

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 11TH DAY OF DECEMBER 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  
James O. Icenhour, Jr., Powhatan District

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

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE** - Tara Heatwole, a 12th grade student at Jamestown High School lead the Board and citizens in the Pledge of Allegiance.

**E. PRESENTATIONS**

1. The Comprehensive Annual Financial Report - Dixon Hughes Goodman, LLP

Ms. Leslie Roberts, representing Dixon Hughes Goodman, LLP, addressed the Board giving a summary of the financial report that was included in the Agenda Packet. She stated that once again, the County has received a clean audit opinion. She stated that there was one minor issue with a conflict of interest statement not being turned in in a timely manner.

2. Lifesaving Recognition - James City County Recreation Center

Mr. McGlennon read the Lifesaving Recognition Resolution, recognizing Mr. Mike Prelewicz and Ms. Gigi Robinson, for their lifesaving actions in aiding a citizen at the James City County Recreation Center.

3. Chairman's Award

a. Staff Recognition

Mr. McGlennon read the Chairman's Award recognizing the County's Stormwater Division staff.

**CHAIRMAN'S AWARD 2012**

WHEREAS, sound stormwater management provides benefits to all citizens of James City County through protection of property as well as protection of the County's abundant natural resources and waterways; and

WHEREAS, the General Services Department Stormwater Division responds to over 240 requests for assistance from citizens annually; and

WHEREAS, the General Services Stormwater Division provides technical training and equipment to over 25 citizen volunteers who regularly collect and evaluate water quality conditions in the County's waterways; and

WHEREAS, the General Services Stormwater Division outreach programs reach several thousand citizens annually with information on actions citizens can take to improve stormwater conditions in their neighborhoods and businesses; and

WHEREAS, the General Services Stormwater Division seeks and secures funds to help neighborhoods, businesses and homeowners retrofit their property with measures, such as rain gardens, that improve water quality through better stormwater management; and

WHEREAS, the General Services Stormwater Division is committed to excellence in operating and maintaining over 60 public stormwater management facilities; and

WHEREAS, the General Services Stormwater Division, with assistance from the Stormwater Program (citizen) Advisory Committee, seeks to maintain and improve water quality and natural resource conditions in the County through the County's capital improvement program; and

WHEREAS, the General Services Stormwater Division has sought public input and developing a common sense, practical approach to meeting very complex new state and federal water quality requirements, including the Chesapeake Bay Total Maximum Daily Load, that will improve and protect James City County waterways.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board of Supervisors of James City County, Virginia, does hereby recognize the outstanding services of

**Stormwater Division Staff**

**Fran Geissler  
Paul Cuomo  
Suzanne Dyba  
Pat Menichino  
JoAnna Ripley**

b. Citizen Recognition

Mr. McGlennon read the Chairman's Award recognizing Ms. Sarah Kadec's efforts and contributions to the County.

**CHAIRMAN'S AWARD 2012**

WHEREAS, Sarah Kadec saw a need to organize concerned individuals, homeowners associations, environmental groups and other organizations into one entity which would give citizens a stronger voice and identity with local government; and

WHEREAS, Sarah is a founding member the James City County Citizens' Coalition (J4C) to protect the quality of life and environment in James City County; and

WHEREAS, J4C has played an active role in conducting research on issues important to James City County and educating the community; and

WHEREAS, Sarah has attended and participated in numerous meetings over the years on specific development proposals, as well as larger projects and processes such as Zoning Ordinance and Comprehensive Plan updates, and area studies such as the Five Forks area study; and

WHEREAS, Sarah's participation has enhanced these meetings by helping to encourage citizen attendance and participation, by acting as a citizen monitor of the processes, by sharing information with the community and with County staff, and by consistently encouraging knowledge of all the facts, and good results; and

WHEREAS, Sarah has served as an on-going informal liaison with County staff, providing information on J4C forums and other events that help the County to be better informed of citizen meetings and community issues; and

WHEREAS, Sarah's efforts have helped to bring the community together.

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

**SARAH KADEC**

and presents this award as a token of appreciation.

**F. PUBLIC COMMENT**

1. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board asking where is the honesty, transparency, and accountability from the Board to the citizens.

2. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board in regards to the fiscal responsibility of the Board. He stated that the goal of the coming year should be honesty, transparency, and accountability from the Board.

3. Ms. Marjorie Ponziani, 4852 Bristol Circle, addressed the Board in regards to the 2013 Legislative Agenda. She questioned the Board's recent fiscal spending and fiscal responsibility.

4. Mr. Keith White, 6309 Adams Hunt Drive, addressed the Board asking if a member of the Board will take a leadership position in the selection process of filling the vacant Powhatan Seat.

5. Mr. John Pottle, representing Crosswalk Community Church, 4233 Teakwood Drive, led the Board and citizens in an invocation.

6. Mr. Ed Oyer, 149 Indian Circle, stated that there has been an increase in heavy equipment traffic on Route 60, from Windy Hill to Ft. Eustis. He also stated that he would like to echo the Chairman's words of recognition for Ms. Sarah Kadec.

7. Mr. Jeff Ryer, Merrimac Trail, thanked the Board for closing the Recreation Center on Election Day. He also stated that he would like to see the Board adopt a policy that would prohibit the naming of public assets after living individuals.

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

Mr. McGlennon welcomed Mr. Kennedy back after his recent health issues.

Mr. Kennedy stated that he wanted to clarify some statements from the last meeting. He stated that he supports the reuse of James Blair as a middle school. He stated that he believes in the new Superintendent of Schools, and that he deserves to make a presentation to the Board and to be heard in regards to what he wants to do for the school system.

Ms. Jones stated that she supports the reuse of James Blair as a middle school as well. She stated that the Board has always been very clear in their stance, so she is not sure why there seems to be an ongoing question in the press. She stated that in regards to the citizen's comment about unfunded mandates, Senator Norment and Delegate Pogge both cautioned the County about their spending. She stated that the legislators were adamant about the uncertainty of the economy and how that would affect the State budget and budget cuts. She stated that during her conversation with Governor McDonnell, he stated that the State is looking at the unfunded mandates and hoping not to pass anymore down to the localities.

Mr. Icenhour stated that he attended the Virginia Municipal League (VML) Finance Forum with Mr. Middaugh and Mr. John McDonald. The materials from the forum will be provided to all the Board members.

#### **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. Kennedy, Ms. Jones, Mr. McGlennon (4).  
NAY: (0).

1. Minutes -
  - a. November 27, 2012, Regular Meeting

- 2. Grant Award - Virginia Department of Environmental Quality - \$14,755

**RESOLUTION**

**GRANT AWARD - VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY - \$14,755**

WHEREAS, the Department of Environmental Quality has awarded James City County a Litter Prevention and Recycling Grant in the amount of \$14,755.

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

Revenue:

Litter Control Grant	<u>\$14,755</u>
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Expenditure:

Litter Control Grant	<u>\$14,755</u>
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- 3. Lifesaving Recognition - James City County Recreation Center

**RESOLUTION**

**LIFESAVING RECOGNITION – JAMES CITY COUNTY RECREATION CENTER**

WHEREAS, a patron suffered a sudden cardiac arrest on November 15, 2012, while exercising at the James City County Recreation Center; and

WHEREAS, James City County Recreation Center staff found him unresponsive without a pulse or respirations; and

WHEREAS, Mr. Mike Prelewicz and Ms. Gerenda (Gigi) Robinson together performed Cardiopulmonary Resuscitation (CPR) in conjunction with the use of an Automated External Defibrillator (AED); and

WHEREAS, their quick efforts combined with EMS treatment resulted in a successful transportation of the individual to the hospital for further treatment.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby recognizes and thanks Mr. Prelewicz and Ms. Robinson for their heroic efforts in saving the life of a James City County citizen at the James City County Recreation Center.

4. Establishment of a Part-time Regular Custodial Position

**RESOLUTION**

**ESTABLISHMENT OF A PART-TIME REGULAR CUSTODIAL POSITION**

WHEREAS, the James City County Department of General Services desires to provide outstanding custodial services to all County facilities; and

WHEREAS, it has been determined that a part-time permanent custodial position is needed to maintain the Law Enforcement Center.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes one part-time permanent custodial position in the Department of General Services effective December 16, 2012.

**I. PUBLIC HEARINGS**

1. Case No. SUP-0015-2012. Stewart Family Subdivision

Mr. Luke Vinciguerra, Planner, addressed the Board giving a summary of the staff report included in the Agenda Packet.

Mr. McGlennon asked if the Board had questions for staff.

As there were none, Mr. McGlennon opened the Public Hearing.

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

Mr. Kennedy made a motion to approve the resolution.

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

**RESOLUTION**

**CASE NO. SUP-0015-2012. STEWART FAMILY SUBDIVISION**

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. Tracie Woodward has requested an SUP to allow for a family subdivision with two new lots less than three acres in size in an A-1, General Agricultural, District, located at 9484 Richmond Road, further identified as James City County Real Estate Tax Map Parcel No. 0240100042; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0015-2012; and

WHEREAS, the Board of Supervisors is of the opinion that the SUP to allow for the above-mentioned family subdivision should be approved.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. SUP-0015-2012, as described herein, pursuant to the following conditions:

1. **Plan.** This SUP is valid for a family subdivision for the creation of no more than two new lots and one parent lot with each lot being no less than one acre in size as generally shown on the conceptual plat submitted with this application. The final number of lots shall be determined by the Director of Planning subject to a review of septic drainfield information.
2. **Access.** Only one entrance serving all lots through a shared driveway shall be allowed onto Richmond Road. Access shall be from an all-weather surface of rock, stone, or gravel, with a minimum depth of three inches and a minimum width of ten feet per Sec. 19-17 of the Subdivision Ordinance.
3. **Commencement.** Final subdivision approval must be received from the County within 12 months from the issuance of this SUP or the permit shall become void.
4. **Severance Clause.** The SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. AFD-7-86-1-2012. Mill Creek Agricultural and Forestal District Addition

Mr. Jason Purse, Senior Planner II, addressed the Board giving a summary of the staff report included in the Agenda Packet.

Mr. McGlennon asked if the Board had questions for staff.

As there were none, Mr. McGlennon opened the Public Hearing.

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

Mr. Kennedy made a motion to approve the Ordinance.

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

**ORDINANCE NO. \_\_\_\_\_**

AFD-7-86-1-2012. MILL CREEK AFD ADDITION (8700 BARNES ROAD)

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, (the "Board of Supervisors") to add 104 acres of land owned by Barnes Road LLC located at 8700

Barnes Road and identified as James City County Real Estate Tax Map No. 1010100037 to AFD 7-86, which is generally known as the 3,361-acre "Mill Creek Agricultural and Forestal District" (the "Application"); and

WHEREAS, at its October 18, 2012, meeting the Agricultural and Forestal District (AFD) Advisory Committee voted 8-0 to recommend approval of the Application; and

WHEREAS, a public hearing was advertised and held by the Planning Commission (the "Commission") at its November 7, 2012, meeting, pursuant to Section 15.2-4314 of the Code of Virginia, 1950, as amended (the "Virginia Code"), after which the Commission voted 6-0 to recommend approval of the Application; and

WHEREAS, pursuant to Section 15.2-4214 of the Virginia Code, a public hearing was advertised and held by the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors, James City County, Virginia, hereby adds 104 acres owned by Barnes Road LLC, as referenced herein to the 3,361 acres of the Mill Creek Agricultural and Forestal District, which is scheduled to expire October 31, 2014, with the following conditions:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
2. No land within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.
3. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties, which are in accordance with the County's policies and ordinances regulating such facilities.

3. Case No. SUP-0012-2012. Toano Middle School Parking Improvements

Mr. Jose Riberio, Senior Planner, addressed the Board giving a summary of the staff report included in the Agenda Packet.

Mr. Kennedy stated that an expansion of this parking lot was done in 2007/2008.

Mr. Riberio stated that was correct, expansion was done to the bus parking lot.

Mr. Kennedy asked how do we know that these improvements are going to improve what has already been improved before. He stated that new addition done in 2007/2008 never completely solved the issues.



Mr. Riberio stated that the current circular loop is not sufficient to handle the volume of cars dropping off children. He stated that the proposed layout of the parking lot would allow for a safer flow of vehicles in and out of the parking lot.

Mr. Kennedy asked if the bike path would cut in to any of the current sidewalk areas.

Mr. Riberio stated that he did not believe so. He stated that the turn lane is being widened to accommodate the bike path.

Mr. McGlennon said that in the staff report it is stated that the current drop-off loop would be used on rare occasions. He stated that he is concerned that this will cause confusion.

Mr. Riberio stated that the limited situations where the current drop-off loop would be utilized would be in cases of children who have a physical limitation or injury who need closer access to the entrance of the school.

Mr. Kennedy stated that he would like more information on the issue of the speed limit on the stretch of Richmond Road in front of the school. He stated that it is a concern for the safety of the children outside this school.

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

1. Mr. Graham Cornson, from AES representing the Schools, addressed Mr. Kennedy's question stating that yes some of the sidewalk will have to be removed to allow for the expansion of the bike path.

Mr. Kennedy asked if impervious pavers were considered for the project.

Mr. Cornson stated they were considered; however, after testing was done, it was determined that the soil could not support the impervious pavers.

Mr. McGlennon asked for clarification on the current drop-off loop.

Mr. Cornson stated that the area will be heavily signed and will only be utilized in extraordinary cases and mainly by emergency vehicles.

Mr. Icenhour asked if the school has a plan in place to help direct the flow of traffic in the beginning after the project is completed.

Mr. Cornson stated that in regard to their plans, he really cannot speak for the schools. He stated that the signs will be visible as soon as you enter the parking lot.

Mr. Kennedy stated that his concern is that when projects are planned, they need to completely solve the problem.

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

Mr. Icenhour made a motion to approve the resolution.

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

## RESOLUTION

### CASE NO. SUP-0012-2012. TOANO MIDDLE SCHOOL PARKING LOT IMPROVEMENTS

- 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 (the "SUP") process; and
- WHEREAS, Mr. Bruce Abbott has applied for an SUP to allow the construction of a new student drop-off area, 30 parking spaces, and other minor improvements to the site; and
- WHEREAS, the proposed development is shown on a plan titled "Master Plan Toano Middle School Williamsburg/James City County City County Schools" dated September 21, 2012, and revised on October 23, 2012 and November 15, 2012; and
- WHEREAS, the property is located at 7817 Richmond Road and can be further identified as James City County Real Estate Tax Map Parcel No. 1240100051; and
- WHEREAS, the Planning Commission, following its public hearing on November 7, 2012, voted 6-0 to recommend approval of this application; 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, does hereby approve the issuance of SUP-0012-2012 as described herein with the following conditions:

1. **Master Plan.** This SUP shall be valid for a proposed new student drop-off area, additional off-street parking spaces, and other minor improvements to the site located at 7817 Richmond Road and further identified as James City County Real Estate Tax Map No. 1240100051 (the "Property"). Development of the Property shall occur generally as shown on the exhibit drawn by AES Consulting Engineers, entitled "Master Plan Toano Middle School Williamsburg/James City County Schools" dated September 21, 2012, and revised on October 23, 2012, and November 15, 2012 (the "Master Plan"), with only changes thereto that the Planning Director determines do not change the basic concept or character of the development.
2. **Water Conservation.** The Williamsburg-James City County School Board shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (the "JCSA") prior to final site plan approval. The standards shall include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought resistant native and other adopted low water use landscaping materials and warm season turf where appropriate and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

3. **Lighting.** All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee, who indicates no glare outside the property lines unless otherwise approved by the Planning Director. All light poles shall not exceed 20 feet in height unless otherwise approved by the Planning Director prior to final site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from the adjoining properties.
4. **Commencement of Construction.** If construction has not commenced on this project within 36 months from the issuance of an SUP, the SUP shall become void.
5. **Severance Clause.** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

4. Case No. SUP-0013-2012. King of Glory Church Building Expansion

Mr. Jose Riberio, Senior Planner, addressed the Board giving a summary of the staff report included in the Agenda Packet.

Mr. McGlennon asked if Phase 2 of the expansion is anticipated to have an effect on traffic.

Mr. Riberio stated that Phase 2 involves the expansion of the sanctuary, so traffic impact is probable.

Mr. McGlennon asked for clarification on the use of the proposed expanded space. He questioned if it will be utilized by groups that already hold meetings at the church.

Mr. Riberio stated the groups currently meet at the church. He stated that the larger groups just cannot meet at the same time, nor is there a designated meeting space for the larger groups to utilize.

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

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

Ms. Jones made a motion to approve the resolution.

Mr. McGlennon stated that as Phase 2 comes forward, a cumulative impact on traffic conditions needs to be brought forward as well.

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

**RESOLUTION**

**CASE NO. SUP-0013-2012. KING OF GLORY LUTHERAN CHURCH BUILDING EXPANSION**

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 (the "SUP") process; and

WHEREAS, Mr. Matthew Connolly has applied for an SUP to allow the construction of a 12,500-foot building; and

WHEREAS, the proposed development is shown on a plan titled "Master Plan for King of Glory-Phase 1 Plan" dated October 14, 2012, and revised on October 22, 2012; and

WHEREAS, the property is located at 4897 Longhill Road and can be further identified as James City County Real Estate Tax Map Parcel No. 3240100033; and

WHEREAS, the Planning Commission, following its public hearing on November 7, 2012, voted 6-0 to recommend approval of this application; 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, does hereby approve the issuance of SUP-0013-2012 as described herein with the following conditions:

1. **Master Plan.** This SUP shall be valid for a proposed 12,500-square-foot building expansion and other minor improvements to the site located at 4897 Longhill Road and further identified as James City County Real Estate Tax Map No. 3240100033 (the "Property"). Development of the Property shall occur generally as shown on the exhibit drawn by Mr. Mel Grewe, entitled "Master Plan for King of Glory-Phase 1 Plan", dated October 14, 2012, and revised on October 22, 2012, with only changes thereto that the Planning Director determines do not change the basic concept or character of the development.
2. **Lighting.** All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee, who indicates no glare outside the property lines unless otherwise approved by the Planning Director. All light poles shall not exceed 20 feet in height unless otherwise approved by the Planning Director prior to final site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from the adjoining properties.
3. **Architectural Review.** Prior to final site plan approval, architectural elevations, building materials, and colors shall be submitted to the Planning Director or his designee for review and approval. The purpose of this condition is to ensure that the proposed structure on the Property is uniform and compatible in terms of design, scale, materials, and colors with other structures on the site.

4. **Commencement of Construction.** If construction has not commenced on this project within 36 months from the issuance of an SUP, the SUP shall become void.
5. **Severance Clause.** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

5. Case No. ZO-0004-2012. Soil Stockpile Ordinance

Mr. Jason Purse, Senior Planner II, addressed the Board giving a summary of the staff report included in the Agenda Packet.

As there were 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. Icenhour made a motion to approve the ordinance.

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

6. Zoning Ordinance Update

- a. Case No. ZO-0006-2012. Floodplain Housekeeping
- b. Case No. ZO-0009-2012. Procedural/Submittal Requirements and Definitions
- c. Case No. ZO-0007-2012. Research and Technology
- d. Case No. ZO-0008-2012. Private Streets Housekeeping

Mr. Jose Riberio, Senior Planner, addressed the Board giving a summary of the staff report included in the Agenda Packet.

As there were 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. Kennedy made a motion to approve all of the Ordinances included in the Zoning Ordinance Update.

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

7. Case No. SO-0001-2011. Subdivision Ordinance

Ms. Ellen Cook, Senior Planner II, addressed the Board giving a summary of the staff report included in the Agenda Packet.

As there were 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. Kennedy made a motion to approve the Ordinance.

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

**J. BOARD CONSIDERATIONS**

1. Regional Business Incubator

Mr. Russell Seymour, Director of Economic Development Department, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Mr. Icenhour asked for clarification on the Business, Professional and Occupational License (BPOL) taxes from the graduating businesses and about the time frame that those taxes would be going back into the incubator.

Mr. Seymour stated that it is a period of five years.

Mr. Icenhour stated that the proposal has been approved by the Economic Development Authorities (EDA) of the participating localities in the region; however, he questioned if the proposal had been voted on the localities themselves.

Mr. Seymour stated that the proposal has gone before the York County Board of Supervisors and was approved, and the City of Williamsburg will be voting on the proposal on Thursday.

Mr. McGlennon stated that if a graduating business does not locate in one of the participating localities then they have to pay back the monies that were invested in them by the incubator. He questioned what happens if there is a change in location during the five-year period after graduation.

Mr. Seymour stated if they changed location, but stayed in the region, then their five-year period would not start over. However, if the business was to move outside of the three regions involved with the incubator, then the business would be required to pay back a portion of the monies that were invested in them by the incubator.

Mr. Kennedy stated that individual business sales tax information is confidential information and cannot be obtained from the Commissioner of the Revenue. He questioned how the incubator would get this information, and how the information would remain confidential.

Mr. Seymour stated that as part of the contract to join the incubator, the business would have to sign a release of information for their sales tax information.

Mr. Kennedy asked who is going to audit all three jurisdictions.

Mr. Seymour stated that the County will do its own internal audit with the EDA. He stated that it is something that will have to be worked out with the other localities.

Mr. Kennedy stated that he would like a report back on how the localities are going to hold each other accountable.

Mr. Icenhour asked what the protocol is if this regional incubator does not work.

Mr. Seymour stated that then the individual localities would go back to operating as individual incubators.

Mr. Icenhour made a motion to approve the resolution.

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

### RESOLUTION

SUPPORT FOR A REGIONAL BUSINESS INCUBATOR TO BE ESTABLISHED JOINTLY BY  
THE ECONOMIC DEVELOPMENT AUTHORITIES OF JAMES CITY COUNTY, YORK  
COUNTY, AND THE CITY OF WILLIAMSBURG AND PLEDGING CERTAIN FUTURE TAX  
REVENUES IN SUPPORT OF THE INCUBATOR

WHEREAS, the Economic Development Authorities (EDA) of James City County, York County, and the City of Williamsburg (the Authorities) have entered into a Memorandum of Understanding regarding the creation of a business incubator in a facility located in and owned by James City County; and

WHEREAS, it is the intent of the Authorities to provide a cost-effective business environment for new businesses to establish and locate within the facility pursuant to lease agreements with normal terms of three years, subject, however to negotiation; and

WHEREAS, the Board desires to support the cost of the operation of the incubator by future appropriations of all or a portion of business and professional occupancy license taxes, machinery and tools taxes, sales taxes, and business personal property taxes received from any business graduating from the incubator and locating and continuing to operate in James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves and endorses the concept of the regional business incubator to be established by the Authorities outlined in the referenced Memorandum of Understanding.

BE IT FURTHER RESOLVED, that the Board, subject to annual appropriations, shall annually remit to the EDA of James City County an amount equal to any business and professional occupational license taxes, machinery, and tools taxes, sales taxes, and business personal property taxes (but not real estate taxes) received from any business which shall have graduated from the business incubator and thereafter located in James City County, such payments to continue for a maximum period of five fiscal years, plus any partial fiscal year should the business graduate from the incubator during the fiscal year, not to exceed, however, an amount necessary to fully fund the operation of the incubator in any fiscal year properly apportioned between the governing bodies of James City County, York County, and the City of Williamsburg.

2. 2013 Legislative Program

Mr. Leo Rogers, County Attorney, addressed the Board giving a summary of the memorandum included in the Agenda Packet. He stated that there was an amendment made to the Legislative Program, at Mr. Kennedy's request, Item 1-2 which would allow for the publication of public hearing notices through the County website and online avenues, instead of only publishing through published newspapers.

Mr. Kennedy made a motion to approve the resolution.

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

**RESOLUTION**

**2013 LEGISLATIVE PROGRAM**

WHEREAS, James City County has developed a Legislative Program for the consideration of the 2013 session of the General Assembly which outlines certain legislative policies which the Board believes ought to guide the General Assembly and proposes certain legislation that would benefit the County; and

WHEREAS, the Board has carefully considered its Legislative Program and believes that it is in the best interests of the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the County's 2013 Legislative Program and commends it to the County's representatives in the General Assembly for action.

BE IT FURTHER RESOLVED that a copy of the County's 2013 Legislative Program be forwarded to the County's elected representatives to the General Assembly.

3. Powhatan Seat Vacancy Discussion

Mr. Middaugh addressed the Board stating that this is the time for the Board to discuss how they plan to proceed in the selection process. He stated that the interview questions have been given to the Board members and asked that they approve the questions so that they may be distributed to the candidates. He also stated that it would be helpful if the Board would choose the date for their next consideration.

Mr. McGlennon asked the members if the questions were acceptable with the revision of the one question to be more along the lines of a general budgetary question.

The other Board members concurred.

Mr. McGlennon instructed Mr. Middaugh to make the revision to the question and then distribute the questions to the applicants.

Ms. Jones suggested next Tuesday, December 18, 2012, at 4:30 p.m. as the date and time for the meeting to discuss the candidates and potentially vote.



The other Board members concurred with the date and time proposed.

Ms. Jones made a motion to amend the Board's calendar to add the meeting on Tuesday, December 18, 2012.

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

**K. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in regards to the pay and benefits study proposed by the County Administrator. He wished the Board and citizens a Merry Christmas and a Happy New Year.

2. Mr. Keith White, 6309 Adams Hunt Drive, addressed the Board in regards to the Powhatan Seat Vacancy. He questioned if there was a process that could be implemented to alleviate the need for an appointed supervisor.

**L. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Middaugh stated that the Police Department received the 2012 John T. Hanna award for Outstanding Achievement in Youth Traffic Safety excellence in Hampton Roads on December 4 in Norfolk. The award recognizes the department's programs educating youth and spreading the message on the importance of youth traffic safety.

He stated that the General Services Department was granted the VaCO 2012 Go Green Award for the work they have done on the County buildings implementing policies and practices for reducing energy consumption and the carbon footprint.

**M. BOARD REQUESTS AND DIRECTIVES - None**

At 8:47 p.m., Mr. McGlennon recessed the Board of Supervisors to conduct the JCSA Board of Directors Meeting.

At 8:50 p.m., Mr. McGlennon recessed the Board of Supervisors for a break.

**N. CLOSED SESSION**

At 8:52 pm, the Board entered Closed Session.

At 9:28 pm, Mr. Kennedy made a motion to certify the Closed Session.

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

Mr. Icenhour made a motion to appoint Ms. Nicole Jennings and Mr. Greg Lilly to the Williamsburg

Area Arts Commission.

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

**RESOLUTION**

**CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

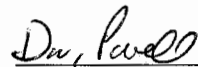
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) consideration of the purchase of parcel(s) of property for public use pursuant to Section 2.2-3711(A)(3) of the Code of Virginia; and ii) consideration of a personnel matter(s), the appointment of individuals to County boards and/or commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia.

**O. ADJOURNMENT** – until 4:30 p.m. on December 12, 2012, for Powhatan Seat Interviews

At 9:30 p.m., Ms. Jones made a motion to adjourn.

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

At 9:31 p.m., Mr. McGlennon adjourned the Board.



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Doug Powell  
Deputy Clerk to the Board