

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF JUNE 2013, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

Mr. McGlennon stated that due to a health issue, Mr. Kennedy would be joining the meeting by phone this evening.

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., Jamestown District
M. Anderson Bradshaw, Powhatan District

Robert C. Middaugh, County Administrator
Lola R. Perkins, Assistant County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Sabrina Fellows, a rising 3rd grade student at Matoaka Elementary and a resident of the Berkeley District, led the Board and citizens in the Pledge of Allegiance.

At 7:03 p.m., Mr. McGlennon recessed the Board in order to conduct the James City Service Authority (JCSA) Board of Directors Meeting.

At 7:08 p.m., Mr. McGlennon reconvened the Board of Supervisors.

E. PRESENTATION - None

F. PUBLIC COMMENTS

1. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board in regard to the Greenspace Easement Acquisitions on the Agenda this evening. She stated that these properties are taxed at a lower rate and questioned the property rights given up by the owners.

2. Ms. Betty Walker, 101 Locust Place, addressed the Board in regard to property rights and State legislation that would protect the rights of farmers.

3. Ms. Pat Groeninger, 3729 Captain Wynne Drive, addressed the Board in favor of the Greenspace Easement Acquisition of the Waltrip Property.

4. Mr. Eric Danuser, 4091 and 4092 South Riverside Drive, addressed the Board in regard to backyard chicken-keeping.

5. Mr. Russ Gibbons, 117 King William Drive, addressed the Board in regard to backyard chicken-keeping.

6. Mr. George Sherer, 114 King William Drive, addressed the Board in regard to backyard chicken-keeping.

7. Ms. Joyce Felix, 115 King William Drive, addressed the Board in regard to backyard chicken-keeping.

8. Ms. Linda Rice, 2394 Forge Road, addressed the Board in favor of the Greenspace Easement Acquisitions on the Agenda.

9. Mr. Joe Harrow, 3017 Sweet Gum Lane, addressed the Board, as a representative of the Williamsburg Land Conservancy, in favor of the Greenspace Easement Acquisitions on the Agenda.

10. Mr. Mike Rock, 269 Mill Stream Way, addressed the Board in favor of the Greenspace Easement Acquisitions on the Agenda.

11. Mr. Jerre Johnson, 4513 Wimbledon Way, addressed the Board in favor of the Greenspace Easement Acquisitions on the Agenda.

12. Mr. Alain Outlaw, 109 Crown Pointe Road, addressed the Board in favor of the Greenspace Easement Acquisitions on the Agenda.

13. Mr. Rolf Kramer, 5309 Hillside Way, addressed the Board in favor of the Greenspace Easement Acquisitions on the Agenda.

14. Ms. Michelle Fitzgerald, 2906 John Proctor East, addressed the Board in regard to backyard chicken-keeping.

15. Ms. Sheila Ricca, 2502 Manionn Drive, addressed the Board in favor of the Greenspace Easement Acquisitions on the Agenda.

16. Ms. Ann Hewitt, 147 Raleigh Street, addressed the Board in favor of the Greenspace Easement Acquisitions on the Agenda.

17. Ms. Sarah Kadee, 3800 Treyburn Drive, addressed the Board in favor of the Greenspace Easement Acquisitions on the Agenda.

18. Ms. Shereen Hughes, 103 Holly Road, addressed the Board in favor of the Greenspace Easement Acquisitions on the Agenda.

19. Dr. Thomas Powers, 123 Jerdone Road, addressed the Board in regard to the excellent quality of life provided by the County and in support of the Greenspace Easement Acquisitions.

20. Mr. John Haldeman, 1597 Founders Hill North, addressed the Board in favor of the Greenspace Easement Acquisitions on the Agenda.

21. Mr. John Pottle, 4233 Teakwood Drive, addressed the Board and offered a prayer for the evening.

22. Mr. Chris Henderson, 101 Keystone, addressed the Board in opposition of the Greenspace Easement Acquisitions.

23. Ms. Barbara Scherer, 114 King William Drive, addressed the Board in regard to backyard chicken-keeping.

24. Mr. Sasha Diggs, 37 Ironbound Road, addressed the Board in favor of the Greenspace Easement Acquisitions; however, he stated that the price of the acquisitions is a little high.

25. Ms. Rosanne Reddin, 2812 King Rook Court, addressed the Board in opposition to the Greenspace Easement Acquisitions.

26. Mr. Bob Alteer, 415 Neck-O-Land Road, addressed the Board stating that the drainage problems in Peleg's Point is dumping water across Neck-O-Land Road and onto his property. He stated that he is in support of the Greenspace Easement Acquisitions.

27. Mr. Mike Sloan, 2527 Manyan Drive, addressed the Board in favor of the Greenspace Easement Acquisitions on the Agenda.

28. Ms. Judy Fuss, 3509 Hunters Ridge, addressed the Board, as a representative of the James City County Citizens Coalition (J4C), in favor of the Greenspace Easement Acquisitions on the Agenda.

29. Ms. Marjorie Ponziani, 4852 Bristol Circle, addressed the Board in opposition to the Greenspace Easement Acquisitions on the Agenda.

30. Mr. Joseph Swanenborg, 3026 The Pointe Drive, addressed the Board in opposition to the Greenspace Easement Acquisitions on the Agenda.

31. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board in opposition to the Greenspace Easement Acquisitions on the Agenda.

32. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in regard to the storm damage and debris that the County will not pick up. He stated that the County's priorities are not right when the County is considering buying up property rights, but cannot help its citizens.

33. Ms. Lynda Smith, 116 Neighbors Drive, addressed the Board in regard to the road conditions on Neighbors Drive and in support of the Neighbors Drive project.

34. Ms. Yolanda Givens, 118 Neighbors Drive, addressed the Board in regard to the road conditions on Neighbors Drive, poor drainage, and in support of the Neighbors Drive project.

35. Mr. Ron Armistead, 5913 Richmond Road, addressed the Board in support of the Neighbors Drive project.

36. Mr. Kevin O'Shea, 119 Neighbors Drive, addressed the Board in support of the Neighbors Drive project.

G. BOARD REQUESTS AND DIRECTIVES

Ms. Jones requested that staff take a look at some of the ordinance changes that have been made in surrounding jurisdictions in regard to backyard chicken-keeping. She stated that she would like to see staff, and possibly the Board, have a discussion with the citizens that are in favor of backyard chicken-keeping and see if a solution may be reached.

Ms. Jones stated that she attended the Hampton Roads Transportation Planning Organization (HRTPO) meeting last Thursday. She stated that two resolutions were passed. One recognized the need for a third crossing and for ongoing maintenance of the Hampton Roads Bridge-Tunnel (HRBT). The second was an endorsement of the expansion of I-64 from Fort Eustis Boulevard up to Hummelsine Parkway. She stated that the expansion will be done either on the outside or into the medians where available.

Mr. McGlennon stated that Mr. Kennedy has signed off from the meeting due to his illness. He stated the Mr. Kennedy will now be reflected as absent for the remainder of the meeting.

H. CONSENT CALENDAR

Mr. McGlennon stated that staff has requested that Item No. 2 be pulled off the Consent Calendar and deferred until a later date.

Mr. Icenhour made a motion to defer Item No. 2.

The Board voiced its consensus.

2. Dedication of Rural Street Additions in the Williamsburg West Subdivision - Deferred

Mr. Bradshaw requested that Item Nos. 3 and 5 be pulled and voted on separately.

Mr. Bradshaw made a motion to approve Item Nos. 1 and 4.

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

1. Minutes –

a. June 11, 2013, Regular Meeting

4. Grant Award – Virginia Department of Agriculture and Consumer Services Agriculture and Forestry Industries Development (AFID) Fund Grant – \$40,000

RESOLUTION

GRANT AWARD – VIRGINIA DEPARTMENT OF AGRICULTURE AND

CONSUMER SERVICES AGRICULTURE AND FORESTRY INDUSTRIES DEVELOPMENT

(AFID) FUND GRANT – \$40,000

WHEREAS, the Office of Economic Development and the Planning Division have been awarded an Agriculture and Forestry Industries Development (AFID) Fund grant for \$40,000 (\$20,000 State funds, \$20,000 local match) from the Virginia Department of Agriculture and Consumer Services; and

WHEREAS, the funds are to be used for projects that advance the interests of agriculture and/or forestry in the locality; and

WHEREAS, the grant requires a 50 percent match of \$20,000, which is available in the FY 2013 grants match account.

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 budget appropriation to the Special Projects/Grants Fund:

Revenues:

AFID Grant	\$20,000
Transfer from General Fund	<u>20,000</u>
Total	<u>\$40,000</u>

Expenditure:

AFID Grant	<u>\$40,000</u>
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BE IT FURTHER RESOLVED that the Board of Supervisors authorizes the County Administrator to sign the Agriculture and Forestry Industries Development Fund Memorandum of Agreement and such other documents as may be necessary to effectuate the project.

Mr. Douglas Powell, Assistant County Administrator, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Mr. Middaugh stated that the Hampton Roads Regional Stormwater Management Organization has been very helpful with our own Stormwater Management Program. He stated that the partnership allows the County to deal collaboratively when dealing with the State and allows for consistent information and answers.

Mr. Bradshaw stated that his reason for pulling the item was to highlight the regional efforts and multijurisdictional efforts that the County is participating in.

Mr. Bradshaw made a motion to approve Item No. 3.

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

3. Memorandum of Agreement (MOA) for Participation in the Hampton Roads Regional Stormwater Management Program

RESOLUTION

**MEMORANDUM OF AGREEMENT (MOA) FOR PARTICIPATION IN THE
HAMPTON ROADS REGIONAL STORMWATER MANAGEMENT PROGRAM**

WHEREAS, the Hampton Roads Planning District Commission has been requested to continue its support of local stormwater management programs; and

WHEREAS, working in cooperation with other local governments has resulted in cost efficiencies, increased information sharing, and program consistency that increases the acceptance of the County's program at the State level.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that James City County continues to support and participate in the Hampton Roads Regional Stormwater Management Program Memorandum of Agreement.

BE IT FURTHER RESOLVED that the Board of Supervisors authorizes the County Administrator to sign the Hampton Roads Regional Stormwater Management Program Memorandum of Agreement.

Mr. Bradshaw stated that in regard to Item No. 5, he wanted to highlight the partners that have contributed toward the Legal Services.

Mr. Bradshaw made a motion to approve Item No. 5.

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

5. Appropriation – Legal Services

RESOLUTION

APPROPRIATION – LEGAL SERVICES

WHEREAS, the County is engaged in a State Corporation Commission (SCC) hearing process regarding the location of a proposed electric transmission line in the County and the costs to the County may be approximately \$385,000; and

WHEREAS, the Board of Supervisors has previously appropriated \$300,000 for these expenses, including \$50,000 pledged to the County by the Save the James Alliance and needs to appropriate an additional \$70,000 to legal services; and

WHEREAS, other partners have helped to offset the costs and approximately \$120,000 has been committed, \$60,000 from the Save the James Alliance, \$20,000 from BASF, \$5,000 from the Williamsburg Area Chamber and Tourism Alliance, \$25,000 from the City of Williamsburg, and \$10,000 from Kingsmill Properties, requiring an additional appropriation of \$70,000 from contributors.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby execute the following appropriation and budget amendment in the FY 2013 operating budget:

<u>Revenue:</u>	
Contributions to Legal Services	<u>\$70,000</u>
<u>Expenditures:</u>	
Legal Services	<u>\$70,000</u>

I. PUBLIC HEARINGS

1. Ordinance to Amend and Reordain Chapter 2, Administration, by Amending Section 2-4. Election Precincts and Polling Places Established

Mr. Leo Rogers, County Attorney, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

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

1. Mr. Chris Henderson, 101 Keystone, addressed the Board asking if the Public Library on Croaker Road was considered as a possible polling place.

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

Mr. McGlennon asked Mr. Alan J. (AJ) Cole, General Registrar, to address the question posed by Mr. Henderson.

Mr. Cole stated that the Public Library was not considered this time as a polling place. He stated that it was considered previously, during the last round of redistricting, and was determined to be unsuitable due to the layout of the library.

Mr. Bradshaw stated that Hickory Neck Church has three buildings on the property and asked which of the buildings would be used as the polling place.

Mr. Cole stated that the building in the back, the Narthax, would be the polling place. He stated that there is also a community building that the Church has offered use of to the officers of election.

Mr. Bradshaw stated that the Church is an excellent facility, has good parking, and is a good location.

Ms. Jones made a motion to approve the ordinance.

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

2. Ordinance to Amend and Reordain Chapter 13, Motor Vehicles and Traffic, Article I, In General, Section 13-7, Adoption of State Law; and Article II, Driving Automobiles, Etc. While Intoxicated or Under the Influences of Any Drug, Section 13-28, Adoption of State Law, Generally

Ms. Lola Perkins, Assistant County Attorney, introduced Mr. Adam Young as the Legal Intern for the County Attorney's Office.

Mr. Adam Young, Legal Intern, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Mr. McGlennon asked Mr. Young to elaborate on the changes that will take place as a result of the changes made by the General Assembly.

Mr. Young stated that there will be increased punishments for certain Driving Under the Influence (DUI) convictions. He stated that there were changes to evidentiary rules showing in subsequent DUI convictions and showing blood alcohol concentration (BAC) levels in different incidences.

As there were no other questions, Mr. McGlennon opened the Public Hearing.

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

Mr. Bradshaw made a motion to approve the ordinance.

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

3. Ordinance to Amend the County Code, Chapter 18, Solicitation for Noncharitable Purposes, by Amending Section 18-3, Permit-Application Generally, Section 18-4, Standards for Granting; Issuance or Denial, Section 18-5, Same – Applicant's Photograph, References and Fingerprints, Section 18-12, Permit Denial; Application for Relief

Mr. Adam Young, Legal Intern, addressed the Board giving a summary of the memorandum in the Agenda Packet.

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

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

Ms. Jones made a motion to approve the ordinance.

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

4. Disposition of Property in the Forest Heights Neighborhood Improvement Project Area and the Neighbors Drive/Richmond Road Neighborhood Improvement Project Area

Ms. Marion Paine, Assistant Administrator, Office of Housing and Community Development, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

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

1. Mr. Chris Henderson, 101 Keystone, addressed the Board stating that it would have been cheaper for the taxpayers to relocate these homeowners to different housing areas and turning the area into commercial property. He also urged the Board to look into connectivity with the Salvation Army building site to prevent curb-cutting off Richmond Road.

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

Mr. Icenhour stated that he believed that the connectivity to the Salvation Army site was addressed under the Forest Heights project and will allow access off of Forest Heights Road.

Ms. Paine stated that is correct.

Mr. Icenhour stated that Benefit Way also connects the Forest Heights Community and the Neighbors Drive Community together, which allows for exiting the community to occur where there is a cross-over on Richmond Road.

Ms. Paine stated that is correct.

Mr. Icenhour made a motion to approve the resolution.

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

RESOLUTION

DISPOSITION OF PROPERTY IN THE FOREST HEIGHTS NEIGHBORHOOD IMPROVEMENT

PROJECT AREA AND THE NEIGHBORS DRIVE/RICHMOND ROAD

NEIGHBORHOOD IMPROVEMENT PROJECT AREA

WHEREAS, on December 14, 2010, the Board of Supervisors of James City County, Virginia, authorized the acquisition of real property (the "Acquisition Resolution") necessary to complete the Forest Heights Road and Neighbors Drive Concept Plan ("Concept Plan"); and

WHEREAS, on December 13, 2011, the Board of Supervisors of James City County, Virginia, authorized the disposition of 11 parcels of real property (the "Disposition Resolution") that had been acquired pursuant to the Acquisition Resolution; and

WHEREAS, pursuant to the Acquisition Resolution but after the Disposition Resolution, the County purchased the properties known as James City County Parcel Nos. 3220400002, 3220400004, 3220400005, 3220400007, and 3220400020 (the Additional "County Property"); and

WHEREAS, the Disposition Resolution incorrectly stated one parcel number, which parcel should have been named as Parcel Number 3220100091 (the "Corrected Parcel Number Property"); and

WHEREAS, the Concept Plan and the "Neighbors Drive – Conceptual Resubdivision Plat – Revised 6/13/2013" include development of residential lots to be used for single-family dwellings; and

WHEREAS, the Board of Supervisors has considered and approved the Amended Forest Heights and Neighbors Drive/Richmond Road Neighborhood Improvement Projects Lot Sales and Housing Production Plan (the "Amended Lot Sales Plan"); and

WHEREAS, the Board of Supervisors held a public hearing on June 25, 2013, to receive public comment on the sale of all or portions of the Additional County Property and the Corrected Parcel Number Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to sign on behalf of the County, any sale contract, development agreement, deed, and all other documents consistent with the Amended Lot Sales Plan to enable the County to develop and convey, in whole or in part, ownership of the Additional County Property and the Corrected Parcel Number Property in the Forest Heights Neighborhood Improvement Project Area and the Neighbors Drive/Richmond Road Project Areas.

J. BOARD CONSIDERATION

1. Neighbors Drive/Richmond Road Community Development Block Grant (CDBG) Agreement and Appropriation of Funds

Mr. Vaughn Poller, Director of the Office of Housing and Community Development, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Mr. Bradshaw made a motion to approve the resolution.

Ms. Jones stated that she would remain consistent with previous votes and not be supportive of the resolution this evening. She stated that she appreciates the comments made this evening about the need for improved roads and improved drainage. She stated that she is concerned about the strings that are attached with the Community Development Block Grant (CDBG) and believes the redevelopment should be done by private industry and not through government.

Mr. Icenhour stated that he first walked this community back in 2001 and he was shocked at the conditions. He stated that this project is not just about a road, but also stormwater run-off, and citizens having access to conditions like everyone else in the County. He stated that he has been supportive of this project from the beginning and will continue to support it. He stated that there may be a sense to knock it all down and turn it into commercial property, but this is a community and these citizens want to live there and they deserve the same kind of treatment as the rest of the citizens.

Mr. Bradshaw stated that the property was acquired by Mr. Wallace in the 1950s. He stated that Mr. Wallace subdivided the property in 1956, which was prior to the Subdivision Ordinance and the Zoning Ordinances. He stated it was a community designed by, and for, minorities who had very few housing opportunities at that time. He stated that over time, because it was not a public road, no public funds were ever spent to improve it. He stated that the main roads throughout the County were nothing but dirt paths in the beginning and public funds were used to build those roads. He stated that what is being done in this project is much more than just a road; however, the County has standards now that it did not have back then. He stated

that just because this is a public project does not mean that it should be held to a lesser standard than a private project. He stated that this is a community and you do not just move people out because it would be cheaper to do so. He stated that although it is expensive it is the right thing to do.

Mr. McGlennon stated that he agrees with Mr. Bradshaw's comments. He stated that he would like to highlight the fact that when government does acquire land, it is capable of returning it back to private ownership and helping those citizens who would not otherwise be able to afford homes in the community.

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

RESOLUTION

NEIGHBORS DRIVE/RICHMOND ROAD COMMUNITY DEVELOPMENT BLOCK GRANT

(CDBG) AGREEMENT AND APPROPRIATION OF FUNDS

WHEREAS, on March 13, 2012, the Board of Supervisors of James City County, Virginia, authorized the County Administrator to submit an application to the Virginia Department of Housing and Community Development (DHCD) for a Community Development Block Grant (CDBG) for the Neighbors Drive/Richmond Road Neighborhood Improvement Project; and

WHEREAS, James City County has been notified of the award of \$1,070,000 of CDBG funds and has completed all actions required by DHCD to enter into an agreement to receive the CDBG funding; and

WHEREAS, the Board of Supervisors has previously authorized establishment of the Housing Rehabilitation Revolving Loan Fund for housing rehabilitation loans; and

WHEREAS, the Board of Supervisors had appropriated \$30,000 in CDBG funding in FY 13; and

WHEREAS, sufficient funds are available in the County's Community Development Fund and in the Housing Rehabilitation Revolving Loan Fund to provide local funds, not previously appropriated, which are required to complete the activities under the Neighbors Drive/Richmond Road Neighborhood Improvement Project contract.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to sign the Neighbors Drive/Richmond Road Neighborhood Improvement Project CDBG Agreement and contract with the Virginia DHCD.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the Budget, as adopted for the fiscal year ending June 30, 2014, as follows:

Revenues:

Neighbors Drive/Richmond Road Neighborhood Improvement Project Community Development Block Grant	\$1,040,000
Community Development Fund Balance	<u>732,486</u>
	<u>\$1,772,486</u>

<u>Expenditures:</u>	
Neighbors Drive/Richmond Road CDBG	\$1,040,000
Neighbors Drive/Richmond Road Local Share	<u>732,486</u>
	<u>\$1,772,486</u>

Housing Rehabilitation Revolving Loan Fund:

<u>Revenues:</u>	
Housing Rehabilitation Revolving Loan Fund Balance	<u>\$43,000</u>

<u>Expenditures:</u>	
Housing Rehabilitation Revolving Loans	<u>\$43,000</u>

2. Community Development Block Grant (CDBG) Local Business and Employment Plan

Mr. Middaugh stated that Mr. Poller would speak to Item Nos. 2, 3, and 4 at one time and then the Board can vote on them individually.

Mr. Poller stated that in accepting the CDBG funding, the grant asks that these three items be put in to place as well. He stated that these three items are perfunctory and were done previously with the Forest Heights project as well.

Mr. Bradshaw made a motion to approve the resolution.

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

RESOLUTION

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

LOCAL BUSINESS AND EMPLOYMENT PLAN

WHEREAS, James City County has been awarded a Community Development Block Grant of \$1,070,000 for the Neighbors Drive/Richmond Road Neighborhood Improvement Project; and

WHEREAS, Section 3 of the Housing and Urban Development Act of 1968 specifies that low-income project area residents and businesses should be utilized to the greatest extent feasible and further requires that recipients of Community Development Block Grant funds must adopt and act in accordance with a written Local Business and Employment Plan Funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the attached Local Business and Employment Plan.

3. Neighbors Drive/Richmond Road Housing Rehabilitation Program Design and Residential Anti-Displacement and Relocation Plan

Mr. Bradshaw made a motion to approve the resolution.

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

RESOLUTION

NEIGHBORS DRIVE/RICHMOND ROAD HOUSING REHABILITATION PROGRAM

DESIGN AND RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION PLAN

WHEREAS, James City County has been awarded a Community Development Block Grant of \$1,070,000 for the Neighbors Drive/Richmond Road Neighborhood Improvement Project; and

WHEREAS, the Virginia Department of Housing and Community Development requires that a locality that utilizes Community Development Block Grant Funds for housing rehabilitation, replacement housing, and relocation assistance have program policies and procedures adopted by its governing body.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the attached Neighbors Drive/Richmond Road Housing Rehabilitation Program Design and the Residential Anti-Displacement and Relocation Plan as the policies that shall govern the provision of housing rehabilitation, replacement housing, and relocation assistance for the Neighbors Drive/Richmond Road Neighborhood Improvement Project.

4. **Section 504 Grievance Procedure for Disability Nondiscrimination**

Mr. Bradshaw made a motion to approve the resolution.

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

RESOLUTION

SECTION 504 GRIEVANCE PROCEDURE FOR DISABILITY NONDISCRIMINATION

WHEREAS, James City County has been awarded a Community Development Block Grant of \$1,070,000 for the Neighbors Drive/Richmond Road Neighborhood Improvement Project; and

WHEREAS, Section 504 provides for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD) (24 CFR 8.53(b) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794) and states, in part, that "no otherwise qualified handicapped individual . . . shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. . . .".

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the attached Section 504 Grievance Procedure for Disability Nondiscrimination.

5. Greenspace Easement Acquisition - Regjag, LLC and Leigh Ann Gilley, Trustee

Mr. John Horne, Director of General Services, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Mr. McGlennon questioned if the purchase of the Conservation Easement and the protection of the Mill Creek Watershed could be applied to stormwater management requirements under the new Stormwater Management Program.

Mr. Horne stated that staff has been in touch with both State and Federal regulators and the County is carefully accounting for the innovative program the County has for preserving Greenspace.

Mr. McGlennon stated that it is important to recognize that this is an area where the County gets the best value for the dollars spent. He stated that instead of putting in structures to deal with increased run-off from a development, preserving land that is adjacent to the waterways is much more cost effective.

Mr. Horne thanked the family for their perseverance in getting to this point.

Mr. Middaugh stated that on the dais this evening is an amended resolution which includes the price of the purchase. He stated that the resolution in the Agenda Packet did not have the purchase price listed.

Mr. Bradshaw made a motion to approve the amended resolution.

Mr. Bradshaw stated that he was gratified by the robust discussion this evening in regard to this item. He stated that this process is a long process that is driven by the landowner, so when the opportunity arises then the County must take it. He stated that Virginia Constitution, Article 11, states how it is the policy of the State to do things such as this to preserve lands and conservation. He stated that a speaker stated that there is no developmental pressure on this land and he is correct. However, if the County was to wait until there was, the price would be astronomical. He stated that the time to acquire property is when a property owner willingly comes forward.

Mr. Icenhour stated that he agrees with the comments made by Mr. Bradshaw. He thanked the family for their perseverance and stated that this has been a long time coming. He stated that adjacent developed properties are dealing with major flooding issues and this easement will preclude those same problems from happening on this area of land in the future.

Mr. McGlennon stated that this property is inside the Primary Service Area (PSA); however, no other area of the County is clearer that the land cannot support any more future development. He stated that residents on either side of Neck-O-Land Road experience flooding every time there is a major storm and it is creating havoc for the residents of that area. He stated that it would be a disaster if this property was to develop. He thanked the family for their efforts and for sticking with their desire to protect this land.

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

RESOLUTION

GREENSPACE EASEMENT ACQUISITION - REGJAG, LLC AND

LEIGH ANN GILLEY, TRUSTEE

WHEREAS, Regjag, LLC and Leigh Ann Gilley, Trustee, have offered to sell a conservation easement and six parcels to James City County; and

WHEREAS, conservation of these parcels would contribute to the goals of the James City County Comprehensive Plan; and

WHEREAS, conservation of these parcels would contribute to the cultural, historic, and scenic characteristics of the County; and

WHEREAS, the conservation of these parcels will protect the water quality of Mill Creek and reduce the traffic on Neck-O-Land and Jamestown Roads.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the purchase of a conservation easement on 241.6 acres owned by Regjag, LLC, consisting of Parcels 4740100040, 4740100041, 4740100042D, 4740100042E, and 4830100042, and .93 acres owned by Leigh Ann Gilley, Trustee, consisting of Parcel 4740100042F, in the amount of \$1,175,000.

6. Greenspace Easement and Land Acquisition - Jamestown Building Corporation, Inc, 71 Acres, LLC, C. Lewis and Phyllis Waltrip, and PL, LLC

Mr. John Horne, Director of General Services, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Mr. Bradshaw asked Mr. Horne to clarify the terms of the easement that specifically deal with the historical nature of the property.

Mr. Horne stated that there have been two changes to the standard easement used by the County. In the beginning of the easement, there is a recitation at the beginning of the document stating that it is the intention of both parties to preserve the historical aspects as well as the normal conservation aspects. There is also a section that deals with the treatment of archaeological areas and possible archaeological sites in the future.

Mr. Icenhour made a motion to approve the amended resolution.

Ms. Jones stated that she will not be supporting the resolution this evening. She stated that the County already owns about 40 percent of the land in the County through some type of easement or Resource Protection Area (RPA). She stated that she appreciated all the people that came out and spoke this evening. She stated that she realizes that the citizens approved the bond referendum in 2005; however, the County is in a different economic climate now than it was in 2005. She stated that Mr. Oyer made a valid point earlier this evening about what is more important, buying property or taking care of the citizens of the County.

Mr. Bradshaw stated that at a future meeting he would like to have a discussion about the statement that the County controls or owns 40 percent of the land in the County. He stated that this property fits well with the surrounding property and he is supportive of the purchase.

Mr. Icenhour thanked the family for their willingness and perseverance. He stated that he believes that the original \$6 million from the referendum that was borrowed was mostly used to purchase Mainland Farm and that has been repaid. He stated that these two purchases tonight are not being purchased with money from the bond; they are being purchased with funds allocated to the Greenspace fund. He stated that was money set aside by the Board for this purpose a while ago.

Mr. McGlennon stated that it is important to highlight that this money being used is not bond money, it is not being borrowed. He stated that this money is coming from the Greenspace and Purchase of Development Rights (PDR) accounts. He stated that the staff memorandum clearly states that fact. He thanked the Waltrip family for their commitment to preserving the historic value of the property.

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

RESOLUTION

GREENSPACE ACQUISITION - JAMESTOWN BUILDING

CORPORATION, INC, 71 ACRES, LLC, C. LEWIS AND PHYLLIS WALTRIP, AND PL, LLC

WHEREAS, Jamestown Building Corporation, Inc, 71 Acres. LLC and C. Lewis and Phyllis Waltrip, and PL, LLC have offered to sell a conservation easement and two parcels to James City County; and

WHEREAS, conservation of these parcels would contribute to the goals of the James City County Comprehensive Plan; and

WHEREAS, conservation of these parcels would contribute to the cultural, historic, and scenic characteristics of the Jamestown area and the County as a whole.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the purchase of a conservation easement on 81.794 acres owned by Jamestown Building Corporation and 71 Acres, LLC, consisting of Parcels 4630100001B, 4630200001A, and 4630200001C, and fee simple purchase of two acres owned by PL, LLC and C. Lewis and Phyllis Waltrip consisting of Parcels 4630100010 and 4630100011 in the amount of \$2,611,200.

K. PUBLIC COMMENTS

1. Ms. Shareen Hughes, 103 Holly Road, addressed the Board stating that there is still a lot of debris along Holly Road from the storm and asked if there was going to be any type of debris pick up. She stated that it is not only tree debris, but also wires.

Ms. Jones asked Mr. Middaugh to contact the Virginia Department of Transportation (VDOT) about the wires.

2. Mr. Ed Oyer, 139 Indian Circle, wished Mr. Kennedy a speedy recovery.

3. Mr. Chris Henderson, 101 Keystone, stated that the road in Forest Heights and Neighbors Drive was a private road and not maintained by the citizens of that community. He stated that public dollars are being used on a private road.

4. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in regard to fiscal responsibility of the Board and the impact on taxpayers by the actions of the Board.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh stated in response to Mr. Henderson's comment about the medians on Monticello Avenue, he has already spoken to Mr. Horne about adding it to the County's cut list. He stated that it is VDOT's responsibility, but it does look bad, so the County is going to start cutting it.

Mr. Middaugh stated that tomorrow is the beginning of a series of events on Rural Lands. He stated that the County is also looking for photo submissions of what "rural" means to citizens.

Mr. Middaugh stated that County offices will be closed July 4 for Independence Day.

M. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon asked Mr. Middaugh to summarize the notice from the Judge in regard to the Bond Authority.

Mr. Middaugh stated that the Judge did sign the order, so the time on the Bond Authority has been extended for two additional years.

Mr. McGlennon announced that the County has just received word that the Federal Emergency Management Administration has awarded the County a grant to purchase a generator for James River Elementary so that the school may be used as an emergency shelter during storm events.

Ms. Jones asked when the expiration date on the Bond Authority would be.

Mr. McGlennon stated it was extended for two years, so November 2015.

Ms. Jones requested that the judicial order be communicated electronically to the Board.

Mr. Leo Rogers stated that he would be happy to do so.

Ms. Perkins thanked the Board for welcoming her onto the dais for the past several months. She stated that Mr. Rogers would be returning to the dais at the next meeting.

Mr. McGlennon thanked Ms. Perkins for her excellent work over the past few months.

Mr. Icenhour thanked staff for the excellent meeting that they held with the residents of WindsorMeade and Oxford Properties. He asked Mr. Middaugh to do an "after-action" report on the road closures due to the Triathlon this past weekend. He stated that he was walking some of his neighborhoods during the Triathlon and heard concerns from many citizens about not being given alternate routes to avoid the road closures.

Mr. Middaugh stated that the Rev-3 Triathlon was selected because it is a family event. He stated that there were 1,400 participants from 49 states and six countries and that 84 percent of the participants were from outside the Hampton Roads area. He stated that staff is going to do an analysis of the event, as this is the County's first experience with a large scale Triathlon event. He stated that the event itself went very well; however, there were some road bumps in the traffic management aspect. He stated that staff would provide a full report of the analysis back to the Board.

Mr. McGlennon stated that he and Mr. Icenhour attended the School Liaison Meeting a few weeks ago and the information was distributed to the rest of the Board members. He stated that on June 15, he and Mr. Icenhour attended the graduation ceremonies of Lafayette High School. He stated that he also attended the graduation ceremonies for Jamestown and Warhill High Schools. He stated that he attended a ribbon cutting ceremony this past Saturday, for Peerless Restoration Services and Carpet Care in the James River Commerce Park. He stated that the owners are very happy with the location and are interested in expanding their business now that they have moved into the County.

N. ADJOURNMENT – 7 p.m. on July 9, 2013, for the Regular Meeting.

Mr. Icenhour made a motion to adjourn.

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

At 10:02 p.m., Mr. McGlennon adjourned the Board.


Robert C. Middaugh
Clerk to the Board