

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 13TH DAY OF MAY 2014, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

ADOPTED

MAY 27 2014

**Board of Supervisors
James City County, VA**

A. CALL TO ORDER

B. ROLL CALL

Mary K. Jones, Chairman, Berkeley District
Michael J. Hipple, Vice Chairman, Powhatan District
James G. Kennedy, Stonehouse District
Kevin D. Onizuk, Jamestown District
John J. McGlennon, Roberts District

M. Douglas Powell, Acting County Administrator
Leo P. Rogers, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Joy Ingram, a freshman at Warhill High School and a resident of the Stonehouse District, led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATIONS

1. Housing and Community Development Poster Contest Award Presentations

Mr. Vaughn Poller, Director of Housing and Community Development, addressed the Board and introduced the first place winner as well as the second and third runners-up. The children were presented with a certificate acknowledging their achievement.

2. Proclamation – Virginia Cooperative Extension Centennial Celebration Month

Ms. Jones presented Family and Consumer Sciences Agent Sonja Mitchell and Virginia Cooperative Extension Administrative Assistant Sandra Kee with a proclamation declaring May 2014 as Virginia Cooperative Extension Centennial Celebration Month.

3. VDOT Quarterly Update

Mr. Rossie Carroll, Williamsburg Residency Administrator for the Virginia Department of Transportation (VDOT), addressed the Board giving a summary of the VDOT quarterly update that was included in the Agenda Packet.

Mr. McGlennon stated that paving has been occurring on Route 60 in Newport News right up to the County line and citizens have been wondering if that paving will continue along Route 60 in the County.

Mr. Carroll stated that Route 60 from Newport News was not on the current schedule for paving this summer. Mr. Carroll stated that he would follow up with Mr. McGlennon to update him on the status of Route 60 from Newport News.

Mr. Onizuk stated that he participated in the final Longhill Corridor meeting and was thankful for the amount of citizen involvement and input provided by citizens. Mr. Onizuk asked about the feasibility of the Longhill Corridor study as far as funding.

Mr. Carroll stated that the first section of the Longhill Corridor is a current project. Subsequent sections do not have funding at this point.

Mr. Onizuk stated that he had met with citizens at Windsor Meade who had expressed concerns about the building of a new Wendy's near WindsorMeade Marketplace and how the new restaurant would affect traffic in the area.

Mr. Carroll stated that VDOT is working to make several improvements in that area and that the speed limit had been reduced to 40 miles per hour about a year ago.

Mr. Onizuk stated that he had met with residents along Ironbound Road about drainage issues and there had been meetings with staff and Delegate Brenda Pogge.

Ms. Jones asked when the last study was done of the Jamestown Road and Route 199 interchange.

Mr. Carroll stated that it was completed last year and that there was an effort to synchronize the stoplights in that area.

Mr. McGlennon stated he had noticed issues at the intersection at Jamestown Road and Route 199 interchange.

Mr. Carroll stated that he would take a look into those concerns.

Mr. Onizuk informed citizens that the Longhill Corridor study information was available online.

Ms. Jones stated that the Hampton Roads Transportation Planning Organization (HRTPO) meeting was coming up and the 40-year transportation plan was on the agenda for that meeting.

4. Historical Commission Update

Mr. Lafayette Jones, Chair of the Historical Commission, addressed the Board giving a summary of the events and accomplishments of the Historical Commission over the past year.

F. PUBLIC COMMENTS

1. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board regarding an editorial in the Virginia Gazette.

2. Mr. Aaron Small, 108 Ewell Place, addressed the Board regarding the Stormwater Program Advisory Committee.

3. Ms. Marjorie Ponziani, 4852 Bristol Circle, addressed the Board regarding Stormwater.

4. Mr. Nate Walker, 101 Locust Place, addressed the Board regarding the State and Federal government.

5. Ms. Betty Walker, 101 Locust Place, addressed the Board regarding Common Core.

6. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding troops and the Department of Veterans Affairs.

7. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding an editorial in the Virginia Gazette.

G. BOARD REQUESTS AND DIRECTIVES

Mr. Onizuk stated May 11 through 17 is Police Week and expressed his appreciation for the police officers in James City County. Mr. Onizuk stated he had some comments in regards to the recent editorial in the Virginia Gazette. He stated that the selection process for the new County Administrator is moving forward aggressively and that interviews would begin soon. He stated his support for Acting County Administrator Mr. Powell. He stated that there had only been a brief mention of chicken keeping and that no discussion has occurred in regards to Agenda 21. He stated that the Board had accomplished several things including a budget that would be complete and adopted that would take care of the needs of the County and provide raises for staff and teachers and fully fund the Williamsburg-James City County (W-JCC) operating budget. He stated that he did not agree with the statements in the editorial that there was no activity on a new fourth middle school. He stated that he did not agree with the statement that the Board was doing nothing to develop economic opportunities in the County.

Ms. Jones thanked the Board members and Mr. Powell for their service. Ms. Jones stated that the Board was holding a number of interviews for the new County Administrator starting on May 19, 2014. She stated that she attended the Grand Opening of a new thrift store in Five Forks, New 2 You, which benefits Williamsburg Christian Academy.

H. CONSENT CALENDAR

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

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

1. Minutes –
 - a. April 8, 2014, Work Session
 - b. April 8, 2014, Regular Meeting
 - c. April 22, 2014, Regular Meeting
 - d. April 28, 2014, Budget Work Session
 - e. April 30, 2014, Budget Work Session

2. Dedication of Croaker Road Extension

RESOLUTION

DEDICATION OF CROAKER ROAD EXTENSION

WHEREAS, the streets described on the attached Form AM-4.3, fully incorporated herein by reference, are 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 that the Board of Supervisors of James City County, Virginia, hereby 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. Contract Award – New and Replacement Servers

RESOLUTION

CONTRACT AWARD – NEW AND REPLACEMENT SERVERS

WHEREAS, a Request for Quotation (RFQ) for new and replacement servers was issued to Dell Computer Corporation through a Virginia Information Technologies Agency (VITA) State contract; and

WHEREAS, funds are available in the FY 2014 budget for the purpose of replacing servers and funds are available in the Revenue System Capital Improvement Project (CIP); and

WHEREAS, upon evaluating the specifications, Dell Computer Corporation was determined to be a fully qualified vendor to meet the needs of the County and a contract purchase cost of \$119,543.15 was negotiated that met budget requirements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with Dell Computer Corporation for the purchase of new and replacement servers.

I. PUBLIC HEARINGS

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

Mr. Rogers addressed the Board giving a summary of the memorandum and the ordinance included in the Agenda Packet.

As there were no questions for staff, Ms. Jones opened the Public Hearing.

As no one wished to speak to the matter, Ms. Jones closed the Public Hearing.

Mr. McGlennon made a motion to approve the resolution and ordinance included in the Agenda Packet.

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

RESOLUTION

ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, BY

AMENDING SECTION 2-4. ELECTION PRECINCTS AND POLLING PLACES ESTABLISHED

WHEREAS, the James City County Electoral Board is required to conduct elections in the County of James City; and

WHEREAS, the existing Jamestown C Precinct (0203) polling place is Greensprings Chapel, located at 3687 Ironbound Road; and

WHEREAS, Greensprings Chapel no longer operates at this location and the lease for use of the building as a polling place has terminated; and

WHEREAS, Upward Church now operates at this location and has offered to provide a polling place for the Jamestown C Precinct (0203).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute a lease between James City County and the Upward Church for the establishment of a polling place for Jamestown C Precinct (0203).

2. Proposed FY 2015-2020 Secondary Six-Year Plan (SSYP)

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

As there were no questions for staff, Ms. Jones opened the Public Hearing.

As no one wished to speak to the matter, Ms. Jones closed the Public Hearing.

Mr. McGlennon stated that he would move the adoption of the SSYP resolution included in the Agenda Packet while recognizing that there is little to no funding currently available for these projects. He stated that this is a reiteration of the priorities should the funding become available.

Ms. Jones concurred that it is important to keep reiterating these priorities.

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

RESOLUTION

PROPOSED FY 2015-2020 SECONDARY SIX-YEAR PLAN (SSYP)

WHEREAS, Section 33.1-23.4 of the *Code of Virginia*, 1950, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation (VDOT) in developing a Secondary Six-Year Plan; and

WHEREAS, James City County has consulted with the VDOT District Project Manager to set priorities for road improvements to the County's secondary roads; and

WHEREAS, a public hearing was advertised for the regularly scheduled Board of Supervisors meeting on May 13, 2014, so citizens of the County would have the opportunity to participate in the hearing and to make comments and recommendations concerning the proposed Budget Priority List.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves of the Budget Priority List for the Secondary System as presented at the public hearing.

J. BOARD CONSIDERATIONS

1. Virginia Stormwater Management Program Ordinance

Mr. Scott Thomas, Director of Engineering and Resource Protection Division, addressed the Board giving a summary of the memorandum and ordinance included in the Agenda Packet. He stated that no changes or revisions have been made to the ordinance since the Public Hearing on April 22, 2014.

Ms. Jones stated that she wanted the public to understand she was not in favor of the fee schedule and would rather have the costs paid out of the regular budget. She stated that the reason for deferring the ordinance to the current date was to allow the public to adequately review the proposed ordinance.

Mr. McGlennon made a motion to approve the Stormwater Management Program Ordinance that was included in the Agenda Packet.

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

2. FY 2015 – FY 2016 County Budget

Ms. Suzanne R. Mellen, Assistant Director of Financial and Management Services, addressed the Board giving a summary of the Budget Appropriation Resolution and highlighted the changes that had been made to the budget, at the direction of the Board, during the Budget Work Sessions.

Ms. Jones thanked Ms. Mellen and Mr. John McDonald for all of their hard work.

Ms. Jones stated her support for the operating budget, but stated she had concerns with the capital budget as far as the proposed fourth middle school. Ms. Jones stated she did not feel that all possible alternatives had been explored for school expansion.

Mr. Hipple stated that he was concerned about the operating costs and staffing a new facility. He stated that he was not opposed to the fourth middle school; however, he believes that not all possibilities had been explored. He stated that he wanted to see the placeholder for the fourth middle school removed from the budget. He stated that there are several other options for school expansion including building a new high school and converting a current high school to a middle school, expansion of existing middle schools, or the use of the James Blair Annex.

Mr. McGlennon stated that he felt as though this decision had already been decided last year before the elections and the County was going to move ahead with a fourth middle school.

Mr. Onizuk stated he felt as though there was hesitation and questions that had not been answered at this point regarding the capital projects for the W-JCC school system. He asked if the Board could pass the W-JCC operating budget without the capital budget in order to give the Board more time to discuss its questions, concerns, and to gather more information.

Mr. Powell stated yes, the Board had to approve the operating budget, but could do so without approving the capital budget. He stated that the capital budget would have to be adopted by the end of the fiscal year.

Mr. McGlennon stated that he felt as though there was a hesitation on the part of the Board to approve the fourth middle school.

Ms. Jones stated that she was concerned about building a fourth middle school when there is the capability to expand the current middle schools.

Mr. McGlennon stated that he was concerned that the Board of Supervisors was not giving the School Board any particular direction as far as how to move forward.

Ms. Jones stated that the School Board had not been given a direction to proceed as the budget had not been approved. She stated that there were questions and concerns that the Board of Supervisors had and some members of the Board would like to see those answered before approving the capital budget for the School Board.

Mr. McGlennon stated that he was concerned that some of the issues that were brought forward were not addressed in earlier meetings with the School Board.

Mr. Onizuk stated that he has concerns as well and would like to see further discussions on the matter of school expansion or a fourth middle school. He stated that he was in favor of approving the operating budget and to continue the discussion of the capital budget. He stated that the fourth middle school would max out the County's debt capacity.

Mr. Kennedy stated he was concerned that there was no mention of increased revenue on the part of the County. He stated that he was concerned that there is no guarantee that there will be an increase in revenue on the part of the County. He stated that he would like to see revenue enhancement in the County whether that is an increase in fees or an increase in the overall economy in the County.

Mr. McDonald stated that the Board could simply amend the language of the budget document to class room expansion instead of a fourth middle school.

Mr. McGlennon stated that he did not want to see the County suspend the neighborhood drainage program and the purchase of development rights program. He stated that he would vote in favor of the budget, but with significant reservations.

Mr. Onizuk made a motion to approve the Budget Appropriation Resolution with the language amended to "class room expansions" in the budget document.

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

RESOLUTION

RESOLUTION OF APPROPRIATION

WHEREAS, the Acting County Administrator has prepared a two-year Proposed Budget for the fiscal years beginning July 1, 2014, and ending June 30, 2015, along with the fiscal year beginning July 1, 2015 and ending June 30, 2016, and a five-year Capital Improvements Program, four years of which are for information and fiscal planning purposes only; and

WHEREAS, it is now necessary to appropriate funds to carry out the activities proposed therein for the fiscal year beginning July 1, 2014, and ending June 30, 2015, and to set tax rates on real estate, tangible personal property, and machinery and tools, to provide certain revenue in support of those appropriations; and

WHEREAS, the Board wishes to adopt the second year of the operating and capital budgets for planning purposes, beginning July 1, 2015, and ending June 30, 2016.

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

1. The following amounts are hereby appropriated in the FY 2015 General Fund for the offices and activities in the amounts as shown below:

GENERAL FUND REVENUES

FY 2015

General Property Taxes	\$ 112,397,500
Other Local Taxes	21,765,000

Licenses, Permits and Fees	8,230,000
Fines and Forfeitures	315,000
Revenue from Use of Money and Property	125,000
Revenue from the Commonwealth	26,584,500
Revenue from the Federal Government	7,000
Charges for Current Services	5,667,700
Miscellaneous Revenues	<u>158,300</u>
Total Revenues	<u>\$ 175,250,000</u>

GENERAL FUND EXPENDITURES

	<u>FY 2015</u>
General Administration	\$ 3,254,379
Court Services	3,679,705
Public Safety	23,908,147
Financial Administration	6,875,535
Development Management	3,568,376
General Services	8,843,659
Citizen and Community Services	5,691,440
Contribution - Outside Agencies	749,161
Nondepartmental	340,522
WJCC Schools	80,832,474
Contribution - School Debt Service	18,000,000
Library and Arts Center	4,367,111
Other Regional Entities	3,733,274
Health Services	1,785,160
Contributions - Other Funds	<u>9,621,057</u>
Total Expenditures	<u>\$ 175,250,000</u>

The appropriation for education includes \$80,832,474 as a local contribution to the Williamsburg-James City County Schools operations.

Year End Fund Balance	\$2,400,000
Contribution to Capital Projects	\$2,400,000

2. That the tax rates be set for the amounts shown below and revenues appropriated in the following classifications:

TAX RATES

Real Estate on each \$100 assessed value	\$0.77
Tangible Personal Property on each \$100 assessed value	\$4.00
Machinery and tools on each \$100 assessed value	\$4.00
Boats, weighing 5 tons or more, on each \$100 assessed value	\$1.00
Boats, weighing less than 5 tons, on each \$100 assessed value	\$3.50

3. That the following amounts are hereby appropriated in other budgets in FY 2015 for the activities in the amounts as shown below:

CAPITAL PROJECTS BUDGET

Revenues:

Transfer from the General Fund	\$ 2,350,000
Prior Year General Fund	2,400,000
Short Term Financing	4,500,000
Marina Rental Income	66,000
Proffer Income	60,000
State Stormwater Grants	655,000
School Fund Balance	783,000
Reallocated Balances	
Stormwater - Drainage	371,000
Other Capital Balances	<u>400,000</u>
Total Capital Projects Fund Revenues	<u>\$11,585,000</u>

Expenditures:

Schools	\$ 7,478,000
General Services	2,255,000
Public Safety	1,270,000
Parks and Recreation	<u>582,000</u>
Total Capital Projects Fund Expenditures	<u>\$11,585,000</u>

DEBT SERVICE BUDGET

Revenues:

General Fund - Schools	\$18,000,000
General Fund - Other	3,300,000
Build America Bonds	211,620
Investment Income	20,000
Fund Balance	<u>3,560,040</u>
Total Debt Service Fund Revenues	<u>\$25,091,660</u>

Current Year Expenditures: \$25,091,660

Total Debt Service Fund Disbursements \$25,091,660

VIRGINIA PUBLIC ASSISTANCE FUND

Revenues:

From Federal/State	\$3,759,947
General Fund	1,400,000
Other	506,162
Grant	<u>22,756</u>

Total Virginia Public Assistance Fund Revenues & Fund Balance	<u>\$5,688,865</u>
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Expenditures:

Administration and Assistance	<u>\$5,688,865</u>
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Total Virginia Public Assistance Fund Expenditures	<u>\$5,688,865</u>
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COMMUNITY DEVELOPMENT FUND

Revenues:

General Fund	\$ 596,865
Grants	1,363,557
Program Income	120,000
Revolving Loan Fund	200,000
Other	<u>115,719</u>

Total Community Development Fund Revenues & Fund Balance	<u>\$2,396,141</u>
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Expenditures:

Administration and Programs	<u>\$2,396,141</u>
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Total Community Development Fund Expenditures	<u>\$2,396,141</u>
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COLONIAL COMMUNITY CORRECTIONS FUND

Revenues:

From Federal/State	\$829,342
General Fund	49,192
Supervision Fees	73,519
Grants	129,389
Other	<u>87,453</u>

Total Colonial Community Corrections Fund Revenues	<u>\$1,168,895</u>
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Expenditures:

Administration and Programs	<u>\$1,168,895</u>
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Total Colonial Community Corrections Fund Expenditures	<u>\$1,168,895</u>
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SPECIAL PROJECTS/GRANTS FUND

Revenues:

Comprehensive Services Act (CSA)	\$319,300
CSA Local Match - General Fund	365,000
CSA School Share	112,000
Emergency Management Planning Grant	39,978
Virginia Fire Programs Fund	185,000
Emergency Medical Services Four-for-Life Program	<u>62,000</u>
Total Special Projects/Grants Fund Revenues	<u>\$1,083,278</u>

Expenditures:

Comprehensive Services Act	\$796,300
Emergency Management Planning Grant	39,978
Virginia Fire Programs Fund	185,000
Emergency Medical Services Four-for-Life Program	<u>62,000</u>
Total Special Projects/Grants Fund Expenditures	<u>\$1,083,278</u>

TOURISM INVESTMENT FUND

Revenues:

Additional \$2 per Night Room Tax	\$ 825,000
General Fund – from Room Tax Revenues	<u>1,560,000</u>
Total Tourism Investment Fund Revenues	<u>\$2,385,000</u>

Expenditures:

Tourism Activities	<u>\$2,385,000</u>
Total Tourism Investment Fund Expenditures	<u>\$2,385,000</u>

4. The County Administrator be authorized to transfer funds and personnel from time to time within and between the offices and activities delineated in this Resolution as he may deem in the best interest of the County in order to carry out the work of the County as approved by the Board of Supervisors during the coming fiscal year.
5. The County Administrator be authorized to transfer up to \$10,000 per occurrence from the contingency balance to one or more appropriation categories. No more than one transfer may be made for the same item causing the need for a transfer, unless the total amount to be transferred for the item does not exceed \$10,000. Total transfers for the year are not to exceed \$100,000.
6. The County Administrator be authorized to increase appropriations for non-budgeted revenue that may occur during the fiscal year as follows:

- a) Insurance recoveries received for damage to any county property, including vehicles, for which County funds have been expended to make repairs; and
 - b) Refunds or reimbursements made to the county for which the county has expended funds directly related to that refund or reimbursement.
7. The County Administrator be authorized to administer the County's Personnel Policy and Pay Plan as previously adopted by the Board of Supervisors.
 8. The County Administrator be authorized to transfer funds to and from the Personnel Contingency account and divisional personnel line items in order to capture turnover savings at a divisional level.
 9. All outstanding encumbrances in all County funds at June 30, 2014, shall be an amendment to the FY 2015 budget, and appropriated to the FY 2015 budget to the same department and account for which they were encumbered in the previous year.
 10. The County Administrator be authorized to make expenditures from the Donation Trust Fund for the specified reasons for which the fund was established. In no case shall the expenditure exceed the available balance in the fund as verified by the Treasurer.
 11. The Board of Supervisors of James City County, Virginia, hereby adopts the following budgets for the purposes of future financial and operational planning:

FY 2016

General Fund	\$178,519,600
Capital Budget	29,085,000
Debt Service	25,064,585
Virginia Public Assistance	5,687,234
Community Development	2,422,265
Colonial Community Corrections	1,132,367
Special Projects/Grants	1,083,278
Tourism Investment	2,470,000

K. PUBLIC COMMENTS

1. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding W-JCC Schools.
2. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding the budget and W-JCC Schools.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Powell stated that the Kingsmill Championship Golf Tournament begins this week and encouraged citizens to come out and enjoy the tournament. He stated that the Planning Division and Community Participation Team (CPT) invite everyone to attend a Comprehensive Plan Community Workshop. Each workshop will focus on the topics of economic development, transportation, and land use in the County

as a whole, but will spotlight one of three geographic regions. He encouraged citizens to participate in the meeting that is in their neighborhood. He stated that the meetings are as follows:

Upper JCC Spotlight:

Monday, June 9, 7-9 p.m.

Toano Middle School - 7817 Richmond Road

Central JCC Spotlight:

Tuesday, June 10, 11 a.m.-1 p.m.

King of Glory Lutheran Church - 4897 Longhill Road

(Bring your own lunch)

Lower James City County Spotlight:

Wednesday, June 11, 6:30-8:30 p.m.

Little Zion Baptist Church – 8625 Pocahontas Trail

Mr. Powell stated the Mr. Onizuk made mention of this earlier, but the Board had asked him to give a brief report regarding the County Administrator search. The Board received numerous applications for the position of County Administrator. At this time, the Board has narrowed the pool of candidates down to a handful which they have chosen to interview. The interviews will take place Monday, May 19 and when the Board adjourns this evening it will need to adjourn to that date and time.

M. BOARD REQUESTS AND DIRECTIVES

Ms. Jones asked to amend the meeting calendar to add a closed meeting on Monday May 19, 2014, at 2 p.m., to which the Board voiced its agreement.

Mr. Onizuk stated that he feels like the Board does work well together and looks forward to working with the Board members in the future.

Mr. McGlennon stated that he feels that the County deserves a top notch County Administrator.

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. Parks and Recreation Advisory Commission
 - b. Appointment to the Middle Peninsula Juvenile Detention Commission – Staff Member

Mr. McGlennon made a motion to appoint Ms. Linda Knight to the Parks and Recreation Advisory Commission and Major Stephen Rubino to the Middle Peninsula Juvenile Detention Commission.

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

N. CLOSED SESSION

Mr. McGlennon made a motion to go into Closed Session pursuant to the 2nd Code Section listed on the Agenda.

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

At 9:30 pm, the Board entered into Closed Session.

2. Consultation with legal counsel and staff members pertaining to actual or probable litigation, pursuant to Section 2.2-3711(A)(7) of the Code of Virginia

At 9:45 p.m., the Board reentered Open Session.

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

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). 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) 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)(7), the consultation with legal counsel and staff members pertaining to actual or probable litigation.

Mr. Onizuk made a motion to approve the resolution provided by the County Attorney for a Contingency Transfer, Legal Services, in the amount of \$122,000.

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

RESOLUTION

CONTINGENCY TRANSFER – LEGAL SERVICES – \$122,000

WHEREAS, on January 10, 2014, the Supreme Court of Virginia issued its opinion in *Board of Supervisors, et al., v. Windmill Meadows, LLC, et al.*, 287 Va. 170 (2014), which affirmed the Circuit Court

decision against the County regarding the retroactive application of section 15.2-2303.1:1 of the Code of Virginia and which also awarded appellate attorney's fees and costs against the County; and

WHEREAS, the amount of appellate attorney's fees is currently in negotiation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the transfer of \$122,000 from Contingency to pay to Reed Smith for the attorney's fees and costs awarded by the Supreme Court of Virginia up to \$122,000 and the following budget appropriation to the Special Projects, Grants Fund to carry that out:

Revenue:

Reed Smith Legal Services \$122,000

Expenditure:

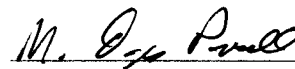
Reed Smith Legal Services \$122,000

O. ADJOURNMENT – until 2 p.m. on May 19, 2014.

Mr. McGlennon made a motion to adjourn.

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

At 9:47 p.m., Ms. Jones adjourned the Board.



M. Douglas Powell
Clerk to the Board