

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF OCTOBER 2013, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

ADOPTED

NOV 12 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 – Trevor Jahn, a 5th-grade student at Norge Elementary and a resident of the Stonehouse District, led the Board and citizens in the Pledge of Allegiance.

At 7:02 p.m., Mr. McGlennon recessed the Board of Supervisors to conduct the James City Service Authority (JCSA) Board of Director's Meeting.

At 7:11 p.m. Mr. McGlennon reconvened the Board of Supervisors.

E. PRESENTATION – None

F. PUBLIC COMMENTS

1. Mr. Frank Buckley, 3900 Cold Spring Road, addressed the Board voicing concern over hybrid wolf dogs and the threat they pose to young children and small pets in residential neighborhoods.

2. Ms. Betty Walker, 101 Locust Place, addressed the Board in regard to the lack of elected representation for the Jamestown and Powhatan Districts over the past two years.

3. Ms. Mary Barry, 5 Sussex Court, addressed the Board in support of Mr. Wilford Kale being appointed to the Williamsburg Regional Library Board of Trustees.

4. Mr. Randy O'Neill, 109 Sheffield Road, addressed the Board stating that no issue is more important than the health and wellness of K-12 students in our schools.

5. Ms. Judy Fuss, 3509 Hunters Ridge, addressed the Board in support of Mr. Wilford Kale being appointed to the Williamsburg Regional Library Board of Trustees.

6. Mr. William Merz, 3987 East Providence Road, addressed the Board voicing concern over hybrid wolf dogs and the threat they pose to the community.

7. Mr. John Bookless, 3 Clarendon Court, addressed the Board in regard to the citizen input session that was held in regard to the Longhill Road Corridor Study.

8. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in regard to the divisiveness of the Board and in opposition to Mr. Wilford Kale being appointed to the Williamsburg Regional Library Board of Trustees.

9. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board offering a prayer and speaking to women's rights.

10. Ms. Janet Casanave, 3404 Waterview, addressed the Board recounting the voting record of Mr. Icenhour over the past several years.

11. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board in opposition to Mr. Wilford Kale being appointed to the Williamsburg Regional Library Board of Trustees.

12. Mr. Richard White, 6309 Adams Hunt Drive, addressed the Board in regard to the lack of efficiency and supervision over the government.

13. Mr. Ed Oyer, 139 Indian Circle, addressed the Board stating that he is pleased to see more citizens coming to the Board meetings and asked that the Board take heed of their comments.

14. Ms. Roseanne Reddin, 2812 King Rook Court, addressed the Board stating that the Board should be working for the good of all citizens and not along political lines.

15. Ms. Marjorie Ponziani, 4852 Bristol Circle, addressed the Board in opposition to Mr. Wilford Kale being appointed to the Williamsburg Regional Library Board of Trustees.

16. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board in regard to the problem of loitering teenagers in New Town.

17. Mr. Nate Walker, 101 Locust Place, addressed the Board in regard to political party lines being involved in local politics.

18. Mr. Chris Henderson, 101 Keystone, addressed the Board in regard to the problem of loitering teenagers in New Town.

G. BOARD REQUESTS AND DIRECTIVES

Ms. Jones stated that on October 17, she and Mr. Middaugh attended the Hampton Roads Transportation Planning Organization (HRTPO) and Hampton Roads Planning District Commission (HRPDC) meetings and there was a detailed report given in regard to the HB2313 transportation funding expectation and there has been extensive discussion on tolls. She stated that there was an extensive list of candidate projects put together including the I-64 expansion, Patriots Crossing, and I-664 widening. She stated that the Hampton

Roads Bridge Tunnel was not specifically identified on the highlighted list of candidate projects; however, discussion was made on proper maintenance of the tunnel and the Virginia Department of Transportation (VDOT) is working hard to maintain the infrastructure.

Mr. Kennedy stated that a citizen brought up the notion of hybrid cats this evening and asked Mr. Rogers if that is something that the County should be concerned about. He stated if so, then perhaps it should be added in to the ordinance that was discussed during the Work Session.

Mr. Rogers stated that he would have Ms. Perkins look into that as well.

Mr. McGlennon stated that the question is whether or not those types of animals would fall under the wild animal category and be part of a separate ordinance.

Mr. Rogers stated that they would probably fall under the exotic animal category.

Mr. McGlennon stated that there have been instances of bobcats being bred with other domesticated cats and that could pose an issue and warrants looking into.

Mr. Icenhour stated that he has had a request from citizens in regard Mid County Park. He stated that the playground for smaller children is not completely fenced in and it has been requested that it be fenced in with a latch gate so that small children cannot wander off. He also stated that it is been requested that a bench be placed inside the area for the small children so that parents can see all areas of the small playground area. He also requested that staff give an update on the underground Best Management Practice (BMP) problem at the Matoaka Elementary School playground.

Mr. Middaugh stated that he was not able to get an answer today about that, but he would get back to him and the Board with that information.

Mr. McGlennon stated that he attended a ribbon cutting ceremony for the new Jamestown Discovery Boat Tours out of the Jamestown Yacht Basin which is a new tourist opportunity here in the County. He stated that he attended a legislative briefing on I-64 last Thursday. He stated that he attended the Longhill Road Corridor Study meeting. He stated that it was an opportunity for citizens to have input on the design and to voice their concerns over current problems with the corridor.

H. CONSENT CALENDAR

Ms. Jones made a motion to adopt 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. Grant Award – FY 2013 Port Security Grant Program (PSGP) – \$63,000

RESOLUTION

GRANT AWARD - FY 2013 PORT SECURITY GRANT PROGRAM (PSGP) - \$63,000

WHEREAS, the James City County Police Department has been awarded an FY 13 Port Security Grant Program from the Department of Homeland Security; and

WHEREAS, the award is in the amount of \$63,000 (\$47,250 PSGP; \$15,750 local match) from the Department of Homeland Security; and

WHEREAS, the matching funds of \$15,750 are available in the County’s Grant Match Account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$63,000 grant awarded by the Department of Homeland Security and authorizes the following appropriation to the Special Projects/Grants Fund:

Revenues:

FY 13 PSGP	\$47,250
County’s Grant Match Account	<u>15,750</u>
Total:	<u>\$63,000</u>

Expenditure:

FY 13 PSGP	<u>\$63,000</u>
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2. Grant Award – Virginia Department of Environmental Quality – \$13,015

RESOLUTION

GRANT AWARD - VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY - \$13,015

WHEREAS, the Department of Environmental Quality has awarded James City County a Litter Prevention and Recycling Grant in the amount of \$13,015.

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>\$13,015</u>
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Expenditure:

Litter Control Grant	<u>\$13,015</u>
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3. Irrevocable Election Not to Participate in Virginia Local Disability Program

RESOLUTION

**IRREVOCABLE ELECTION NOT TO PARTICIPATE IN
VIRGINIA LOCAL DISABILITY PROGRAM**

WHEREAS, by enacting Chapter 11.1 of Title 51.1 of the *Code of Virginia*, the Virginia General Assembly has established the Virginia Local Disability Program (“VLDP”) for the payment of short-term and long-term disability benefits for certain participants in the hybrid retirement program described in Virginia Code § 51.1-169; and

WHEREAS, for purposes of VLDP administration, an employer with VLDP-eligible employees may make an irrevocable election on or before November 1, 2013, requesting that its eligible employees not participate in VLDP as of the VLDP effective date of January 1, 2014, because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees that meets or exceeds the coverage set out in Chapter 11.1 of Title 51.1 of the *Code of Virginia*, with the exception of long-term care coverage, by January 1, 2014 ; and

WHEREAS, it is the intent of James City County (55147) to make this irrevocable election to request that its eligible employees not participate in VLDP.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that James City County irrevocably elects not to participate in VLDP because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees.

BE IT FURTHER RESOLVED that as an integral part of making this irrevocable election, James City County certifies that it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees.

I. PUBLIC HEARINGS - None

J. BOARD CONSIDERATION

1. Contract Award – Fire Station 4 – \$3,279,000

Mr. Barry Moses, Capital Projects Coordinator, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Mr. Kennedy stated that he has been asked by several citizens about the size of fire stations in the County. He stated that after looking at things and looking at the difference in size in the apparatus that is used now versus what was used years ago, the size of the fire stations is warranted.

Mr. McGlennon stated that question was raised at the last meeting about the desirability of Leadership in Energy and Environmental Design (LEED) and asked Mr. Moses to comment on the value it brings to the County.

Mr. Moses stated that the LEED program focuses on energy savings in buildings and air quality, utilizing long-lasting, sustainable materials, and improved site design for environmental protection. He stated that these items are certified by a third-party contractor consultant.

Mr. McGlennon stated that it is a requirement of the County's green building policy that was adopted several years ago.

Mr. Icenhour made a motion to adopt the resolution on Page 15 of the Agenda Packet.

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

RESOLUTION

CONTRACT AWARD – FIRE STATION 4 – \$3,279,000

WHEREAS, funds are available from the Capital Improvement Project (CIP) accounts; and

WHEREAS, seven bids were considered for award and AR Chesson Construction Company, Inc. was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract in the amount of \$3,279,000 for the Fire Station 4 to AR Chesson Construction Company, Inc.

K. PUBLIC COMMENTS

1. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board reading passages from The Bible.

2. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board reading passages from the Founders' Bible.

3. Mr. John Bookless, 3 Clarendon Court, addressed the Board thanking it for its service and urged the Board to work together with the new members to serve the citizens at large.

4. Mr. Randy O'Neill, 109 Sheffield Road, addressed the Board in regard to children's health and wellness and stated that there is a park across the street from New Town that no one has ever done anything with.

5. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board in regard to the role of women and women's health.

6. Mr. Chris Henderson, 101 Keystone, addressed the Board in regard to the green building policy and urged the Board to reevaluate the LEED certification process.

7. Ms. Rosanne Reddin, 2812 King Rook Court, addressed the Board stating that she hopes that all citizens will research candidates for the upcoming elections.

8. Mr. Ed Oyer, 139 Indian Circle, addressed the Board stating that there was no discussion about the widening of Route 60 at the HRTPO and HRPDC meetings.

9. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board reading a passage from The Bible.

10. Ms. Janet Casanave, 3404 Waterview Road, addressed the Board stating that residents of Ford's Colony should investigate the reasoning behind the bankruptcy of their homeowners association.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh stated that the Jolly Pond Road will be closed through the rest of this week for more repairs. He stated that Halloween Trick-or-Treating hours in the County are from 6 p.m. until 8 p.m. for children 12 and under. He also stated that the candidate debates are being rebroadcast on Channel 48. He stated that curbside collection of leaves will be coming soon and information will be available on the website.

M. BOARD REQUESTS AND DIRECTIVES

Mr. Icenhour stated that since he has been on the Board, beginning in 2006, he has voted for every budget. He stated that he would like to take the opportunity to thank Mr. Bradshaw for his service and his time on the Board.

Mr. Bradshaw stated that it has been honor to serve and a pleasure to work with staff.

Mr. McGlennon also thanked Mr. Bradshaw for his service and his expertise. He also stated that he does not believe that there is the evidence to support that New Town is a crime-ridden area. He stated that to suggest that this area is some high crime area is just misleading. He stated that, of course, there are problems every once in a while, but he is concerned with this campaign of misinformation that New Town is a violent and dangerous area. He stated that it is an important, vibrant area that contributes greatly to this community.

N. CLOSED SESSION

Mr. Bradshaw made a motion to go in to Closed Session pursuant to the code session listed on the Agenda.

Ms. Jones stated that she would not be participating in a Closed Session on this matter.

Mr. McGlennon stated that he was not sure of the point of going into Closed Session if all members would not be participating.

Mr. Bradshaw stated that he believes he made a mistake at the previous Board meeting by making a nomination and inviting discussion of candidates in Open Session. He stated that he believes that it is only appropriate to have those discussions in Closed Session when you have volunteers offering to serve. He stated that doing so in Open Session will only hurt the Board and the County in the long run.

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

At 8:58 p.m., the motion to enter Closed Session carried and the affirmative voting members entered in to Closed Session.

1. Consideration of a Personnel Matter, the Appointment of Individuals to County Boards and/or Commissions Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia

a. Williamsburg Regional Library Board of Trustees

At 9:04 p.m., Mr. McGlennon reconvened the Board in Open Session.

Mr. Bradshaw made a motion to certify the Closed Session.

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

Mr. Bradshaw made a motion to appoint Mr. Wilford Kale to the Williamsburg Regional Library Board of Trustees.

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

Mr. Bradshaw thanked the participating Board members for a very diligent and civilized discussion of the qualifications and strengths of the applicants during the Closed Session.

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.

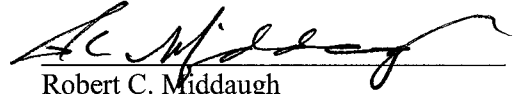
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1), to consider personnel matters, the appointment of individuals to County boards and/or commissions.

O. ADJOURNMENT – to 7 p.m. on November 12, 2013, for the Regular Meeting.

Mr. Bradshaw 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 9:06 p.m., Mr. McGlennon adjourned the Board.

A handwritten signature in black ink, appearing to read "R. C. Middaugh", written over a horizontal line.

Robert C. Middaugh
Clerk to the Board

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