

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 23RD DAY OF JULY 2013, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

ADOPTED

AUG 13 2013

Board of Supervisors
James City County, VA

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., Jamestown District
M. Anderson Bradshaw, Powhatan District

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

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Callie Bryant, a recent graduate of Warhill High School and a resident of the Stonehouse District, led the Board and citizens in the Pledge of Allegiance.

Mr. McGlennon recessed the Board of Supervisors Meeting at 7:01 p.m. in order to conduct the James City Service Authority (JCSA) Board of Directors Meeting.

Mr. McGlennon reconvened the Board of Supervisors Meeting at 7:03 p.m.

E. PRESENTATION - None

F. PUBLIC COMMENTS

1. Mr. Randy O'Neil, 109 Sheffield Road, addressed the Board in regard to K-12 health in the school system.

2. Ms. Marjorie Ponziani, 4852 Bristol Circle, addressed the Board in regard to Rural Lands discussions held recently and stated that citizens do not need to be told how to utilize their land.

3. Ms. Carol Bartram, 102 Pageland Drive, Yorktown, addressed the Board in regard to backyard chicken keeping and requested the Board adopt an ordinance similar to the one in York County.

4. Ms. Michelle Fitzgerald, 2906 John Proctor East, addressed the Board in support of backyard chicken keeping.

5. Ms. Joyce Felix, 115 King William Drive, addressed the Board in support of backyard chicken keeping.
6. Mr. Russ Gibbons, 117 King William Drive, addressed the Board in support of backyard chicken keeping.
7. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in regard to the Rural Lands discussions and the lack of regard for public input.
8. Ms. Betty Walker, 101 Locust Place, addressed the Board in regard to regionalism and its effect on free enterprise and personal property rights.
9. Mr. Nate Walker, 101 Locust Place, addressed the Board in regard to license plate scanners now being used on bridges in the Hampton Roads Area.
10. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in regard to lack of storm debris cleanup in his neighborhood and the traffic congestion along Route 60.
11. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board in regard to the recent Rural Lands discussions and the lack of regard for public input.
12. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board in regard to the recent Rural Lands discussions and the lack of regard for public input.
13. Mr. Eric Danzinger, addressed the Board in support of backyard chicken keeping.
14. Ms. Rosanne Reddin, 2812 King Rook Court, addressed the Board in regard to the recent Rural Lands discussions and the lack of regard for public input.

G. BOARD REQUESTS AND DIRECTIVES

Chief Tal Luton, Fire Department, addressed the Board introducing the newly promoted Deputy Fire Chief Ryan Ashe.

Mr. Kennedy stated that he would like staff to review the policy on recording meetings. He stated that the previous Rural Lands meeting, held several years ago, was recorded as well as other meetings. He stated that he would like to see the County go back to recording all meetings.

Mr. Icenhour stated that Community Services Coalition charter states that it is to be a one-stop shop for citizens to have access to services available to them in the community. Up until now, the United Way has handled the pre-screening of individuals and qualified them for services. This was convenient because the United Way was in the same building on Waller Mill Road as the Community Services Coalition. He stated that the United Way is in the process of moving its offices out of the building, which raises the question of the viability of the "one-stop shop" concept. He stated that the Board needs to decide how it wants to move forward, either maintain this concept or make changes. He stated that the Coalition believes that it needs to provide as many services as possible in-house, but the absence of the United Way will make it more difficult. He stated that the Board has allocated money in the budget to go to United Way for this pre-screening service; however that service will no longer be offered in that building after September 30.

Mr. McGlennon stated that he would like to know how this change is affecting the clients and their ability to receive services. He stated that this information would be important as they consider the funding for the agency in the future.

Mr. Bradshaw stated that he agrees with Mr. McGlennon. He stated that the population that needs these services is receiving them. He would like to see the situation monitored.

Ms. Jones stated that it is a shame to lose the shared services under one roof, and she would like to see the situation monitored to ensure that the citizens are still being adequately served.

Mr. Kennedy asked what the rationale was for the United Way moving to a different building.

Mr. Icenhour stated that the United Way is an indirect service provider, while the other agencies in the building are direct service providers. He stated that the United Way typically deals with larger organizations. He stated that he believes the reason that the United Way has moved is because it typically deals with executives from large corporations and wanted offices more suitable for receiving that type of clientele.

Ms. Jones stated that the Hampton Roads Military and Federal Facilities Alliance (HRMFFA) meeting was held recently. She stated that the HRMFFA executive offices will be moving to the Regional Building in Chesapeake in September. She stated that this move will result in considerable cost savings for the organization.

Ms. Jones stated that in regard to the backyard chicken keeping, it would be helpful if the Board communicated its intention. She stated that she believes that it would be beneficial to form a committee with staff, Planning Commission members, and the chicken keepers to look at the ordinances from other localities, the best practices, and what is and is not working in other localities. She asked the Board to weigh in on this, so that the public would know what the intent is of this Board.

Mr. Kennedy stated he would be supportive of that.

Mr. Bradshaw stated that he believes it was not adequately communicated as to why the Board did not move forward on this issue. He stated that he believes that any permitting process would place the County in an untenable position. He stated that it would place the County in the middle of a conflict between neighbors. He stated that each citizen that received a letter stating they were in violation of the ordinance, received that letter because someone made a complaint. He stated the County was not driving around looking for chickens, but that someone had called and reported it. He stated that it would also interject the County into private property matters. He stated that almost every residential neighborhood in the County has privately imposed restrictive covenants. He stated that based on his own quick search of restrictive covenants throughout the County, almost every one of them prohibits the raising of poultry or fowl. He stated that should the County go ahead with an ordinance, it would be issuing a government permit for a privately prohibited action and is not a situation in which the County should be in. He stated that in his opinion, there is no ordinance that could be drafted that would adequately address the issues of enforcement and the privately imposed restrictive covenants.

Mr. Icenhour stated that he agrees with the analysis made by Mr. Bradshaw. He stated that the raising of poultry is permitted in the A-1 and R-8 districts which comprise about 49 percent of the County.

Mr. McGlennon stated that he agrees with Mr. Bradshaw. He stated that he is open to reviewing possible ordinances that address these issues; however, he has not yet seen one. He stated in the absence of that, he does not see the point of spending a lot of time on this. He stated that it is important to remember that every citizen that was cited received the citation because there was a complaint. He stated that the citizens who

bought their homes in those neighborhoods had an expectation that the covenants would be followed, and while the County is not going to enforce the covenants, it should not be undermining them either.

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. Bradshaw, Mr. Kennedy, Ms. Jones, Mr. McGlennon (5). NAY: (0).

1. Minutes –
 - a. June 25, 2013, Work Session
 - b. July 9, 2013, Regular Meeting
2. Dedication of Streets in the Marywood Subdivision - Phase Four

RESOLUTION

DEDICATION OF STREETS IN THE MARYWOOD SUBDIVISION - PHASE FOUR

WHEREAS, the streets described on the attached Form AM-4.3, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Residency Administrator for the Virginia Department of Transportation advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on July 1, 1994, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described in the attached Additions Form AM-4.3 to the secondary system of State highways, pursuant to §33.1-229 of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described and any necessary easements for cuts, fills, and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

3. Grant Award - Virginia E-911 Services Board Public Safety Answering Point (PSAP) - \$2,000

RESOLUTION

GRANT AWARD - VIRGINIA E-911 SERVICES BOARD

PUBLIC SAFETY ANSWERING POINT (PSAP) - \$2,000

WHEREAS, the James City County Fire Department Emergency Communications Division has been awarded a \$2,000 grant from the Virginia E-911 Services Board under the FY 2014 Public Safety Answering Point (PSAP) Grant Program for the Wireless E-911 PSAP Education Program; and

WHEREAS, the funds are to be used for 9-1-1/public safety communications education and training; and

WHEREAS, the grant does not require a local match.

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:

Revenue:

PSAP Grant-Education \$2,000

Expenditure:

PSAP Grant-Education \$2,000

4. Grant Award - Office of Emergency Medical Services (OEMS) Rescue Squad Assistance Fund (RSAF) Grant - \$148,946

RESOLUTION

GRANT AWARD - OFFICE OF EMERGENCY MEDICAL SERVICES (OEMS)

RESCUE SQUAD ASSISTANCE FUND (RSAF) GRANT - \$148,946

WHEREAS, the James City County Fire Department has been awarded a Rescue Squad Assistance Fund (RSAF) grant in the amount of \$148,946 from the Commonwealth of Virginia Department of Health, Office of Emergency Medical Services (OEMS); and

WHEREAS, the funds are to be used for the purchase of Monitor/Automatic External Defibrillators (AEDs) with accessories and AutoPulse cardiopulmonary resuscitation (CPR) system units, and for registration of Advanced Life Support (ALS) providers in practical emergency airway management workshops; and

WHEREAS, the grant requires a 50 percent local match of \$74,473, of which \$64,473 is budgeted in the FY 2014 Grants Match account and \$10,000 is budgeted in the Fire Department General Fund budget.

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:

RSAF Grant – EMS Equipment and Training	\$74,473
Transfer from General Fund	<u>74,473</u>
Total	<u>\$148,946</u>

Expenditure:

RSAF Grant – EMS Equipment and Training	<u>\$148,946</u>
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- 5. Grant Award - Virginia Department of Emergency Management (VDEM) Hazard Mitigation Grant Program (HMGP) - \$98,000

RESOLUTION

GRANT AWARD - VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM)

HAZARD MITIGATION GRANT PROGRAM (HMGP) - \$98,000

WHEREAS, the James City County Fire Department Emergency Management Division has been awarded a Hazard Mitigation Grant Program (HMGP) grant in the amount of \$98,000 from the Commonwealth of Virginia Department of Emergency Management (VDEM) using funds from the United States Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program and from VDEM; and

WHEREAS, the funds are to be used for the purchase and installation of a shelter generator at the James River Community Center; and

WHEREAS, the grant requires a five percent local match of \$4,900, which is budgeted in the FY 2014 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:

HMGP Grant – Shelter Generator	\$93,100
Transfer from General Fund	<u>4,900</u>
Total	<u>\$98,000</u>

Expenditure:

HMGP Grant – Shelter Generator	<u>\$98,000</u>
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- 6. Colonial Community Corrections (CCC) Appropriation of the Department of Justice Office on Violence Against Women Funds - \$47,500

RESOLUTION

COLONIAL COMMUNITY CORRECTIONS (CCC) APPROPRIATION OF THE DEPARTMENT OF JUSTICE OFFICE ON VIOLENCE AGAINST WOMEN FUNDS - \$47,500

WHEREAS, Colonial Community Corrections (CCC) worked in partnership with York County in development of a grant application to the Department of Justice, Office on Violence Against Women and has been awarded \$47,500; and

WHEREAS, funding will be used for the establishment of a Part-time Other Probation Officer to work 32 hours per week and for associated expenses.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the appropriation to CCC and the establishment of a Part-time Other Probation Officer as follows:

Revenue:

Revenue from the Federal Government	<u>\$47,500</u>
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Expenditure:

Office on Violence Against Women Grant	<u>\$47,500</u>
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- 7. Colonial Community Corrections (CCC) Appropriation of Additional Offender and Reentry Transitional Services (ORTS) Funding - \$30,759

RESOLUTION

COLONIAL COMMUNITY CORRECTIONS (CCC) APPROPRIATION OF ADDITIONAL OFFENDER AND REENTRY TRANSITIONAL SERVICES (ORTS) FUNDING - \$30,759

WHEREAS, Colonial Community Corrections (CCC) has been awarded additional funding in the amount of \$30,759; and

WHEREAS, funding will be used to hire a Full-time Other Probation Officer to serve as Reentry Coordinator.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the new appropriation to CCC and the establishment of a Full-Time Other Probation Officer effective September 16, 2013:

Revenue:

New Funding \$30,759

Expenditure:

Personnel \$30,759

- 8. Colonial Community Corrections (CCC) Appropriation of Fund Balance - \$14,555

RESOLUTION

COLONIAL COMMUNITY CORRECTIONS (CCC) APPROPRIATION OF

FUND BALANCE - \$14,555

WHEREAS, Colonial Community Corrections (CCC) has accumulated an estimated fund balance, as of June 30, 2013, of \$88,397; and

WHEREAS, funding will be used for operating costs associated with replacing computers and purchasing kiosks.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to CCC for the purposes described above:

Revenue:

Fund Balance \$14,555

Expenditure:

Computers and Kiosks \$14,555

I. PUBLIC HEARINGS

- 1. Ordinance Amendments to Chapter 4, Building Regulations, Section 4-37, Penalties; Sanctions, Injunctive Relief, Fines

Mr. Adam Young, Legal Intern in the County Attorney’s Office, addressed the Board giving a summary of the memorandum 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 matter, Mr. McGlennon closed the Public Hearing.

Mr. Bradshaw made a motion to adopt the ordinance.

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

2. SUP-0010-2013. Jolly Pond Road Convenience Center Special Use Permit (SUP) Amendment

Mr. Luke Vinciguerra, 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 matter, Mr. McGlennon closed the Public Hearing.

Mr. Icenhour made a motion to adopt the ordinance.

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

J. BOARD CONSIDERATION

1. James City County Vegetative Debris Policy

Mr. Middaugh addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Mr. Kennedy stated that the County currently charges \$75 for a bulk load pick up. He asked how big the truck is that is used for the bulk pick-up.

Mr. Middaugh asked Mr. Jim Hill, Solid Waste Superintendent, for an answer to the question.

Mr. Hill stated that the trucks are 24- and 30-foot boom trucks.

Mr. Kennedy asked if it was permissible, considering the storms that have occurred more recently over the past few years, for the truck to go into a neighborhood and the citizens share the fee. He stated for example, like Mr. Oyer's case, if you have neighbors that have small piles of debris and were able to split the fee, then that is only \$7.50 per house.

Mr. Middaugh stated that the fee is designed per load. He stated that if you have multiple piles in one vicinity, then the question becomes what the definition of vicinity is. He stated that if the Board would like staff to look in to this possibility, then they can certainly do so.

Mr. Kennedy stated that if it is designated for one road and if the people on that road split the fee and it fills up the truck, then so be it

Mr. McGlennon stated that he would be supportive of designing a fee structure that makes sense and is beneficial to the citizens. He stated that Mr. Oyer raised the question earlier about why nothing had been done in his neighborhood, and it is important to remember that nothing was done in any of the neighborhoods

in the County. He stated that a State of Emergency was not declared and therefore, there is no opportunity for recouping the expenses. He stated that the County needs to be flexible in coming up with a fee schedule that will help the citizens.

Ms. Jones stated that she believes the Board and the County should be helping the citizens and should come up with a modest fee schedule that would allow the removal of the vegetative debris.

Mr. Kennedy asked what these trucks are being used for on a daily basis.

Mr. Hill stated that the trucks are shared with General Services for use in park cleanup and maintenance and for bulk pickups.

Mr. Icenhour stated that he believes there needs to be some flexibility and that this needs to be evaluated on a case-by-case basis.

Mr. Kennedy stated that his point is that if a truck is going out to a neighborhood there should be no reason why the neighbors cannot work together and minimize the trips necessary to clean up a neighborhood after a storm.

Mr. Bradshaw stated that he is supportive of the policy. He stated that when the damage is widespread and severe, that is the time when the government should step in. He stated that it is important to remember that government is not the insurer, that they should not be taking care of everyone's property, and the government should not be interfering with private business that can handle the problem.

Mr. McGlennon stated that he is hearing that the Board is asking for staff to look into some flexibility in the fee schedule for the bulk pickup.

Mr. Bradshaw made a motion to approve the resolution as amended for a typographical error.

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

RESOLUTION

JAMES CITY COUNTY VEGETATIVE DEBRIS POLICY

WHEREAS, James City County is occasionally subjected to weather events that cause damage to trees and vegetation; and

WHEREAS, a weather impact on the County ranges from small isolated areas to widespread damage; and

WHEREAS, extensive tree damage may exceed the capabilities of local residents within the County to adequately remove the debris without public assistance; and

WHEREAS, extensive and widespread vegetative debris caused by weather events may have deleterious effects on the health, safety, and welfare of the citizens of James City County; and

WHEREAS, given the possible wide-range of adverse impacts as a result of weather events on trees in the County, the Board of Supervisors of James City County wishes to establish a policy for determining the circumstances under which County assistance and the nature of that assistance

will be provided to residents of the community.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby declares that the curbside collection of vegetative debris will be undertaken by the County when there is a Declaration of Emergency that affects all or a significant portion of the County by the governor and when a local Declaration of Emergency has been declared by the Board of Supervisors. Subsequent to a Declaration of Emergency by the Board of Supervisors, the County Administrator will submit a plan for the collection and disposal of the vegetative debris for the Board of Supervisors approval. The decision to collect and dispose of vegetative debris will be based upon a damage survey detailing the scope and severity of damage. It shall be the policy of the Board of Supervisors only to declare local States of Emergency for weather events that cause tree damage affecting all or significant portions of the County.

BE IT FURTHER RESOLVED that for weather events causing more localized damage that do not rise to the threshold to be declared an emergency by the Board of Supervisors, other assistance to residents may be provided by direction of the Board of Supervisors on a case-by-case basis, which generally will not include vegetative debris curbside collection. Other options and actions that may be considered by the Board of Supervisors include:

- Providing information to residents about private service options for vegetative debris collection.
- Waiving disposal fees at the Jolly Pond Convenience Center site for weather event related vegetative debris.
- Bulk collection at individual sites under the established County bulk collection service program then in effect.

Curbside collection of vegetative debris as a result of localized weather events will be undertaken only when and if there are specific circumstances in which the previous options cannot resolve a vegetative debris issue and there is a finding by the Board of Supervisors that absent County intervention there would be a direct threat to the health, safety, and welfare of the citizens of James City County.

BE IT FURTHER RESOLVED that the County Administrator is both authorized and directed to implement a communication plan to inform residents of the County how the County will be addressing vegetative debris caused by weather events.

Mr. Middaugh stated that staff would look in to the Board's suggestions and report back.

K. PUBLIC COMMENTS

1. Ms. Marjorie Ponziani, 4852 Bristol Circle, addressed the Board stating that instead of borrowing money to buy land, why not utilize funds to fix road problems that are repeatedly being brought to the Board's attention.
2. Mr. Jeff Ryer, Merrimac Trail, addressed the Board stating that he was disappointed by the way that the Board members interacted with the citizens at the Rural Lands meeting.
3. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in regard to the \$75 bulk trash pickup fee and stated that taxpayers should not have to pay a fee because they pay taxes.

4. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board in regard to a communist plan to relocate people out of rural areas and into dense cities.

5. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board in regard to the County spending less money on land acquisitions and more money on the needs of the citizens.

6. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in regard to the matching funds required for the grant awards listed on the Consent Calendar.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh stated that the James City County Recreation Center on Longhill Road is open as a cooling center to allow citizens to escape the heat. He stated that service animals may be brought in, but no pets. He stated that the questionnaire regarding Rural Lands was still available online and the deadline for submittal is August 14.

M. BOARD REQUESTS AND DIRECTIVES

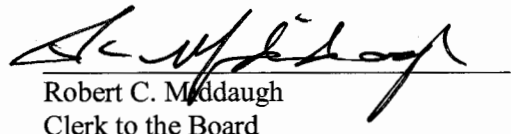
Mr. McGlennon stated that he attended the opening game of the 12 and Under Youth National Softball Association World Series and threw out the first pitch. He stated that the tournament is taking place in James City County, the City of Williamsburg, and York County. He stated that 140 teams, representing 2,000 players are participating in the tournament and that there are approximately 5,000 visitors in the area as a result.

N. ADJOURNMENT – 7 p.m. on August 13, 2013, for the Regular Meeting.

Ms. Jones made a motion to adjourn.

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

At 8:39 p.m., Mr. McGlennon adjourned the Board.


Robert C. Middaugh
Clerk to the Board