction and doing a slightly smaller pay raise for the County employees. He stated that since November 13, 2012, the Board has spent roughly \$3.9 million outside of what was already budgeted. He stated that he understood it and he respected the majority, but it is concerning. Mr. Kennedy said that this bonus puts him and Ms. Jones in a difficult situation because they wanted to support a pay raise in the next budget. He stated that he understood the majority would rule on the vote this evening, but he would not be supporting the resolution.

Ms. Jones stated that she would not be supporting the bonus or the cost outlay for a compensation study. She stated that she would consider salary increases for the County employees next year. She stated that there are no guarantees in life and during the Work Session the State Legislators stated grave concerns over the fiscal stability of the State and the Federal governments. She stated that while other localities are giving pay raises and bonuses to their employees, they are also raising taxes on their citizens. She stated that the County did a bonus for employees last year, yet the County did not raise taxes on the citizens. She stated that she appreciates the work that the County employees do, but this is a very uncertain time and the County should wait to see what comes out of the General Assembly.

Mr. McGlennon stated that in regards to statements made about the minutes he reminded Board members that they vote to approve the minutes. Therefore, they have the option to pull the minutes and have them amended if the wording or the summation of the comments is incorrect.

Mr. Kale made a motion to approve the resolution distributed by Mr. Middaugh.

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

## RESOLUTION

### COMPENSATION INITIATIVES

WHEREAS, the Board of Supervisors has participated in a special work session devoted to compensation initiatives in the five areas shown in the following resolution,

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

- (a) An additional appropriation of the June 30, 2012, General Fund undesignated fund balance in the amount of \$600,000 to personnel contingency to allow the County Administrator to distribute a one-time bonus this calendar year to full-time or part-time regular, or limited-term employees who have completed their introductory period, received a minimum rating of "Meets Expectations" on their FY 2013 performance evaluation and are employed as of December 1, 2012. The bonus, which will have no impact on base pay, shall be \$1,000 for each full-time position and \$500 for each part-time position; and
- (b) That the one-time bonus for qualified County employees be extended to the four Constitutional Officers who have agreed to participate in the County's pay and personnel policies, the County Registrar, and to the County Attorney; and
- (c) An additional appropriation of the June 30, 2012, General Fund undesignated fund balance in the amount of \$25,000 to personnel contingency to allow Monday, December 31, 2012, to be designated an additional Holiday for County employees, with the appropriate Holiday pay supplement paid to those employees, primarily public safety, who are required to work; and
- (d) That the Board authorize a Request for Proposal (RFP) for a compensation study that would review County job descriptions, pay, and benefits against market averages. The Board will be asked to transfer funds and approve a contract when the RFP proposal is

completed and a recommendation is prepared that further identifies both the scope and the cost; and

- (e) That it is intended that one of the priorities for the FY 2014 operating budget is to fund a permanent salary increase as of July 1, 2013, for eligible County employees and to provide sufficient funds to allow the Williamsburg-James City County School Board to consider offering a similar permanent salary increase to its employees.

**K. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, Williamsburg, stated that he has the record of votes, so if any of the previous Board members wish to sit on the Board again, he has their record. He also stated that he has seen the minutes and they are condensed, not misconstrued or inaccurate, just condensed.

2. Ms. Marjorie Ponziani, 4859 Bristol Circle, Williamsburg, addressed the Board in regards to the move back to staggered terms. She stated that she has concerns over the fiscal management of the County, pleads for fiscal responsibility and transparency, and encouraged citizens to take the opportunity to speak at the meetings.

**L. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Middaugh stated that the minutes are intended to be summary minutes. They are in no way verbatim minutes.

He stated that the Curbside Leaf Collection will begin December 3, 2012. The districts and times are posted on the County website.

He stated that Breakfast with Santa will be held December 8, 2012, at 9 a.m. at the James City County Recreation Center.

Mr. Icenhour asked Mr. Middaugh for clarification about the Leaf Collection. He stated that the collection times are a date range, but that the County only makes one pass through those neighborhoods. Hence, if you are scheduled for collection on the 5-8th, and they come by your house on the 5th, but you don't put your leaves out until the 6th, then you will have missed the leaf collection.

Mr. Middaugh stated that is correct.

**M. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon stated that during the Closed Session, the Board discussed the Acquisition of the property at 140 Neighbors Drive.

Mr. Kennedy asked if staff had determined which fund those monies would be coming from.

Mr. McGlennon stated that the resolution calls for the funds to come from the Greenspace funds.

Mr. Icenhour made a motion to approve the resolution for the acquisition of the property at 140 Neighbors Drive.

Mr. McGlennon stated that the acquisition of this property is in Forest Heights and will allow for the construction of the Best Management Practice (BMP) and improved water quality.

Mr. Kennedy stated that he did not agree with the funds coming from the Greenspace account, that this is a land development use not a land protection. He stated that he is concerned about the gross under estimate of costs in regards to the Forest Heights Project.

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

## RESOLUTION

### ACQUISITION OF PROPERTY AT 140 NEIGHBORS DRIVE

#### (LONGHILL SWAMP PRESERVATION) - \$50,000

WHEREAS, the property located at 140 Neighbors Drive (Parcel ID No. 3220100116) is a buildable lot platted before the County adopted Resource Protection Areas (RPAs) and is wholly located within the RPA protecting Longhill Swamp; and

WHEREAS, the construction of Benefit Lane as part of the Forest Heights Road redevelopment project will make access to said property accessible and more likely to be built upon; and

WHEREAS, the owners of the property located at 140 Neighbors Drive are willing to sell the property to the County for \$50,000; and

WHEREAS, purchasing the property as part of the County's Green Space Preservation Fund will protect Longhill Swamp and Powhatan Creek from development on the property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to sign the necessary agreements to acquire the property located at 140 Neighbors Drive for \$50,000.

Mr. Icenhour stated that he would like to thank Mr. Kale for his service and time spent with the Board. He stated that Mr. Kale had done a credible job and had served the citizens of the Jamestown District well.

Mr. McGlennon expressed his appreciation for Mr. Kale and his willingness to sacrifice his personal and professional time for the benefit of the County.

Mr. Kale thanked the three circuit court judges who gave him this opportunity to serve and thanked the citizens of James City County for their understanding and support of his efforts in this unusual process. He also thanked County staff for their support.

Mr. Kale said that the triple A bond rating was the culmination of work over a number of years and recognized Mr. John McDonald and the County's financial staff for their work and expertise in helping to achieve the triple A bond rating.




**N. CLOSED SESSION** – None

**O. ADJOURNMENT** – to 4 p.m. on December 11, 2012.

Ms. Jones made a motion to adjourn.

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

Mr. McGlennon adjourned the meeting at 8:17 p.m.

  
Robert C. Middaugh  
Clerk to the Board

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