

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF JANUARY 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

B. ROLL CALL

John J. McGlennon, Chairman, Roberts District
Mary K. Jones, Vice Chairman, Berkeley District
James G. Kennedy, Stonehouse District
James O. Icenhour, Jr., Powhatan District

Doug Powell, Assistant County Administrator
Leo P. Rogers, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Amy Pressey, a 12th grade student at Jamestown High School led the Board and Citizens in the Pledge of Allegiance.

E. PRESENTATIONS - None

F. PUBLIC COMMENT

1. Mr. Grover Lewis, 4305 Oak Tree Lane, addressed the Board in regards to the crumbling road surface on Oak Tree Lane in Powhatan Secondary Subdivision.

2. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board giving sympathies and condolences to the Middaugh Family.

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

4. Mr. Ed Oyer, 139 Indian Circle, addressed the Board giving sympathies and condolences to the Middaugh Family. He addressed the Board in regards to the vacant Powhatan seat and indexing the property tax rates.

5. Ms. Marjorie Ponziani, 4852 Bristol Circle, addressed the Board giving sympathies and condolences to the Middaugh Family.

G. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy stated that at a previous meeting he had voiced his concerns over the Toano Middle School Parking Lot Improvements. He had requested that staff follow up on the previous improvements done at Toano Middle School in 2006-2007. He stated that staff had compiled the information he requested and it has brought several things to light. He stated emphatically that he understands in 2006-2007 that there was a different School Administrator and different staff members involved that are not with the Schools now. He stated his concern is that the previous project at Toano Middle School, approved and funded by the Board, was never fully completed. He stated that it concerns him that this information was not relayed to the Board in the packet, by staff in the presentation, or by the Schools.

Mr. Kennedy stated that he would like to propose that when the Board approves a project, that for the sake of the citizens and the Board as the approving body, that the project is followed through to completion, on time and on budget. He stated that if there are budget overages and time delays then the Board should know why. He stated he would like to be able to track and follow projects as the Board approves them. He stated he would like to see this tracking mechanism to be posted online for the citizens to follow. He stated that the Board and the citizens have a reasonable expectation that the projects approved by the Board will be completed.

Mr. McGlennon asked if Mr. Kennedy was intending for this type of tracking to be done as a general rule on Special Use Permits (SUPs) and rezonings or on all projects approved by the Board.

Mr. Kennedy stated that as a general rule on SUPs and Re-Zonings would be nice, and it has been discussed before because projects were not being completed in the private sector as well. He stated that from the Board's sector, if the Board approves and funds a project, he wants it to be tracked through to completion, on time and on budget, and if not, he wants to know why.

Mr. McGlennon stated that in regard to the Toano Middle School project, it was unfortunate that the School's representative was unable to be at the meeting that night. He stated perhaps when there are open questions, the Board should just defer the vote.

Ms. Jones stated that she agrees with Mr. Kennedy. She stated that if this project was important enough to be planned out and go through the approval process, then it should have been completed. She stated that if nothing else, the Board should be given status updates on projects they approve and fund.

Mr. McGlennon stated that the time for those questions and updates was when the case was brought forward.

Mr. Kennedy stated that he did ask these questions during the case presentation, and was told that these were additional improvements, not that the project was never completed to begin with five years ago.

Ms. Jones requested that staff follow up on the citizen's complaint about the road surface on Oak Tree Lane.

Mr. Icenhour stated that he got involved in this issue before, but the developer was unwilling to do any repairs. He stated that the community is still under development, so the Virginia Department of Transportation (VDOT) will not accept the road into the state system. Mr. Icenhour asked staff if there was any money being held by bond that could be used in the repairs.

Ms. Jones noted that the road will have to be in good condition before VDOT will even accept it into the state system.

Mr. McGlennon asked for follow up on this issue and for a report back.

Mr. Kennedy asked that staff look at the bonds for this development and to see if any can be cashed in to give the County some leverage with the developer.

Mr. Icenhour stated he attended the Habitat for Humanity dedication for Ms. April Williams and her daughter today.

H. CONSENT CALENDAR

Mr. Icenhour stated that the December 11, 2012, Regular Meeting Minutes need to be amended because Mr. Kale's name appears in the recorded votes. He stated that he would like to bring them to the attention of staff and have them corrected.

Mr. Icenhour made a motion to approve Consent Items 1, 4, and 5 with the amendments to the December 11, 2012, minutes as requested.

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

1. Minutes –
 - a. November 27, 2012, Work Session
 - b. December 11, 2012, Regular Meeting
 - c. December 12, 2012, Powhatan Seat Interviews
 - d. December 18, 2012, Powhatan Seat Discussion

4. James City County-VDOT Agreement for Removal of Illegal Signs

RESOLUTION

AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)

AND THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA

WHEREAS, the Board of Supervisors of James City County, Virginia (the "Board") has the authority to enter into an agreement with the Virginia Department of Transportation (the "VDOT") pursuant to Section 33.1-373 of the Code of Virginia, 1950, as amended (the "Virginia Code"); and

WHEREAS, the Board desires to enter into an agreement with VDOT to enforce the provisions of Section 33.1-373 of the Virginia Code and to collect the penalties and costs provided therein.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County Administrator to execute those documents necessary to enter into an agreement with VDOT to enforce the provisions of Section 33.1-373 of the Virginia Code and to collect the penalties and costs provided therein.

BE IT FURTHER RESOLVED that the Board of Supervisors designates the Zoning Administrator to be the County's responsible party for enforcement of the agreement.

5. Appointment of Zoning Administrator and Acting Zoning Administrator

RESOLUTION

APPOINTMENT OF ZONING ADMINISTRATOR

WHEREAS, the position of Zoning Administrator of James City County was vacant; and

WHEREAS, Ms. Christy H. Parrish has served as Acting Zoning Administrator since the position became vacant; and

WHEREAS, Mr. Jason Purse has accepted the position of Zoning Administrator of James City County; and

WHEREAS, Mr. Purse holds a Master's Degree in Public Administration from Old Dominion University, earned certification from the American Institute of Certified Planners, and has demonstrated his ability to capably handle complex zoning matters; and

WHEREAS, pursuant to Section 24-5 of the Code of the County of James City, the Board of Supervisors is responsible for appointing the Zoning Administrator.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby appoint Mr. Jason E. Purse as Zoning Administrator.

RESOLUTION

APPOINTMENT OF ACTING ZONING ADMINISTRATOR

WHEREAS, Mr. Jason E. Purse has been appointed as Zoning Administrator of James City County; and

WHEREAS, occasions may arise that require an Acting Zoning Administrator to perform Zoning Administrator's functions and duties in Mr. Purse's absence; and

WHEREAS, Ms. Christy H. Parrish has served previously as Acting Zoning Administrator, achieved the Certified Zoning Administrator status through the Virginia Association of Zoning Officials, and has demonstrated her ability to capably handle complex zoning matters; and

WHEREAS, pursuant to Section 24-5 of the Code of the County of James City, the Board of Supervisors is responsible for appointing the Zoning Administrator.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize Mr. Purse to designate Ms. Christy H. Parrish as Acting Zoning Administrator in times of his absence from work, or, in the absence of Ms. Parrish, Mr. Allen J. Murphy as Alternate Acting Zoning Administrator.

Mr. McGlennon requested that Consent Items 2 and 3 be explained by staff.

Mr. John Carnifax, Director of Parks and Recreation, addressed the Board giving a background summary of how staff came to the decision to re-design MidCounty Park and the Kidsburg Playground. Mr. Carnifax reminded the Board and citizens about the planning process and the approval process that this project has gone through since 2011.

Mr. Kennedy stated that he has received several emails about this project. He stated that he wanted to remind citizens that this process has been a very long and very open with many public hearings and many articles written about it.

Mr. Icenhour asked if there is still hope for a Memorial Day Opening.

Mr. Carnifax stated that staff is fairly confident that the playground will be done by Memorial Day, but not sure about the new building and restrooms.

Mr. McGlennon stated that the building of Kidsburg was a remarkable community project but it has served its time, and there are new standards for safety and materials.

Mr. Carnifax stated that the history of the building of the original Kidsburg will be memorialized at the site and be there in perpetuity. He also stated that the any citizen who would like the fence picket with their name on it may contact Parks and Recreation about getting it back.

Mr. Icenhour made a motion to approve Consent Items 2 and 3.

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

2. Contract Award – Mid County Park Kidsburg Playground – \$851,786

RESOLUTION

CONTRACT AWARD – MID COUNTY PARK KIDSBURG PLAYGROUND – \$851,786

WHEREAS, funds are available in the Capital Improvement Budget to cover the replacement of the Kidsburg Playground at Mid County Park; and

WHEREAS, Cunningham Recreation was selected to complete the final design and installation of the new playground through a Request for Proposals (RFP) process; and

WHEREAS, public input was sought and incorporated into the final design.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract for the design and installation of the new playground at Mid County Park to Cunningham Recreation in the total amount of \$851,786.

3. Contract Award – Mid County Park Phase I Improvements - \$644,600

RESOLUTION

CONTRACT AWARD – MID COUNTY PARK PHASE I IMPROVEMENTS – \$644,600

WHEREAS, the Board of Supervisors approved the Mid County Park Phase I improvements on June 28, 2011 through SUP-003-2011; and

WHEREAS, funds are available in the Capital Improvement Budget to cover the construction costs for the Mid County Park Phase I Improvements; and

WHEREAS, six competitive bids were received with the lowest bid amount of \$644,600 as submitted by David Nice Builders.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract for the Mid County Park Phase I Improvements to David Nice Builders in the total amount of \$644,600.

I. PUBLIC HEARINGS

1. Pre-Budget

Ms. Sue Mellen, Assistant Director of Financial and Management Services, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

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

1. Mr. Ed Oyer, 139 Indian Circle, addressed the Board stating that he would like to see the County begin to pay down the County's debt. He stated that when there are excesses in revenue, the County should be paying down debts instead of spending it.

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

J. BOARD CONSIDERATIONS

1. Shared Services – Risk Management

Mr. John McDonald, Director of Financial and Management Services, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Mr. Icenhour made a motion to approve the resolution.

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

RESOLUTION

SHARED SERVICES – RISK MANAGEMENT

WHEREAS, a proposal has been authored that would combine the Risk Management functions of the County and the Schools in a shared service designed to improve risk management and safety for both organizations; and

WHEREAS, an agreement setting out the terms and conditions of this shared service will be drafted and would, if approved, 1) have the Schools reimburse the County for the costs of a newly-created Safety Coordinator position in Financial and Management Services (FMS) while 2) the County provides risk management services to the Schools.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves a budget amendment for FY 2013 that appropriates the funding from the Schools for part of the fiscal year:

FY 2013 General Fund Expenditures

Salary and Fringes – FMS	+ \$ <u>25,000</u>
Reimbursement – WJCC Schools	- \$ <u>25,000</u>

BE IT FURTHER RESOLVED, that the Board of Supervisors approves the creation of a full-time regular position of Safety Coordinator within FMS and authorizes the County Administrator to fill that position and execute a suitable shared services agreement with the Schools when, in his opinion, the details of that agreement are finalized.

2. Approval of Williamsburg Landing, Inc., Revenue and Refunding Bond through the James City County Economic Development Authority (EDA)

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

Mr. Kevin White, an attorney with Kauffman and Canoles and representing Williamsburg Landing as bond counsel, addressed the Board. He stated that the Board’s approval of this type of bond is required by Federal law, and he would be happy to answer any questions.

Mr. McGlennon stated that he understood from the presentation that James City County would be joined by other localities in this endeavor.

Mr. White stated that was correct.

Ms. Jones made a motion to approve the resolution.

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

RESOLUTION

APPROVAL OF WILLIAMSBURG LANDING, INC., REVENUE AND REFUNDING BOND

THROUGH THE JAMES CITY COUNTY ECONOMIC DEVELOPMENT AUTHORITY (EDA)

WHEREAS, the Board of Supervisors of the County of James City, Virginia (the "Board"), has been advised that there has been described to the Economic Development Authority of James City County, Virginia (the "Authority"), the plan of Williamsburg Landing, Inc. (the "Company"), whose principal place of business is located in the County of James City, Virginia (the "County"), at 5700 Williamsburg Landing Drive, Williamsburg, Virginia 23185, for the issuance by the Authority of its Revenue and Refunding Bond in a principal amount not to exceed \$4 million (the "Bond") to assist the Company in a) financing renovations to the Company's facilities for the residence and care of the aged at 5700 Williamsburg Landing Drive, Williamsburg, Virginia (the "Project"); b) paying a portion of the cost of the current refunding of the Authority's Residential Care Facility First Mortgage Revenue and Refunding Bonds (Williamsburg Landing, Inc.), Series 2003A; and c) paying certain costs of issuance (collectively, the "Plan of Finance"); and

WHEREAS, the Board has been advised that the Company, in its appearance before the Authority, has described the benefits to the County to be derived from the Plan of Finance and has requested that the Authority agree to issue the Bond pursuant to the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), and loan the proceeds from the sale of the Bond to the Company for the purposes described above; and

WHEREAS, the Board has been advised that a public hearing with respect to the Bond, as required by the Act and the Internal Revenue Code of 1986, as amended (the "Code"), was held by the Authority at its meeting on December 13, 2012, and that after such hearing the Authority agreed to assist the Company by issuing the Bond; and

WHEREAS, the Project is located in the County and the members of the Board constitute the highest elected governmental officials of the County; and

WHEREAS, Section 15.2-4906C of the Act provides that the Board shall, within 60 calendar days from the public hearing with respect to the issuance of bonds of the Authority, either approve or disapprove the issuance of such bonds; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bond, a reasonably detailed summary of the comments expressed at the public hearing with respect to the Bond, and a statement in the form prescribed by Section 15.2-4907 of the Act have been filed with the Board, and the Authority has recommended that the Board approve the issuance of the Bond.

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

1. The foregoing recitals are hereby incorporated in, and deemed a part of, this resolution.
2. The Board approves the issuance of the Bond by the Authority to assist in the Plan of Finance for the benefit of the Company, to the extent required by the Code and the Act.

3. The approval of the issuance of the Bond, as required by the Code and the Act, does not constitute an endorsement to a prospective purchaser of the Bond of the creditworthiness of the Company and, as required by the Act, the Bond shall provide that neither the County nor the Authority shall be obligated to pay the Bond or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor and that neither the faith or credit nor the taxing power of the Commonwealth of Virginia, the County, nor the Authority shall be pledged thereto.
4. This resolution shall take effect immediately upon its adoption.

The undersigned hereby certifies that the above resolution was duly adopted by an affirmative vote of a quorum of the members of the Board of Supervisors of the County of James City, Virginia, at a regular meeting duly called and held on January 8, 2013, and that such resolution is in full force and effect on the date hereof.

K. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in regards to the traffic congestion, due to a large number of tractor trailers and construction vehicles, on Route 60.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Powell stated that the State Corporation Commission public hearing on Virginia Dominion Power Transmission Line will be held on Thursday morning in Richmond. He stated that he and Mr. McGlennon will be attending. He also stated that the January 10, 2013, Homeowner Association (HOA)/Neighborhood Leadership meeting that was to be hosted by the Board and the County Administrator has been cancelled and will be rescheduled at a later date. Mr. Powell also wanted to remind County dog owners that dog tags must be on County dogs by January 31, 2013.

M. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy stated that in past years many citizens have showed up to speak on the budget, but tonight there was only one. He stated that he wanted to remind citizens to show up and speak on the items that they would like to see the County spend money on.

Mr. McGlennon stated that he wanted citizens to be aware that Virginia Dominion Power has also indicated plans to build a fairly large transformer farm in the vicinity of Indian Circle here in Williamsburg.

Mr. Powell recommended deferral of the appointments to the Social Services Advisory Board.

Ms. Jones nominated Mr. Christopher Basic for the Berkeley appointment for the Planning Commission. Ms. Jones requested that the appointment be for a four-year term.

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

Ms. Jones nominated Mr. Tim O'Connor for the at-large position on the Planning Commission. His appointment would be for a four-year term.

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

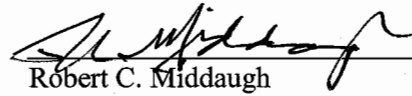
Mr. Powell stated that staff is interested in trying to increase the diversity on the Social Services Advisory Board, and asked Board members to let staff know if they had any suggestions for potential appointees.

N. ADJOURNMENT – until 4:00 p.m. on January 22, 2013, for a Work Session

Ms. Jones made a motion to adjourn.

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

At 7:58 p.m., Mr. McGlennon adjourned the Board.


Robert C. Middaugh
Clerk to the Board

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