

# A G E N D A

## JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

August 14, 2007

7:00 P.M.

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<b>A. ROLL CALL</b>	
<b>B. MOMENT OF SILENCE</b>	
<b>C. PLEDGE OF ALLEGIANCE</b> – Quilbie Burks, a rising fourth-grade student at Rawls Byrd Elementary School	
<b>D. PRESENTATIONS</b>	
1. Resolution of Appreciation – Mr. Vincent A. Campana, Jr.	
2. FY 2007 Strategic Management Plan Update	
<b>E. HIGHWAY MATTERS</b>	
<b>F. PUBLIC COMMENT</b>	
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*Supports County's Strategic Pathway 3.a - Involve diverse citizens in planning*

**I. PUBLIC COMMENT**

**J. REPORTS OF THE COUNTY ADMINISTRATOR**

**K. BOARD REQUESTS AND DIRECTIVES**

**L. 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. Historical Commission
  - b. Social Services Advisory Board
  - c. Wetlands and Chesapeake Bay Boards
2. Consideration of the acquisition of an easement of property for the conservation of greenspace, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia
3. Consideration of a personnel matter, the annual evaluation of the County Attorney, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia.

**M. ADJOURNMENT - until September 11, 2007, at 7 p.m.**



# FY07 Strategic Management Plan

## *Re-Cap*

Presented by Rona Vrooman  
August 14, 2007

# Our Strategic Management Plan



- Guides the County's work
- Updated yearly
- Endorsed by Board during budget process

# Our Strategic Management Plan



- Outlines 5 Strategic Directions
- Includes 6-9 Pathways under each Strategic Direction

# FY07 Recap



✓ We made good progress as evidenced by 131 Board Agenda items related to our Strategic Management Plan

# Board Agenda Items Online

James City County Board of Supervisors Agenda July 24, 2007 - 7:00 p.m. - Microsoft Internet Explorer

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**Board of Supervisors Agenda  
Government Center Board Room  
July 24, 2007 - 7:00 p.m.**

[Reading](#)

- A. Roll Call**
- B. Moment of Silence**
- C. Pledge of Allegiance** - Oliver Nix, a rising fifth-grade student at Norge Elementary School
- D. Presentation** - Presentation of "Bermuda to Jamestown" Commemorative Stamp
- E. Highway Matters**

- Virginia Peninsulas Public Service Authority (VPPSA) Service Agreement for Curbside Recycling (**Adopted 5-0**)

*Supports County's Strategic Pathway  
1.b - Identify services/programs with  
overlapping missions and/or  
constituents and increase efficiencies  
through shared or merged services*



- Appropriation - Dominion Resources Grant for Jamestown Campground and Yacht Basin - Appropriation to Greenspace - \$250,000) (**Adopted 5-0**)

*Supports County's Strategic Pathway  
1.d - Develop and promote revenue  
alternatives to property taxes and 4.g -  
preserve greenspace*

- Revisions to Section 5.4, Employee Benefits - Leave (Military Leave) of the James City County Personnel Policies and Procedures Manual **(Adopted 5-0)**

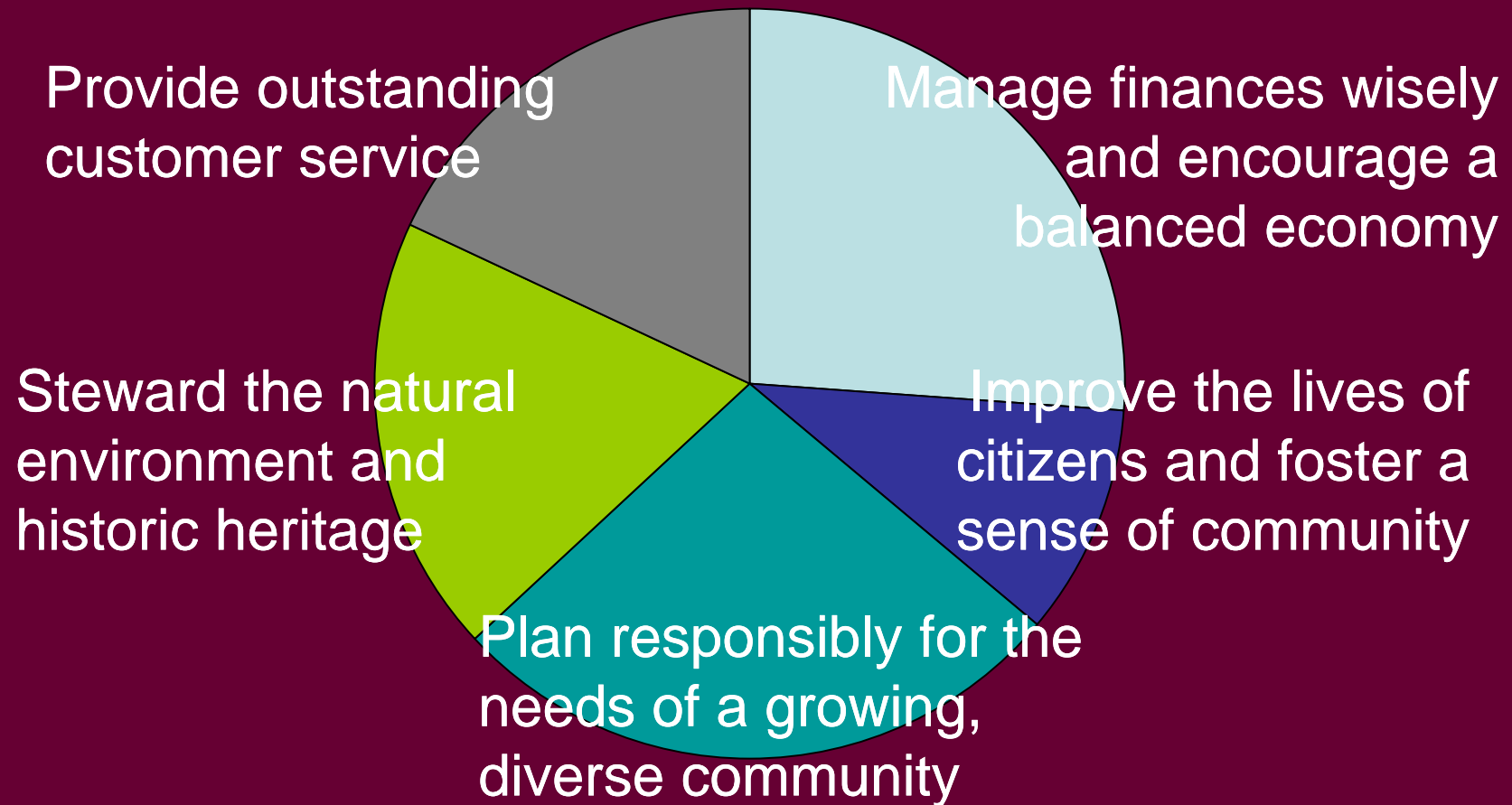
*Supports County's Strategic Pathway 5.b - Maintain a well-trained and high performing workforce for normal and emergency operations*

# FY07 Recap



✓ We distributed  
our efforts and  
addressed each of  
our Strategic  
Directions

# Distribution of Board Items



# FY07 Recap



✓ **We focused on  
Board priorities**

# **Top 3 Pathways**

**1.d. Develop and promote revenue alternatives to property taxes**

**3.d. Invest in the capital project needs of the community**

**5.b. Maintain a well-trained and high performing workforce for normal and emergency operations**

# FY08 is Underway



- We will continue to work in partnership with all citizens to achieve a quality community*

**AT A JOINT WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, AND THE PLANNING COMMISSION, HELD ON THE 24TH DAY OF JULY 2007, AT 5:00 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, Jamestown District  
James O. Icenhour, Jr., Vice Chairman, Powhatan District  
Jay T. Harrison, Sr., Berkeley District  
Bruce C. Goodson, Roberts District  
M. Anderson Bradshaw, Stonehouse District

Sanford B. Wanner, County Administrator  
Leo P. Rogers, County Attorney

**C. BOARD DISCUSSION**

**1. Joint Work Session with the Planning Commission**

Mr. McGlennon welcomed the members of the Planning Commission and gave a brief overview of the Agenda:

**a. Board/Commission Communication and Procedures**

The Board and the Commission discussed ways to facilitate communication of land use policies and prospective challenges. The Board and the Commission discussed an idea for the Planning Commission to set aside time for discussion of issues among themselves and report the discussion at the next Board of Supervisors meeting, where the Planning Commissioner would get feedback from the Board to convey to the Planning Commission.

The Board and the Commission discussed creating an understanding of expectations and history for particular issues and a joint retreat for the Board and the Planning Commission. Discussion was held regarding Board members and Commissioners speaking one-on-one and enhancing communication by copying each other via e-mails when there is a special interest on an item.

Discussion was held regarding regulation of meetings with developers and members of the Planning Commission beyond the current Code of Ethics.

The Board and the Commission discussed public viewings of large proposals prior to a public hearing and discussed how to facilitate a more effective communication between the Board and the Commission.



b. 2008 Comprehensive Plan Background Studies

i. Build-Out Analysis

Discussion was held regarding projected build-out of all the existing rezoning cases and it was concluded that these cases would increase population to 90,000 people within 15 years. The Board and the Commission discussed with staff how this population increase would impact water with the current first-come first-served policy. Discussion was held about developing a long-range plan beyond the 20-year expected use of the reservoir.

ii. Water Supply and Demand Analysis

Mr. Larry Foster, General Manager, James City Service Authority (JCSA), discussed the current water supply and demand with the Board and Commission. He highlighted the 1998 Master Water Plan and pointed out that population drives the water plan. He stated the numbers were on target with the population growth. Mr. Foster stated though the County was experiencing unusually high peak water demands, supply was adequate to provide water for the base demands through 2012, and the County has been in discussions with Newport News Waterworks regarding the King William Reservoir Project since 1993.

c. Master Plan Process

Discussion was held about the responsibility for assessing contradictions and ambiguities in ordinances during the Master Plan process, specifically if the responsibility for the cases should return to the Planning Commission or Board, or if the determination could be made administratively by staff. The need was expressed for Master Plans to be more specific and be more binding. The Board and staff discussed ways to address the issues in the interim before the Comprehensive Plan update. Discussion was held considering that certain impacts and issues of a plan such as density, mixed use, and watershed effects should be discussed specifically and staff should point out what would be binding. Discussion was held regarding the differences in a conceptual and a master plan, and what differences would require the case to go back to the Planning Commission or the Board of Supervisors. The Board and the Commission agreed that with rapid growth and the need for growth to be accommodated, projects should be held to higher expectations, which requires a more detailed explanation of the requirements.

The Board, the Commission, and staff discussed a comprehensive zoning ordinance update and what would be considered administrative master plan amendments. Discussion was held regarding the pace and quality of development in the County.

**D. RECESS**

At 6:37 p.m., the Board recessed for dinner.

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Sanford B. Wanner  
Clerk to the Board

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH DAY OF JULY 2007, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. ROLL CALL**

John J. McGlennon, Chairman, Jamestown District  
James O. Icenhour, Jr., Vice Chairman, Powhatan District  
Jay T. Harrison, Sr., Berkeley District  
Bruce C. Goodson, Roberts District  
M. Anderson Bradshaw, Stonehouse District

Sanford B. Wanner, County Administrator  
Leo P. Rogers, County Attorney

**B. MOMENT OF SILENCE**

Mr. McGlennon requested the Board and citizens observe a moment of silence.

**C. PLEDGE OF ALLEGIANCE** - Oliver Nix, a rising fifth-grade student at Norge Elementary School led the Board and citizens in the Pledge of Allegiance.

**D. PRESENTATION**

1. Presentation of "Bermuda to Jamestown" Commemorative Stamp

Ms. Tressell Carter and Ms. Carolyn Rhodes, Neighborhood Connections, presented a stamp created to commemorate Bermuda's contribution of providing supplies to the first English settlers at Jamestown in 1609.

Mr. McGlennon recognized that Mr. Rich Krapf from the Planning Commission was in attendance.

**E. HIGHWAY MATTERS**

Mr. Jim Brewer, Virginia Department of Transportation (VDOT) Residency Administrator, stated Route 608 was on schedule and that he met with traffic engineers and looked at sites for pedestrian crossings and signage. He stated the hurricane gates contract was out for Interstate 64, and testing needed to be complete including lane reversal for evacuation. Mr. Brewer stated he met with the Beautification Committee for Route 60 and Route 30 and that he had made progress with the Historic Triangle Bicycle Advisory Committee in addressing issues for pedestrians, bikeways, and other improvements.

Mr. Icenhour thanked Mr. Brewer for his work with Jolly Pond Road, commented on an email about a vehicle accident on Mooretown Road, and requested an investigation into safety in the area.

## **F. PUBLIC COMMENT**

1. Mr. Stan Cairns, 109 John Fowler, a builder, stated his opposition to the increase in cash proffers for schools from the perspective of a smaller local builder.

2. Ms. Mary Lou Clark, 2035 Bush Neck Road, thanked the Board, staff, and citizens for efforts in the reopening of Jolly Pond Road and commented on efforts to maintain the road to allow it to remain open.

3. Mr. Tim Cleary, 103 Lands End Drive, stated his opposition to increased cash proffers as the costs would be borne by citizens of the County rather than developers.

4. Ms. Deborah Matthews, 4209 Haymarket Lane, stated her opposition to the increase of cash proffers for schools.

5. Ms. Elizabeth White, 306 Archers Meade, on behalf of Peninsula Housing and Builders Association, stated that the State has empowered the County to collect proffers based on certain criteria and she opposed the increase in cash proffers for schools because she did not feel the criteria were being met.

6. Mr. Steve Miller, Suffolk, on behalf of HHHunt Homes, stated opposition to the increase in cash proffers. He commented that it would be difficult to submit an application that satisfies the competing interests of the County.

7. Mr. Bill Hall, Richmond, on behalf of Oxford New Town Development, LLC, stated his opposition to the increase of cash proffers for schools for apartment projects.

8. Captain Bix Clark, 2733 Holly Ridge Lane, commented on the need for the dredging of Powhatan Creek.

9. Mr. Kevin Kelly, Newport News, on behalf of Peninsula Housing and Builders Association, stated opposition to the increase of cash proffers for schools due to the decrease in affordability of homes.

10. Mr. Robert Duckett, Peninsula Housing and Builders Association Public Affairs Director, stated opposition to the increase of cash proffers for schools due to unfairness to new construction having to pay for the school infrastructure demands of existing homes.

11. Mr. Doug Harbin, 103 Hensford Court, on behalf of Wayne Harbin Builders, stated opposition to the increase of cash proffers for schools on behalf of smaller local homebuilders.

12. Mr. Rich Costello, 10020 Sycamore Road, on behalf of AES Consulting Engineers, commented on fees collected for proffers and asked to consider the collection of the fee at occupancy to help local builders.

13. Mr. Michael C. Brown, 2483 Sanctuary Drive, stated opposition to an increase in cash proffers for schools due to the cost being borne by homeowners.

14. Mr. Mark Jakobowski, 4556 John Tyler Highway, on behalf of Custom Builder Supply, stated opposition to the increase in cash proffers for schools.

15. Mr. Ed Fang, 108 Edward Grindon, stated his disagreement with the water meter fee charged by JCSA.

Mr. McGlennon stated that during the James City Service Authority Board of Directors meeting, Mr. Foster would be asked to comment on this issue.

16. Ms. Michelle Mason, Virginia Beach, a Wachovia employee, stated opposition to the increase in cash proffers for schools since the builders would need to pay the proffers with financing, which would reduce the quality of the homes or increase the price of the homes.

17. Mr. Matt Hipple, 120 Jolly Pond Road, MJH Builders, stated opposition to the increase in cash proffers for schools due to impacts on smaller local builders.

18. Mr. Jeremy Finney, 6012 Worplesdon Way, stated opposition to the increase in cash proffers for schools.

19. Mr. Michael Richardson, 2701 Jolly Pond Road, thanked the Board and staff for assisting in reopening Jolly Pond Road and the need for dredging at Powhatan Creek.

20. Mr. Ed Oyer, 139 Indian Circle, commented on increasing commercial/industrial development for lower taxes; Hampton Roads Transportation Authority benefits for the Southside area of Hampton Roads; traffic on Route 60 East; County policy on development; and water supply problems.

Mr. McGlennon stated Mr. Wanner had reported earlier that the County is a part of the dredging proposal by the City of Hampton.

Mr. Wanner stated that the matter was being reviewed by the Hampton Roads Planning District Commission as a regional issue, and the County was in contact with the U.S. Army Corps of Engineers, the Virginia Marine Resource Commission, and the Virginia Department of Environmental Quality.

Mr. McGlennon stated that Mr. Wanner would be the staff point of contact for this issue.

Mr. McGlennon stated that the General Assembly representatives noted by Mr. Oyer were non-voting members of the Hampton Roads Transportation Authority.

## **G. CONSENT CALENDAR**

Mr. Harrison made a motion to adopt the items on the Consent Calendar with amendments to the minutes and the resolution for Item No. 5.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Goodson, Icenhour, McGlennon. (5).

NAY: (0).

1. Minutes - July 10, 2007, Regular Meeting as amended
2. Dedication of a Street Known as Brixton Road in Kensington Woods

## **RESOLUTION**

### **DEDICATION OF A STREET KNOWN AS BRIXTON ROAD IN KENSINGTON WOODS**

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

WHEREAS, the Resident Engineer for the Virginia Department of Transportation advised the Board that the street meets 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 street described on 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 Resident Engineer for the Virginia Department of Transportation.

3. Installation of "Watch for Children" Signs – Forest Glen Subdivision

## **RESOLUTION**

### **INSTALLATION OF "WATCH FOR CHILDREN" SIGNS - FOREST GLEN SUBDIVISION**

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation, alerting motorists that children may be at play nearby, upon request by a local governing body; and

WHEREAS, Section 33.1-210.2 further requires that the funding for such signs be from the secondary road system maintenance allocation for the County; and

WHEREAS, residents of the Forest Glen community have requested that two “Watch for Children” signs be installed. Staff recommends one sign to be installed on Theodore Allen Road and the other on Forest Glen Drive as illustrated on the attached drawing titled “Forest Glen Subdivision ‘Watch for Children Signs’.”

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation install and maintain two “Watch for Children” signs as requested with funds from the County’s secondary road system maintenance allocation.

4. Rescue Squad Assistance Fund – Grant Award - \$47,063

**RESOLUTION**

**RESCUE SQUAD ASSISTANCE FUND – GRANT AWARD - \$47,063**

WHEREAS, the Virginia Department of Health (VDH) Office of Emergency Medical Services (OEMS) has awarded the James City County Fire Department a grant in the amount of \$47,063 to be used towards the purchase of a new medic unit; and

WHEREAS, the medic unit has been budgeted for and funds are available in the James City County Fire Department’s Capital Improvement Program Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts this grant award for \$47,063.

5. Department of Homeland Security – Federal Emergency Management Agency Grant Award - \$284,200

**RESOLUTION**

**DEPARTMENT OF HOMELAND SECURITY - FEDERAL EMERGENCY MANAGEMENT**

**AGENCY GRANT AWARD - \$284,200**

WHEREAS, the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA) has awarded the James City County Fire Department a grant through the Assistance to Firefighters Grant (AFG) program in the amount of \$284,200 (Federal share, \$227,360; County match, \$56,840); and

WHEREAS, the grant requires a match of \$56,840 and the funds are available in the James City County Grants Match fund; and

WHEREAS, the grant will be administered by FEMA with a grant period of February 1, 2007, through January 31, 2008; and

WHEREAS, the grant allows for the purchase of Mobile Data Terminals (MDTs) and portable radios for Fire Department's vehicles and apparatus.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby accepts this grant award and authorizes the following appropriation amendment to the Special Projects/Grants Fund:

Revenues:

FEMA/AFG	\$227,360
JCC Grant Match Fund	<u>56,840</u>
Total	<u>\$284,200</u>

Expenditure:

FEMA/AFG	<u>\$284,200</u>
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6. Contract Award – James City/Williamsburg Community Center Dehumidification Units Replacement

**RESOLUTION**

**CONTRACT AWARD – JAMES CITY-WILLIAMSBURG COMMUNITY CENTER**

**DEHUMIDIFICATION UNITS REPLACEMENT**

WHEREAS, a Request for Proposals to furnish and install dehumidification units at the James City-Williamsburg Community Center (JCWCC) was publicly advertised and staff reviewed proposals from two firms interested in performing work; and

WHEREAS, upon evaluating the proposals, staff determined that Damuth Trane was most fully qualified and submitted the proposal that best suited the County's needs as presented in the Request for Proposals.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, awards the \$418,560 contract to furnish and install dehumidification units at JCWCC to Damuth Trane.

**H. BOARD CONSIDERATION**

1. Case No. SUP-0015-2007. Precious Moments Playhouse, Ltd. – SUP Renewal (deferred from July 10, 2007)

Mr. David German, Planner, stated Ms. Evangelina B. Crump has applied to renew an existing Special Use Permit (SUP-18-04), which expires on August 10, 2007, for the continued use of a children's day care center in a residential area. The property is located at 103 Indigo Terrace and is further identified as James City County Real Estate Tax Map/Parcel No. 3840200002, consisting of 0.494 acres, zoned R-2, General Residential, and designated on the Comprehensive Plan as Low-Density Residential. Mr. German stated that this case was deferred from July 10, 2007, to address whether or not a sunset clause should be required for this SUP.

Staff found that this proposal creates no new significant burdens on neighboring properties or uses. The proposal seeks only to continue an existing use, which has been in operation since 1980 without recorded complaints or problems.

At its meeting on June 6, 2007, the Planning Commission recommended approval of the application.

Staff recommended approval of the application. Staff indicated that two resolutions have been provided for the Board: one that sets a sunset clause on the SUP and one that removes the sunset clause.

Mr. Harrison made a motion to adopt the resolution without a sunset clause for the SUP.

Mr. Icenhour stated that when the sunset provision is removed, the use goes with the land in perpetuity, and if the property is sold and is used as a regular home, that SUP continues. He stated his concern with this policy as this may impact the community after some time. Mr. Icenhour stated he supported removing this sunset clause but felt that the policy needed to be examined on how to approach this circumstance.

Mr. McGlennon stated it is recognized that this issue needs to be addressed. He stated in this case, he did not feel that there would be a great impact. He stated that the home would not likely be used for anything other than a day care due to the structure, it is not in the interior of the subdivision, and the SUP holds a provision that the proper licensing be in place to facilitate a day care, but the policy needed to be addressed.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Goodson, Icenhour, McGlennon. (5). NAY: (0).

## **RESOLUTION**

### **CASE NO. SUP-0015-2007. PRECIOUS MOMENTS PLAYHOUSE, LTD. - SUP RENEWAL**

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, 1950, as amended, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Special Use Permit (SUP) 0015-2007, for renewing the existing SUP-0018-2004 for the Precious Moments Playhouse, Ltd. Day Care operation; and

WHEREAS, the Planning Commission of James City County, following its public hearing on June 6, 2007, recommended approval, by a vote of 7 to 0; and

WHEREAS, the subject property is located at 103 Indigo Terrace, is zoned R-2, General Residential, and can be further identified as James City County Real Estate Tax Parcel ID No. 3840200002.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, following a public hearing, does hereby approve Case No. SUP-0015-2007 with the following attached conditions of approval:

1. Day Care Capacity: No more than 30 children shall be cared for at the child day care facility.



2. Hours of Operation: Hours of operation shall be limited from 7:00 a.m. to 6:00 p.m., Monday through Friday.
3. Validity of Special Use Permit: This SUP shall be valid from the date of approval, provided that the day care owner shall maintain (and renew or obtain as necessary) all needed County and State permits to operate the day care facility.
4. Signage: No additional signage shall be permitted which relates to the use of the property as a child day care facility.
5. Lighting: No additional exterior lighting shall be permitted which relates to the use of the property as a child day care facility.
6. Food Preparation: No commercial food preparation or laundry services shall be provided as part of the operation of the child day care facility. For purposes of this condition, "commercial food preparation or laundry services" shall be defined as meaning any food preparation or laundry services provided at the facility that are not directly related to, and intended to serve the needs of, the children being cared for and/or the day care center staff."
7. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

## **I. PUBLIC HEARING**

1. Case No. Z-09-06/MP-10-06. Ironbound Square Redevelopment – Phase II (continued from July 10, 2007)

Mr. Jose Ribeiro, Planner, stated Mr. Rick Hanson of the James City County Office of Housing and Community Development (OHCD) has applied to rezone approximately 9.34 acres of land along Ironbound Road from R-2, General Residential, to MU, Mixed Use, for the development of 52 single-family residential parcels and three new streets. The area subject to this rezoning covers two blocks fronting on Ironbound Road south of Carriage Road and is located in a portion of the section of the Ironbound Square Neighborhood designated as the Ironbound Square Redevelopment Area. Properties located to the north (Phase I of the Ironbound Square Redevelopment) and west (New Town parcels) of this area are zoned mixed use. Properties located to the east are zoned R-2. Properties to the south are located within the limits of the City of Williamsburg.

Staff found the proposal as part of the overall Ironbound Square Redevelopment Area consistent with surrounding land uses, the Land Use and Housing policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation.

At its meeting on April 4, 2007, the Planning Commission voted 7-0 to recommend denial of the application.

Staff recommended approval of the application.

Mr. McGlennon opened the Public Hearing.

1. Mr. Rick Hanson, OHCD, gave a brief presentation with an overview of the Ironbound Square Redevelopment Project and various milestones since the project's inception.

Mr. Harrison asked if Mr. Hanson would highlight some key issues related to this project.

Mr. Hanson stated his office has been working with the neighborhood for a concept plan, and previously four properties were required for the construction of two cul-de-sacs. He stated at a recent work session of the Board an alternative was presented which reduced the property required, which was limited to the purchase of 1,000 square feet from the rear part of one parcel. He stated various alternatives have been discussed and the County has come to a resolution with the property owner.

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

Mr. Harrison thanked staff and individuals for volunteering time and effort to help come to a resolution for the challenges faced by Ironbound Square.

Mr. Harrison made a motion to adopt the resolution.

Mr. Icenhour stated concern for the fact that some property owners had not agreed to the acquisition and thanked staff for negotiation and redesign to help nearly eliminate the need for condemnation. He stated the final property in question was not owned by a permanent resident and that it was a parcel that the property owner would like to sell, so a settlement was likely. He indicated he did not like the idea of having to go through the condemnation process. He stated his concern for the designation of mixed-use zoning for this project. He stated his support for the rezoning and hoped that the last needed property was the result of a settlement.

Mr. Goodson thanked the citizens and homeowners for their efforts on this project. He stated his support for the project.

Mr. McGlennon thanked the residents, staff, and the Board for input in this project. He stated the redevelopment would enhance the value of the property and the area. Mr. McGlennon stated his support.

Mr. Bradshaw stated his support.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Goodson, Icenhour, McGlennon. (5). NAY: (0).

## **RESOLUTION**

### **CASE NO. Z-09-06/MP-10-06. IRONBOUND SQUARE REDEVELOPMENT-PHASE II**

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, 1950, as amended, and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners were notified, and a hearing scheduled on Zoning Case No. Z-09-06 and Master Plan Case No. MP-10-06 for rezoning 9.34 acres from R-2, General Residential District, to MU, Mixed-Use District with proffers; and

WHEREAS, the Planning Commission of James City County, following its public hearing on April 4, 2007, recommended denial of Case No. Z-09-06/MP-10-06, by a vote of 7 to 0; and

WHEREAS, the properties are located at 105, 107, and 109 Carriage Road; 4338, 4340, 4342, 4344, 4346, 4348, 4352, 4354, 4356, 4358, 4362, 4364, 4366, 4368, 4370, 4372, 4374, 4376, 4378, 4380, 4382, 4384, 4386, and 4388 Ironbound Road; 99, 100, 101, 102, 104, 105, 106, 113, 117, 119, 121, 123, 125, and 125A Watford Lane, and further identified as Parcels Nos. (1-72), (1-73), (1-74), (1-97), (1-96), (1-95), (1-94), (1-93), (1-92), (1-90A), (1-90B), (1-89), (1-88), (1-81), (1-80), (1-79), (1-78), (1-77) (1-76), (1-75B), (1-75), (1-75A), (1-70), (1-68), (1-67), (1-66), (1-65), (1-99), (1-103), (1-86), (1-104), (1-105), (1-101), (1-102), (1-85), (1-84), (1-83), (1-82), (1-87), (1-69), and (1-71) on James City County Real State Tax Map No. (39-1); and

WHEREAS, The applicant is requesting that in the event that an agreement between the applicant and the property owners of Lots 1, 2, and 3 as shown on the Master Plan, more commonly known as 4344, 4346, and 4348 Ironbound Road is reached prior to submitting a subdivision plan to James City County, Road 1, as labeled on the Master Plan, will be designed as shown on the Master Plan. In the event that an agreement cannot be reached between the applicant and the property owners of Lots Nos. 1, 2, and 3, as shown on the Master Plan, the applicant will submit a subdivision plan to James City County for approval using the alternate design for Road 1 shown on the plan titled "Ironbound Square Phase 2 Alternate Plan-A2" prepared by AES Consulting Engineers, and dated May 21, 2007.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-09-06 and MP-10-06, accepts the voluntary proffers, and approves the plan titled "Ironbound Square Phase 2 Alternate Plan-A2."

## **J. BOARD CONSIDERATION**

### **1. Cash Proffer Policy for Schools**

Mr. John McDonald, Manager of Financial and Management Services, stated the cash proffer policy is a guideline and provides a basis of discussion during the process of rezoning. He stated that there are over 12,000 residential lots that are approved but not yet built. Mr. McDonald explained that the new policy would not affect any of those lots but only those submissions for residential rezonings after an established date. He stated that applications may still present unique circumstances to mitigate the need for cash proffers, such as affordable or workforce housing, and there have been a number of exceptions for the cash proffer policy in relation to affordable housing. Mr. McDonald stated the changes reflect an updated estimate of cost for school construction, which suggest for a single-family detached development a cash proffer of \$17,115; for single-family attached, \$4,870; and for multifamily attached, \$15,166. Mr. McDonald stated that a work session was held, and if approved, the policy would become effective for rezoning applications received June 12, 2007. Staff recommended approval of the resolution.

Mr. Bradshaw asked about the specific reference to affordable housing as a reason to reduce or eliminate the required cash proffers for a rezoning development.

Mr. McDonald stated this was just one example, but if there was a unique circumstance where a development met a specific initiative according to the Comprehensive Plan, the Board could reduce or eliminate the need for school cash proffers.

Mr. Bradshaw stated the Board is not limited to the inclusion of affordable housing to waive or reduce the proffers.

Mr. McDonald stated this was a guideline, so the Board maintains its discretion.

Mr. Bradshaw asked if Mr. McDonald could alert staff to unique conditions to which the guidelines might not apply.

Mr. McDonald stated an opportunity lies in the upcoming Comprehensive Plan update to designate where unique circumstances may come into play.

Mr. McGlennon stated if an applicant found that meeting the cash proffer policy was an obstacle to building a project but brought other significant benefits to schools, the policy would send a message to the developer about what the cost should be for what the developer would proffer in addressing the impact on schools. He clarified that there was nothing to prevent developers from making an argument of why the application should be considered differently.

Mr. McDonald stated he did not disagree and the Board was free to negotiate a reduction in the school proffers as long as it was consistent with the Capital Improvements Program (CIP), proposal, and Comprehensive Plan.

Mr. McGlennon asked if the policy could go beyond impact on schools.

Mr. McDonald stated the Comprehensive Plan update could help address this.

Mr. McGlennon asked if there was a record of Board-approved rezonings with exemptions or reductions of the proffer amount.

Mr. McDonald stated he was not aware of this information but knew that developers often propose cash proffers for schools in excess of the policy.

Mr. McGlennon stated recently there have been affordable housing projects where the proffers were not required for these instances, and that the Board had discretion to reduce or exempt cash proffers for schools.

Mr. Harrison asked if the fee for the schools was illegitimate if someone contributed proffers to other public infrastructure.

Mr. Rogers stated that each case must be based on the facts presented by the developer. He stated a proffer should offset impact on the infrastructure on which the most impact was established, and other proffers could defray the cost required for schools if they mitigate other impacts with minimal impacts on schools.

Mr. Bradshaw asked what the effective dates would be with the new policy if adopted.

Mr. McDonald stated the proposal at the work session indicated an implementation date of August 1, 2007. He stated the effective date of acceptance of new rezoning applications for June 12, 2007, was proposed but anything can be considered.

Mr. Harrison asked if the August 1, 2007, date was what was set with the former policy.

Mr. McDonald stated the previous policy called for an adjustment every other year in August with an effective date of the next fiscal year July 1.

Mr. Wanner stated this item came forward based on a January 2007 budget discussion with the Board to amend the policy.

Mr. Rogers recommended that the Board should not establish a date in the future for the cash proffer policy effective date, but cases may come forward claiming the application of a different standard.

Mr. Harrison asked what the difference would be with the application deadline being the date of adoption.

Mr. Rogers stated there would be none except, however; many applications came in between June 12 and July 24.

Mr. Icenhour stated there was no policy for when proffers are accepted other than for schools. He asked if there was anything formal that indicated that the Board can accept proffers to mitigate impact.

Mr. McDonald stated a variety of cash proffers are in place and they have been accepted for schools for several years but no policy was adopted until September 2005.

Mr. Icenhour asked why there was no comprehensive cash proffer policy.

Mr. Wanner stated that staff continues to research the issue and the new transportation legislation gives criteria to impose impact fees. He stated the Board asked in January to update the cash proffers policy, and staff would continue to look at other cash proffers for fire, library, recreation, and other impacts.

Mr. Harrison asked if the previous funds that have been collected had been utilized.

Mr. McDonald stated the State Code required the reporting of cash proffers collected and the overall annual collections for FY 2006 were approximately \$800,000, but this number has been higher. He stated the County was spending more on school construction. Mr. McDonald indicated that other communities have a more significant collection each year.

Mr. Bradshaw asked what the total proffer commitment is for currently approved projects.

Mr. McDonald stated this calculation was monitored by the County but he did not have the exact number available at this time.

Mr. McGlennon asked the cost of the recent and upcoming school projects.

Mr. McDonald stated the costs were roughly \$106 million for Matoaka, the ninth elementary school, and the fourth middle school, and \$55 million for the new high school, which totals to approximately \$160 million for four schools.

Mr. Icenhour stated proffers collected have been miniscule in comparison to the cost, and every time infrastructure changes there is a cost to the taxpayer to support development that has occurred. He stated it was unfair to the taxpayers and market prices drive people out, not proffers. He expressed concern that the State would not allow the County to collect an impact fee for the 13,000 homes that have not yet been built but have been approved. Mr. Icenhour stated he wanted something better from State legislature, stated his support for the new policy, and indicated he would like to see a comprehensive cash proffer policy.

Mr. Goodson stated he opposed the policy two years ago and that a proffer policy would not reduce growth because less than a third of potential development inside the Primary Service Area (PSA) requires proffers. He stated this would drive development into rural lands with by-right development. Mr. Goodson expressed a need for a rural lands policy and cash proffer policy developed in the same density to avoid by-right development of land inside and outside the PSA. He requested a requirement to tie the proffer to the development's impact on the community, such as not requiring the proffer from an age-restricted community since it has addressed the development's impact on schools. Mr. Goodson stated his opposition to the cash proffer policy.

Mr. Harrison stated he saw the need to address the cost of school construction but believed an impact fee would be the right approach to this need once the State legislature allowed this. He stated some of the unbuilt houses have paid proffers, and at the time of the application, it was the proper cost. Mr. Harrison stated it would be unfair to ask more because the developers proffered what was required at their time of approval. He said with new people moving into existing homes with no cash proffer requirement, current taxpayers moving into new homes are going to have to pay again. He stated this policy would lead to more by-right development. Mr. Harrison stated his opposition to the cash proffer policy.

Mr. Bradshaw stated the value of property has three components: natural amenities, development amenities, and public amenities. He said the implementation of a proffer is how the public recovers costs for providing amenities. He agreed that an impact fee would be a better solution, and the County may see unintended consequences, but though there could be a better way, such as an impact fee, that is not a reason to do nothing. Mr. Bradshaw stated his support for the new cash proffer policy.

Mr. McGlennon stated there has been no conclusive evidence indicating that increased cash proffers would slow or accelerate growth and stressed the need to do it on a reasonable basis. He stated the County was at the low end in comparison to similar localities, and though we are high in comparison to York County, its school population was declining providing no need for new facilities, which have cost the County roughly \$160 million. Mr. McGlennon stated that there was no basis for the argument that the inclusion of proffers would accelerate home costs as the prices of homes have escalated without the increased proffers. He stated that impact fees would be a better alternative and he would encourage the homebuilders association to drop its opposition to them to help the market and establish a fairer way to address infrastructure issues. He said State legislation preventing the option was due to opposition by homebuilders associations. Mr. McGlennon asked that staff research the question of whether there might be an alternate timing for collection of fees that may be more manageable by smaller builders. He noted that this has been an issue in several recent elections for the Board, and the public has spoken that a cash proffer policy increase is fair, equitable, and responsible.

On a roll call vote, the vote was: AYE: Bradshaw, Icenhour, McGlennon. (3). NAY: Harrison, Goodson (2).

## **RESOLUTION**

### **CASH PROFFER POLICY FOR SCHOOLS**

WHEREAS, the Virginia Commission on Local Government defines “cash proffer” as “any money voluntarily proffered in writing signed by the owner of the property subject to rezoning, submitted as a part of the rezoning application and accepted by the locality” pursuant to the authority granted in Section 15.2-2298 of the Code of Virginia, 1950 as amended; and

WHEREAS, beginning with rezoning applications received after June 12, 2007, staff will use the procedures and calculation described in this resolution to guide its recommendation to the Board of Supervisors in all residential rezoning cases. The Board of Supervisors (the “Board”) will use this resolution to guide its decision whether to accept cash proffered by applicants for a rezoning. The value of proffered land or other in-kind contributions, accepted by the County, shall be credited against the cash proffer amount for schools. In the event the value of proffered land or other in-kind contributions exceed the cash proffer amounts for schools, such excess value may be credited against cash proffers for other impacts; and

WHEREAS, any acceptance of cash proffered by an applicant shall meet a “reasonableness” or “rough proportionality” test, which requires the Board to determine in each zoning case whether the amount proffered is related both in nature and extent to the projected impact of the proposed development on public schools. State and County laws permit the Board to accept cash proffers to fund the public school needs generated by any new residential development; and

WHEREAS, a development proposal’s impact on public schools will be evaluated based on the gross number of proposed dwelling units, including those marketed as “age-restricted.” When calculating the gross number of dwelling units, staff will not give credit for those dwelling units permitted under existing zoning and will not consider the transferring of allowable units from other properties.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the James City County, Virginia, hereby adopts the following methodology and policy to be used to consider impact on public schools and proffered mitigation of proposed rezoning applications:

1. The five components to be used in calculating what a new dwelling unit will cost the County in terms of providing for new or expanded public school facilities are as follows:
  - a. Demand generators - Pupil generation rates determined by identifying the actual number of public school students residing in housing units in the County.
  - b. Service levels - The County’s estimated costs of constructing new high, middle, and elementary schools, calculated on a per-student basis, become the service levels in the calculation of the cash proffer.
  - c. Gross Cost of school facilities --The product of the expected number of students calculated as a demand generator multiplied by the per-student cost of school facilities identified as the service level.
  - d. Credits - the gross cost of school facilities is reduced by a credit, representing the portion of real property taxes paid by new residents that would be used to retire debt incurred by the County for schools.
  - e. Net cost - this represents the net cost per new residential unit or the maximum cash proffer for schools. This is the Gross Cost minus the Credit.

The detailed methodology is attached and made part of this resolution.

2. There must be a relationship between the rezoning itself and the need for a public facility. Since public school buildings serve the entire County and new or expanded public school buildings may result in Countywide adjustments to attendance zones, rezoning requests will be analyzed on a Countywide basis to determine the impact on public school buildings.
3. The County will continue to consider any unique circumstances about a proposed development that may change the way that staff and the Board view the need for cash proffers for schools. Unique circumstances may include, but not be limited to, a demonstrable effort to meet the objectives of the County’s Comprehensive Plan related to affordable housing.

4. Timing for the dedication of property or in-kind improvements should be specified in the proffer. Cash proffers, property dedications, and in-kind improvements must be used for projects identified in the County's Capital Improvement Program. Payments shall be expended in accordance with State law.
5. Adjustments in the cash proffer amounts may be considered on an ongoing basis.
6. The cash proffer amount for school construction that the Board will use to guide its decisions in residential zoning applications received after June 12, 2007, are:

Single-Family Detached	\$17,115
Single-Family Attached	\$ 4,870
Multi-Family	\$15,166

If payment is rendered on or after July 1, 2008, then payments will consist of the adopted cash proffer payment per unit plus any adjustment as included in the Marshall Swift Building Cost Index.

7. The amounts identified in this resolution are general guides for rezoning applications. Determination of whether an amount proffered by an applicant for rezoning is sufficient to offset the impacts of the proposed development shall be made on a case-by-case basis. Proffering a set amount is in no way a requirement to obtaining a positive decision on a residential rezoning application. In addition, the acceptability of a proffered school cash proffer under this resolution, by itself, will not result in the approval of a residential rezoning application.

#### **K. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, commented on County debt for school construction.

#### **L. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner thanked the Board and citizens for attending the opening of the James City County Stadium at Warhill Sports Complex.

Mr. Wanner stated that when the Board completed its business it should adjourn until August 14, 2007, at 7 p.m. and noted that this was the only meeting in August. He stated the Board needed to go into closed session for two matters, Section 2.2-3711(A)(l), to consider personnel matters, the appointment of individuals to County boards and/or commissions, specifically the Colonial Community Services Board and the Water Conservation Committee; and Section 2.2-3711(A)(l), to consider a personnel matter involving the annual performance review of the County Administrator.

Mr. Wanner stated that at the conclusion of the Board Requests and Directives, the Board should recess for a meeting of the James City Service Authority Board of Directors, reconvene the Board of Supervisors, and then go into closed session.



## **M. BOARD REQUESTS AND DIRECTIVES**

Mr. Goodson requested that staff evaluate the potential of adopting a resolution similar to Loudon County and other localities regarding law enforcement officials completing Immigration and Customs Enforcement training at a later Board meeting.

Mr. Bradshaw requested that staff evaluate the time line for payment of proffers.

Mr. McGlennon thanked members of the community for coming to the stadium opening and commended the work of the Parks and Recreation staff. He stated the Hampton Roads Transportation Authority held an organizational meeting in which he participated, and Mr. Paul Fraim, Mayor of Norfolk, was elected Chair and Mr. Joe Frank of Newport News was elected Vice Chair. He indicated that the Authority has agreed to have a requirement for balance between the two sides of Hampton Roads. Mr. McGlennon stated that at the meeting, the Authority adopted bylaws and set two public hearings dealing with the revenue streams to fund transportation projects. He announced that the public hearings would be held August 8, 2007, at the Hampton Convention Center, at 7 p.m. and August 9, 2007, at the Virginia Beach Convention Center, followed by a meeting on August 10, 2007, to consider the proposals. Mr. McGlennon stated he was selected to serve as Chair of the legislative committee and keep the Authority abreast of the County's interest in conjunction with the adoption of revenue stream alternatives. He stated he would work for a delay in implementing the revenue stream until after the next General Assembly session to allow for consideration of revisions to the revenue streams. Mr. McGlennon stated this was an important issue because of the impact on certain income groups, or other serious problems that may exist, especially as James City County is on the border of the district and would be affected by provisions such as the tax on auto repair services.

Mr. Bradshaw thanked Mr. McGlennon for serving and representing the interests of the County.

At 9:31p.m., Mr. McGlennon recessed the Board for a meeting of the James City Service Authority (JCSA).

Mr. McGlennon reconvened the Board.

## **N. CLOSED SESSION**

Mr. Bradshaw made a motion to go into Closed Session.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Goodson, Icenhour, McGlennon. (5).  
NAY: (0).

At 9:51 p.m., Mr. McGlennon recessed the Board into Closed Session.

At 10:45 p.m., Mr. McGlennon reconvened the Board into Open Session.

Mr. Goodson made a motion to adopt the Closed Session resolution.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Goodson, Icenhour, McGlennon. (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)(1), to consider personnel matters, the appointment of individuals to County boards and/or commissions; and Section 2.2-3711(A)(1), to consider a personnel matter involving the annual performance review of the County Administrator.

Mr. Harrison made a motion to reappoint Ms. June M. Hagee and Mr. Morris L. Randall, Sr., to the Colonial Community Services Board for three-year terms set to expire on June 30, 2010, and Mr. Glenn M. Gross to fill an unexpired term on the Water Conservation Committee, term set to expire on May 31, 2008.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Goodson, Icenhour, McGlennon. (5). NAY: (0).

Mr. Harrison made a motion that in recognition of his outstanding service, County Administrator Sanford B. Wanner shall be awarded a five percent increase in salary, effective August 1, 2007, and that he be given an additional four hours per month of vacation leave and a one-time "incentive bonus" of \$3,000 in recognition of his exceptional service to the County relating to the Jamestown 400th Anniversary Commemoration.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Goodson, Icenhour, McGlennon. (5). NAY: (0).

**O. ADJOURNMENT** - until August 14, 2007, at 7 p.m.

Mr. Harrison made a motion to adjourn.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Goodson, Icenhour, McGlennon. (5). NAY: (0).

At 10:47 p.m., Mr. McGlennon adjourned the Board until 7 p.m. on August 14, 2007.

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Sanford B. Wanner  
Clerk to the Board

MEMORANDUM

DATE: August, 14, 2007

TO: The Board of Supervisors

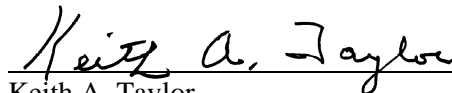
FROM: Keith A. Taylor, Director, Office of Economic Development, and Secretary, Economic Development Authority (EDA)

SUBJECT: Resolution of Appreciation - Mr. Vincent A. Campana, Jr.

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Vincent A. "Skip" Campana, Jr., served 13 years as a Director on the James City County Economic Development Authority (EDA), including serving as its Vice Chairman and Chairman and representing the EDA's and the County's interests regarding James River Commerce Center project. In addition to his service on the EDA, Mr. Campana has contributed many years of volunteer service to the County. At its July 19, 2007, meeting, the EDA unanimously adopted a Resolution of Appreciation in recognition of Mr. Campana's EDA service to the County and its citizens.

Staff recommends adoption of the attached resolution honoring Mr. Campana.

  
Keith A. Taylor

KAT/nb  
Campana.mem

Attachment

## **RESOLUTION OF APPRECIATION**

### **MR. VINCENT A. CAMPANA, JR.**

WHEREAS, Vincent A. Campana, Jr., served as a member of the Economic Development Authority of James City County from July 1994 to July 2007; and

WHEREAS, Vincent A. Campana, Jr., served as Vice Chairman of the Economic Development Authority of James City County from January 1999 to December 1999 and January 2002 to December 2002 and as Chairman of the Economic Development Authority from January 2003 to December 2004; and

WHEREAS, Vincent A. Campana, Jr., was an invaluable advisor on the Economic Development Authority's James River Commerce Center project and served on its Architectural Review Board; and

WHEREAS, Vincent A. Campana, Jr., was instrumental in representing the County's economic development interests for the 2003 Comprehensive Plan and in overseeing the technology study that led to the establishment of the James City County Technology Incubator to facilitate new James City County business and industry; and

WHEREAS, throughout this period of service, Vincent A. Campana, Jr., gave freely of his time, his energy, and his knowledge for the betterment of his County and consistently demonstrated the essential qualities of leadership, diplomacy, perseverance, and dedication while providing exceptional service to the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia hereby recognizes his distinguished service and dedication to the County and its citizenry and extends its appreciation to:

### **MR. VINCENT A. CAMPANA, JR.**

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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of August, 2007.

Campana.res

**MEMORANDUM**

DATE: August 14, 2007

TO: The Board of Supervisors

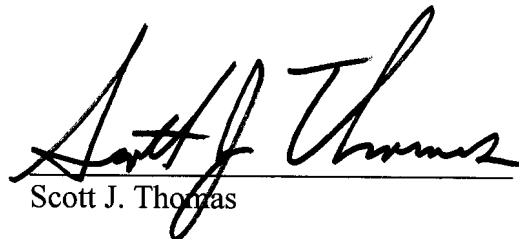
FROM: Scott J. Thomas, Environmental Director

SUBJECT: Dedication of a Street Known as Green Mount Parkway

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Attached is a resolution requesting acceptance of a section of a street, known as Green Mount Parkway, into the State Secondary Highway System. This street has been inspected and approved by representatives of the Virginia Department of Transportation as meeting the minimum requirements for secondary roadways.

Staff recommends adoption of the attached resolution.



Scott J. Thomas

SJT/gb  
GreenMountParkway.mem

Attachments

## **RESOLUTION**

### **DEDICATION OF A STREET KNOWN AS GREEN MOUNT PARKWAY**

WHEREAS, the street described on the attached Additions 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 Resident Engineer for the Virginia Department of Transportation advised the Board that the street meets 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 street described on 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 Resident Engineer for the Virginia Department of Transportation.

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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of August, 2007.

GreenMountParkway.res

## **In the County of James City**

By resolution of the governing body adopted August 14, 2007

*The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.*

*A Copy Testee Signed (County Official):*

### **Report of Changes in the Secondary System of State Highways**

**Project/Subdivision** **Green Mount Lot 3b And 3c Being A Sub. Of 3a**

**Type Change to the Secondary System of State Highways:** **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: **New subdivision street**

Pursuant to Code of Virginia Statute: **§33.1-229**

**Street Name and/or Route Number**

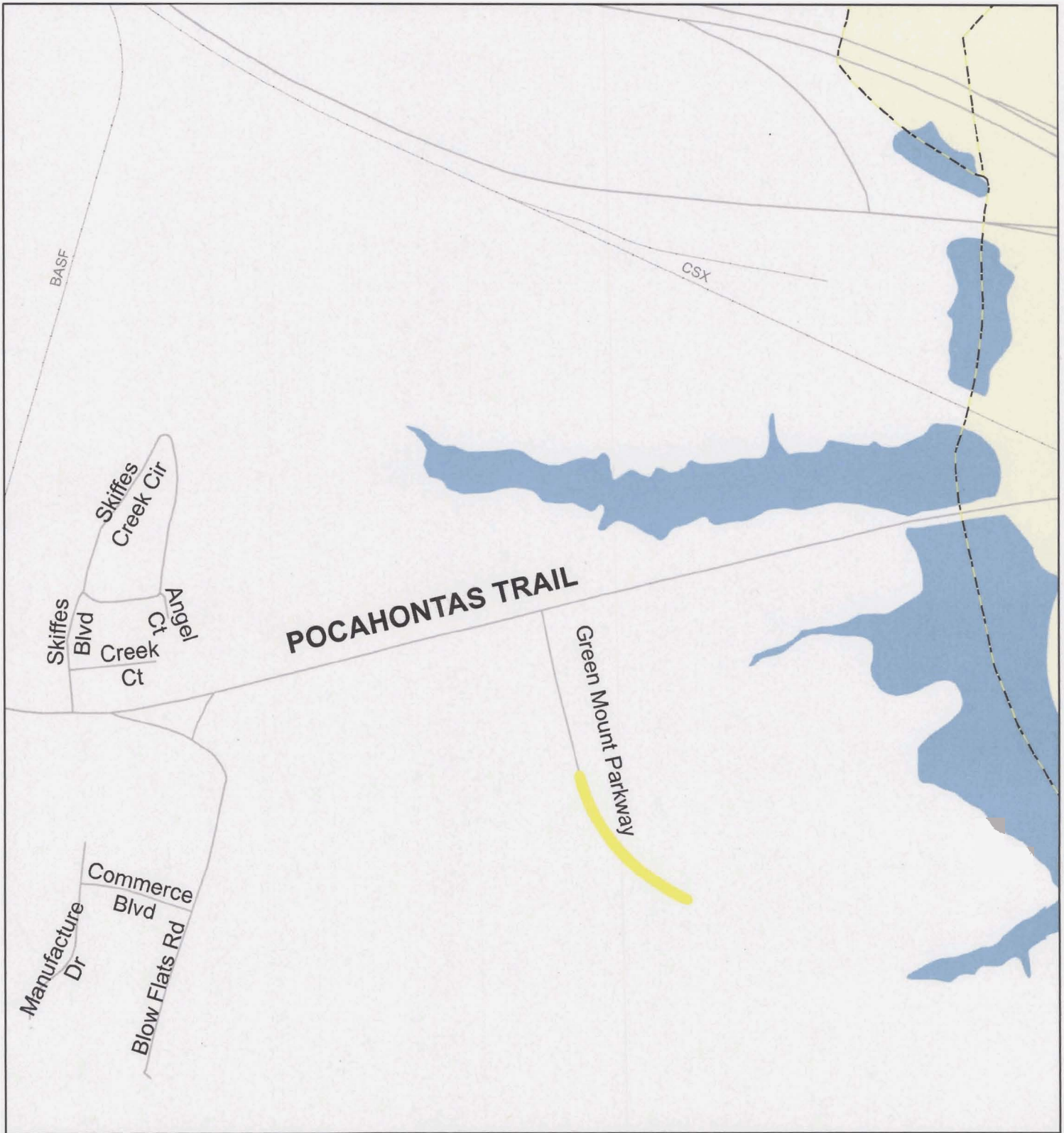
► **Green Mount Parkway, State Route Number 774**

Old Route Number: 0

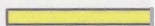
- From: 810' SE of intersection SR 60 (Pocahontas Trail)  
To: Temporary turnaround, a distance of: 0.16 miles.

Recordation Reference: Document # 030032887

Right of Way width (feet) = 120 feet



## DEDICATION OF A STREET KNOWN AS- GREEN MOUNT PARKWAY



Section of Green Mount Parkway  
Being Dedicated

1 inch equals 651 feet





**MEMORANDUM**

DATE: August 14, 2007

TO: The Board of Supervisors

FROM: Scott J. Thomas, Environmental Director

SUBJECT: Dedication of a Street in The Vineyards At Jockey's Neck, Phase 3

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Attached is a resolution requesting acceptance of a section of a street within The Vineyards At Jockey's Neck, Phase 3, into the State Secondary Highway System. This street has been inspected and approved by representatives of the Virginia Department of Transportation as meeting the minimum requirements for secondary roadways.

Staff recommends adoption of the attached resolution.



Scott J. Thomas

SJT/gb  
TheVineyards.mem

Attachments

## **RESOLUTION**

### **DEDICATION OF A STREET KNOWN IN THE VINEYARDS AT JOCKEY'S NECK, PHASE 3**

WHEREAS, the street described on the attached Additions 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 Resident Engineer for the Virginia Department of Transportation advised the Board that the street meets 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 street described on 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 Resident Engineer for the Virginia Department of Transportation.

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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of August, 2007.

TheVineyards.res

## In the County of James City

By resolution of the governing body adopted August 14, 2007

*The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.*

*A Copy Testee Signed (County Official):*

### Report of Changes in the Secondary System of State Highways

**Project/Subdivision** **The Vineyards At Jockey's Neck, Phase 3**

**Type Change to the Secondary System of State Highways:** **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: **New subdivision street**

Pursuant to Code of Virginia Statute: **§33.1-229**

**Street Name and/or Route Number**

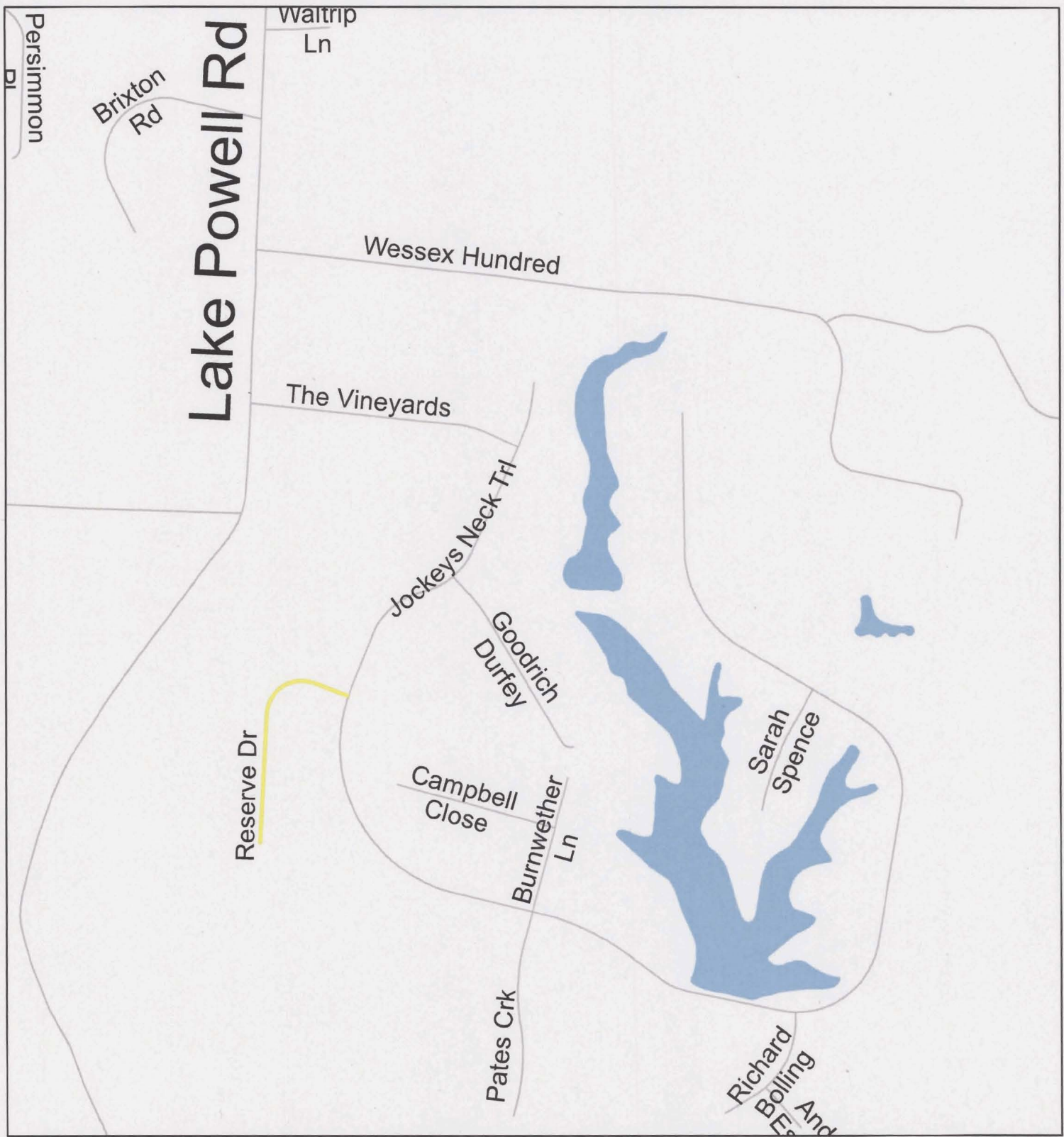
► **Reserve Drive, State Route Number 1548**

Old Route Number: 0

- From: Route 1342 (Jockeys Neck Trail)  
To: **Cul de sac, a distance of: 0.29 miles.**

Recordation Reference: Doc. #070006869

Right of Way width (feet) = 40-50 feet



## DEDICATION OF A STREET IN THE VINEYARDS AT JOCKEY'S NECK, PHASE 3

 Streets Being Dedicated

1 inch equals 560 feet



**MEMORANDUM**

DATE: August 14, 2007

TO: The Board of Supervisors

FROM: Scott J. Thomas, Environmental Director  
Leo P. Rogers, County Attorney

SUBJECT: Chesapeake Bay Preservation Ordinance Violation - Civil Charge - Robin R. Jones

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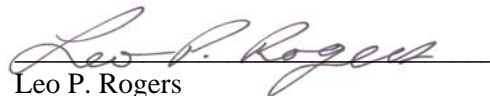
Attached is a resolution for consideration involving a violation of the Chesapeake Bay Preservation Ordinance. The case involves unauthorized removal of vegetation from within the Resource Protection Area (RPA) located on the property.

In accordance with provisions of the Ordinance, replanting of vegetation and a civil charge are proposed to remedy the RPA violation. The property owners have entered into a Chesapeake Bay Restoration Agreement with the County, submitted landscape plans, and provided surety to guarantee the implementation of the approved restoration plan to restore the impacted areas on their property.

The attached resolution presents the specific details of the violation and a recommended civil charge. Under the provisions of the Ordinance, the Board may accept a civil charge of up to \$10,000 as offered by the property owner. Staff and the property owners have agreed to the recommended civil charge of \$750 based on the Chesapeake Bay Preservation Ordinance Civil Penalty Procedures Policy adopted by the Board in August 1999. The Policy considers the water quality impact and the degree of noncompliance involved in the case. The water quality impact and the violation intent have been assessed as moderate and minor by staff.

Staff recommends adoption of the attached resolution establishing a civil charge for the RPA violation presented.

  
\_\_\_\_\_  
Scott J. Thomas

  
\_\_\_\_\_  
Leo P. Rogers

SJT/LPR/gb  
JonesVio.mem

Attachments

## **RESOLUTION**

### **CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION - CIVIL CHARGE -**

#### **ROBIN R. JONES**

WHEREAS, Robin R. Jones is the owner of a certain parcel of land, commonly known as 6001 Tabiatha Lane, Williamsburg, VA, designated as Parcel No. 1910600031, within James City County's Real Estate system, herein referred to as the ("Property"); and

WHEREAS, on or about June 7, 2007, Robin R. Jones caused the removal of vegetation from within the Resource Protection Area (RPA) on the Property; and

WHEREAS, Robin R. Jones has agreed to a Restoration Plan to replant four canopy trees on the Property in order to remedy the violation under the County's Chesapeake Bay Preservation Ordinance and Robin R. Jones has posted sufficient surety guaranteeing the installation of the aforementioned improvements and the restoration of the RPA on the Property; and

WHEREAS, Robin R. Jones has agreed to pay \$750 to the County as a civil charge under the County's Chesapeake Bay Preservation Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the restoration of the impacted area and the civil charge in full settlement of the Chesapeake Bay Preservation Ordinance violation, in accordance with Sections 23-10 and 23-18 of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$750 civil charge from Robin R. Jones, as full settlement of the Chesapeake Bay Preservation Ordinance Violation.

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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of August, 2007.

JonesVio.res





CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION-  
ROBIN R. JONES, 6001 TABIATHA LANE

0 25 50 100 150 Feet

— areas of violation



MEMORANDUM

DATE: August 14, 2007

TO: The Board of Supervisors

FROM: Richard B. Hanson, Housing and Community Development Administrator

SUBJECT: Authorization to Participate in Community Investment Services Programs of the Federal Home Loan Bank of Atlanta

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The Office of Housing and Community Development (OHCD) intends to apply for grant and/or loan funds from the Federal Home Loan Bank of Atlanta (FHLBA) to enhance the affordability of single-family homes to be built in Ironbound Square. Prior to submission of an application, FHLBA requires project sponsors to submit: 1) a resolution of its Board of Supervisors authorizing participation in FHLBA's Community Investment Services Programs, and 2) a "Certificate of Incumbency" indicating the officers who are authorized to execute agreements with FHLBA.

Staff recommends approval of the attached resolution authorizing the OHCD's participation in FHLBA's Community Investment Services Programs and authorizing the County Administrator to execute agreements with FHLBA.

  
Richard B. Hanson

CONCUR:

  
Doug Powell

RBH/gs  
FHLBA.mem

Attachment



**RESOLUTION**

**AUTHORIZATION TO PARTICIPATE IN COMMUNITY INVESTMENT SERVICES PROGRAMS**

**OF THE FEDERAL HOME LOAN BANK OF ATLANTA**

WHEREAS, the Federal Home Loan Bank of Atlanta (FHLBA) has established an Affordable Housing Program that offers subsidized advances (loans) and direct subsidies (direct cash payments); and

WHEREAS, FHLBA requires all applicants requesting subsidized funds to submit a resolution of its Board authorizing participation in the Community Investment Services Programs and designating the individuals authorized to sign agreements with FHLBA; and

WHEREAS, the James City County Office of Housing and Community Development (OHCD) intends to apply for subsidized funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the OHCD to participate in the Community Investment Services Programs of FHLBA.

BE IT FURTHER RESOLVED that the County Administrator, or his designee, shall be authorized to sign any and all agreements with FHLBA.

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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of August, 2007.

FHLBA.res

MEMORANDUM

DATE: August 14, 2007

TO: The Board of Supervisors

FROM: William T. Luton, Fire Chief

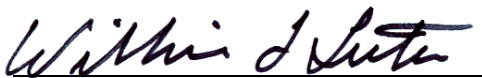
SUBJECT: Acceptance of Funds - Virginia Department of Emergency Management - \$25,000

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The Virginia Department of Emergency Management (VDEM) has advised that pass-down funds in the amount of \$25,000 has been awarded to the Emergency Management Division of the James City County Fire Department.

Funds will be used in accordance with Section 44-146.18:1 of the Code of Virginia for costs related to planning and response for public protective actions related to the Surry Nuclear Power Plant. The State and Local Radiological Emergency Preparedness Program is accomplished in cooperation with a strictly regulated nuclear power plant program with oversight from the Nuclear Regulatory Commission and the Federal Emergency Management Agency (FEMA).

Staff recommends adoption of the attached resolution to accept and appropriate the funds to the Special Projects/Grants Fund.

  
William T. Luton

WTL/gs  
VDEMfunds.mem

Attachment

**RESOLUTION**

**ACCEPTANCE OF FUNDS -**

**VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT - \$25,000**

WHEREAS, James City County has received pass-down funds from the Virginia Department of Emergency Management (VDEM) in the amount of \$25,000; and

WHEREAS, the funds will allow for improvement to the Emergency Operations Center and development of plans and exercises to enhance preparedness to respond to and recover from potential radiological incidents.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the funds and the following budget amendments and changes in appropriations to the Special Projects/Grants Fund:

**Revenue:**

VDEM-07 Radiological/Nuclear Pass-Down Funds	<b><u>\$25,000</u></b>
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**Expenditure:**

VDEM-07 Radiological/Nuclear Pass-Down Funds	<b><u>\$25,000</u></b>
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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of August, 2007.

VDEMfunds.res

MEMORANDUM

DATE: August 14, 2007

TO: The Board of Supervisors

FROM: Tressell Carter, Director of Neighborhood Connections

SUBJECT: Virginia Department of Professional and Occupational Regulation Fund Award - \$13,700

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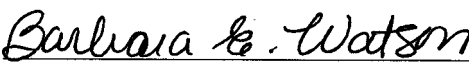
The Virginia Department of Professional and Occupational Regulation (DPOR) has awarded James City County Neighborhood Connections the contract for RFP No. 222-2007-492-3, Common Interest Community Management Information Fund. The fund award is in the amount \$13,700 and requires no match. The award will support seven homeowners' association training seminars sponsored by the Realty Board. The training seminars will focus on the management and legalities of homeowners' associations. These training seminars will be offered to James City County citizens free of charge, and made available to the general public for a fee.

Staff recommends acceptance and approval of the attached resolution.

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Tressell Carter

CONCUR:

  
Barbara E. Watson

  
Sanford B. Wanner

TC/gs/  
DPORfunds.mem

Attachment

**RESOLUTION**

**VIRGINIA DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

**FUND AWARD - \$13,700**

WHEREAS, the Department of Professional and Occupational Regulation (DPOR) has awarded James City County Neighborhood Connections the contract for RFP No. 222-2007-492-3, Common Interest Community Management Information Fund; and

WHEREAS, the award requires no match; and

WHEREAS, the award will be administered by DPOR with a contract period of July 1, 2007, through June 30, 2008.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendment to the Special Projects/Grants Fund:

Revenue:

DPOR Award	<u>\$13,700</u>
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Expenditure:

DPOR Award	<u>\$13,700</u>
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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of August, 2007.

DPORfunds.res

MEMORANDUM

DATE: August 14, 2007

TO: The Board of Supervisors

FROM: William C. Porter, Jr., Assistant County Administrator

SUBJECT: Colonial Community Criminal Justice Board Appointment - Police Chief

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State Code, which governs the Colonial Community Criminal Justice Board, requires the appointment of the Police Chief to the Board. Staff recommends the appointment of James City County Police Chief Emmett H. Harmon to the Colonial Community Criminal Justice Board for a three-year term set to expire on August 31, 2010.

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William C. Porter, Jr.

CONCUR:



Sanford B. Wanner

WCP/nb  
CCCJBoardAppt.mem

Attachment

## **RESOLUTION**

### **COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD APPOINTMENT – POLICE CHIEF**

WHEREAS, §53.1-183 of the Code of Virginia requires appointments to the Colonial Community Criminal Justice Board (CCCJB) be made by local governing bodies; and

WHEREAS, the Police Chief is required by the Code of Virginia to be appointed to the CCCJB; and

WHEREAS, members serve three-year terms.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby appoint the Chief of Police of James City County, Emmett H. Harmon, to a three-year term on the Colonial Community Criminal Justice Board.

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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of August 2007.

CCCJBoardAppt.res

**MEMORANDUM**

DATE: August 14, 2007

TO: The Board of Supervisors

FROM: W William C. Porter, Jr., Assistant County Administrator

SUBJECT: Airport Feasibility Study – Grant Allocation

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The owners of the Williamsburg-Jamestown Airport, after 40 years, would like to retire from the airport business. The facility could be sold as an airport or for other development purposes. The Board requested staff to look into the feasibility of the Airport coming under public ownership. Staff held discussion with representatives of the Federal Aviation Administration (FAA) and the Virginia Department of Aviation (DOAV) and found that there are matching grants available for airport feasibility studies. After going through the Request for Proposal (RFP) process, staff and a Citizens Committee identified L. Robert Kimball & Associates as the most qualified firm (out of the eight firms that submitted RFPs) to conduct an airport feasibility study for the County and prepare materials for the grant applications. After negotiations with the FAA and DOAV, staff has submitted an application to the FAA and DOAV to conduct a general feasibility study on the aviation needs of the County. The purpose of this airport feasibility study is to determine the demand for aviation services and the alternatives available to serve this demand in the James City County area.

- a. Determine aviation demand for a General Aviation-Community Airport (as defined by the Virginia Department of Aviation [DOAV]);
- b. Identify and catalog all costs required to meet FAA standards for a community airport;
- c. Based on data collected above, determine the cost vs. benefit of public ownership of the Williamsburg-Jamestown Airport;
- d. Determine the economic cost vs. benefit to the surrounding communities (James City County, York County, Williamsburg) of public ownership of a community airport;
- e. Examine a Status Quo alternative (private owner), local acquisition of existing Williamsburg-Jamestown Airport alternative, utilization of other existing facilities alternative, and a green field site alternative; and
- f. Provide for appropriate public participation.

Under the scope of work, the public participation and information play a critical role. To that end, the following actions will be taken:

- a. Board will be requested to form a Community Airport Committee such as the one required under the conditions for Case No. SUP-16-04;
- b. Hold an advertised public workshop that will be held near the end of the Study in a multiple-station format where exhibits will be displayed depicting the various Study concepts; and
- c. Establish and maintain a web page for the Study.

Staff has been notified by the FAA that the County's request for financial aid has been approved and \$165,239 has been allocated under the Vision 100 - The Century of Aviation Act for the airport feasibility study. The DOAV will not act on the County's application until the August 24 Virginia Aviation



Commission meeting. Under the FAA allocation, the DOAV will match seven percent (\$4,957) and the County will be expected to match three percent (\$3,305). Staff recommends the Board adopt the attached resolution to:

- a. Accept the FAA allocation of \$165,239 to carry out the Airport Feasibility Study;
- b. Appropriate the \$165,239 in anticipation of DOAV grant approval; and
- c. Authorize the County Administrator to enter into a contract not to exceed \$165,239 with L. Robert Kimball & Associates to conduct an Airport Feasibility Study in accordance with the attached "James City County Revised Draft Scope of Services Airport Feasibility Study" dated June 14, 2007, upon approval of the Study by DOAV.

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William C. Porter, Jr.

CONCUR:



Sanford B. Wanner

WCP/gb  
AirportStudy.mem

Attachment

## RESOLUTION

### AIRPORT FEASIBILITY STUDY – GRANT ALLOCATION

WHEREAS, the owners of the Williamsburg – Jamestown Airport would like to retire and have the airport property remain a “community airport”; and

WHEREAS, the James City County Board of Supervisors desires to study the aviation needs for the County and determine the cost vs. benefit of public ownership of an airport; and

WHEREAS, \$165,239 has been allocated by the Federal Aviation Administration (FAA) and the Virginia Department of Aviation (DOAV) Board is reviewing the County’s application for grant money; and

WHEREAS, staff has solicited RFPs for consultants to conduct the Airport Feasibility Study and L. Robert Kimball & Associates was deemed the most qualified to conduct the Airport Feasibility Study.

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:

FAA Vision 100	\$156,977
DOAV Allocation	4,957
County Grants Match Account	<u>3,305</u>
Total	<u>\$165,239</u>

Expenditure:

Airport Feasibility Study	<u>\$165,239</u>
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BE IT FUTHER RESOLVED that the County Administrator be and hereby is authorized to enter into a contract with L. Robert Kimball & Associates to conduct an Airport Feasibility Study in accordance with the attached “James City County Revised Draft Scope of Services, Airport Feasibility Study” dated June 14, 2007, not to exceed \$165,239 upon approval of the Study by DOAV.

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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of  
August, 2007.

AirportStudy.res