

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

November 24, 2009

7:00 P.M.

A. ROLL CALL

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE – Jaysen Aubuchon, a fifth-grade student at Rawls Byrd Elementary School

D. HIGHWAY MATTERS

E. PRESENTATIONS

1. Stormwater Management
2. Energy Update

F. PUBLIC COMMENT

G. CONSENT CALENDAR

1. Minutes –
 - a. November 10, 2009, Special Work Session Meeting
 - b. November 10, 2009, Regular Meeting
2. Trash and Grass Lien
3. Restatement of the Amended and Restated Cooperative Service Agreement – Virginia Peninsula Regional Jail Authority
Supports County's Strategic Pathway 1.b - identify services/programs with overlapping missions and/or constituents and increase efficiencies through shared or merged services
4. Ratification of 1974 Hill Pleasant Farm Subdivision

H. PUBLIC HEARING

1. Case No. SUP-0023-2009. Hunt Family Subdivision

I. BOARD CONSIDERATION

1. Adoption of the 2009 Comprehensive Plan

J. PUBLIC COMMENT

-CONTINUED-

K. REPORTS OF THE COUNTY ADMINISTRATOR

L. BOARD REQUESTS AND DIRECTIVES

M. ADJOURNMENT to 7 p.m. on December 8, 2009

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James City County Stormwater Program



Board of Supervisors
November 24, 2009



Tonight's Topics

- Roles & Mission
- Accomplishments
- Emerging Issues
- Needs



*Former sink holes at the JCC-WBG
Community Center*



JCC Stormwater Program

To protect health, safety and welfare of citizens

- Protect County water resources
- Maintain & improve stormwater management system
- Restore degraded streams
- Comply with State and Federal mandates



JCC Environmental Division



Sediment Trap - McLaws Circle

- Sound application of Federal, State and Local environmental ordinances through:
 - plan of development review
 - compliance monitoring & enforcement
 - watershed management
 - public education



JCC Stormwater Division

- Capital improvement & maintenance
 - Drainage repairs & upgrades
 - Stream restoration
 - Water quality projects
 - Flood mitigation
- MS4 permit coordination
 - Addresses all aspects of stormwater management



*Corroded corrugated metal pipe –
Powhatan Shores*



Drainage Improvements

Broken concrete - undercut
and eroding

After repair – minimal loss of
sediment



Reflection Drive, Mirror Lakes



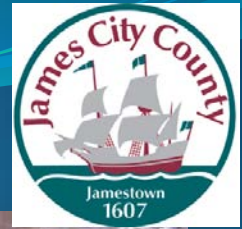
Stream Restoration

- Base flow channel
- Floodplain connection
- Good vegetation



Example of a healthy channel – Eastern State Hospital

Stream Restoration



*Example of an unhealthy channel –
Powhatan Plantation Tributary*

- Active sediment loss
- Lowering water table leading to wetland loss
- Undercutting tree roots

A Restored Stream:

Good for –

- Flood management
- Downstream boater
- Wildlife
- Ground water



Powhatan Plantation Tributary



Flood Management & Mitigation



Route 5 under water

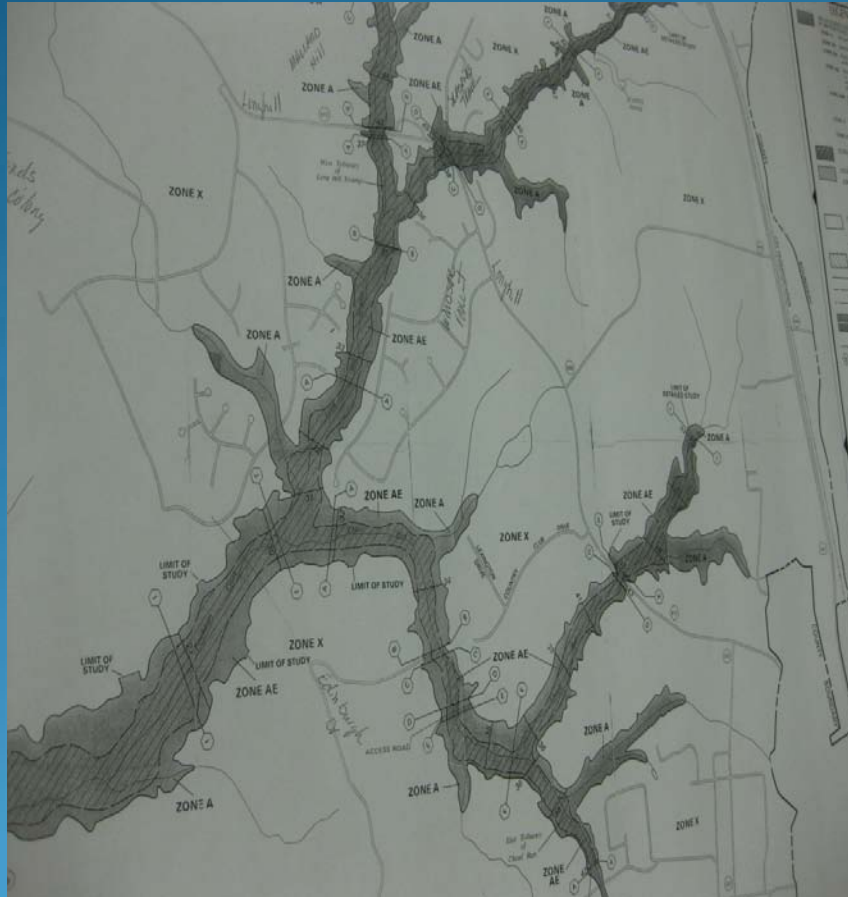


Types of Flooding

- Riverine
 - Runoff from upstream areas entering streams and rivers during large storms
- Tidal
 - High winds, storm surges from large storms on low-lying lands along major rivers and streams
 - Storm tides: storm surges plus astronomic tides
- Combination of both in near tidal areas



Floodplain Management



Flood Insurance Rate Map

- Management of the 100-yr floodplain to *prevent flood damage and protect citizens*
- General Services w/ Development Management coordinate services for citizens



Flood Mitigation

Mitigate *existing* impacts to property within mapped 100 year flood plains to *minimize flood damage and protect citizens*




*Pre-1990 neighborhood –
Branscome Boulevard*

Lower Powhatan Creek Flood Study

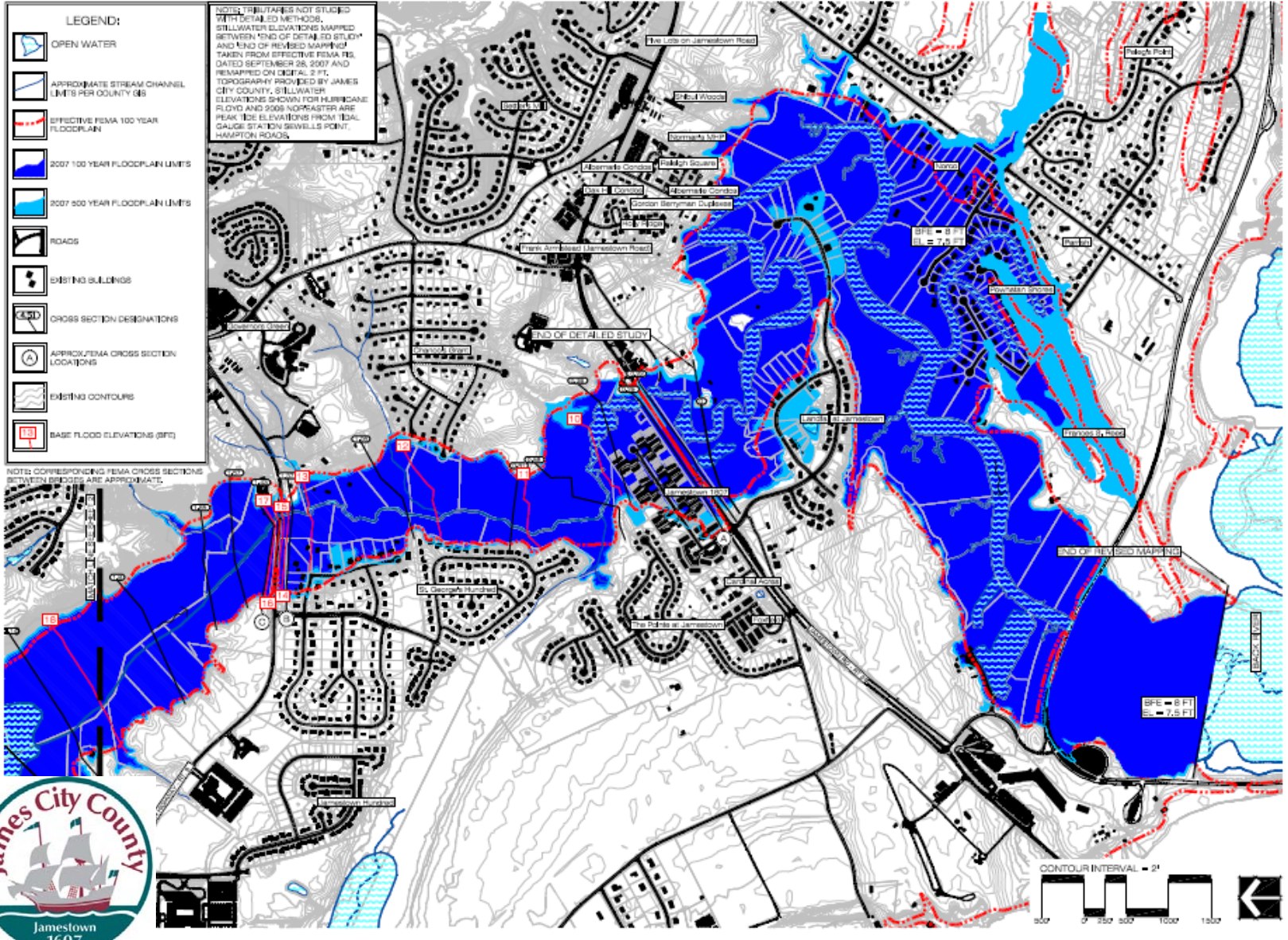
2008 5/20/08 10:00 AM 10/10/08 10:00 AM 10/10/08 10:00 AM

LEGEND:

-  OPEN WATER
-  APPROXIMATE STREAM CHANNEL LIMITS PER COUNTY GIS
-  EFFECTIVE FEMA 100 YEAR FLOODPLAIN
-  2007 100 YEAR FLOODPLAIN LIMITS
-  2007 500 YEAR FLOODPLAIN LIMITS
-  ROADS
-  EXISTING BUILDINGS
-  CROSS SECTION DESIGNATIONS
-  APPROXIMATE CROSS SECTION LOCATIONS
-  EXISTING CONTOURS
-  BASE FLOOD ELEVATIONS (BFE)

NOTES: BUILDINGS NOT STUDIED WITH DETAILED METHODS. STILLWATER ELEVATIONS MAPPED BETWEEN "END OF DETAILED STUDY" AND "END OF REVISED MAPPING" TAKEN FROM EFFECTIVE FEMA FIS DATED SEPTEMBER 28, 2007 AND RE-MAPPED ON DIGITAL 2 FT. TOPOGRAPHY PROVIDED BY JAMES CITY COUNTY. STILLWATER ELEVATIONS SHOWN FOR HURRICANE FLOOD AND 2008 NOR'EASTER ARE PEAK TIDE ELEVATIONS FROM TIDAL GAUGE STATION SNWELLS POINT, HAMPTON ROADS.

NOTES: CORRESPONDING FEMA CROSS SECTIONS BETWEEN SECTIONS ARE APPROXIMATE.



100 - AND 500 - YEAR FLOODPLAIN (2007), NORTH POWHATAN CREEK FLOOD STUDY JAMES CITY COUNTY, VA

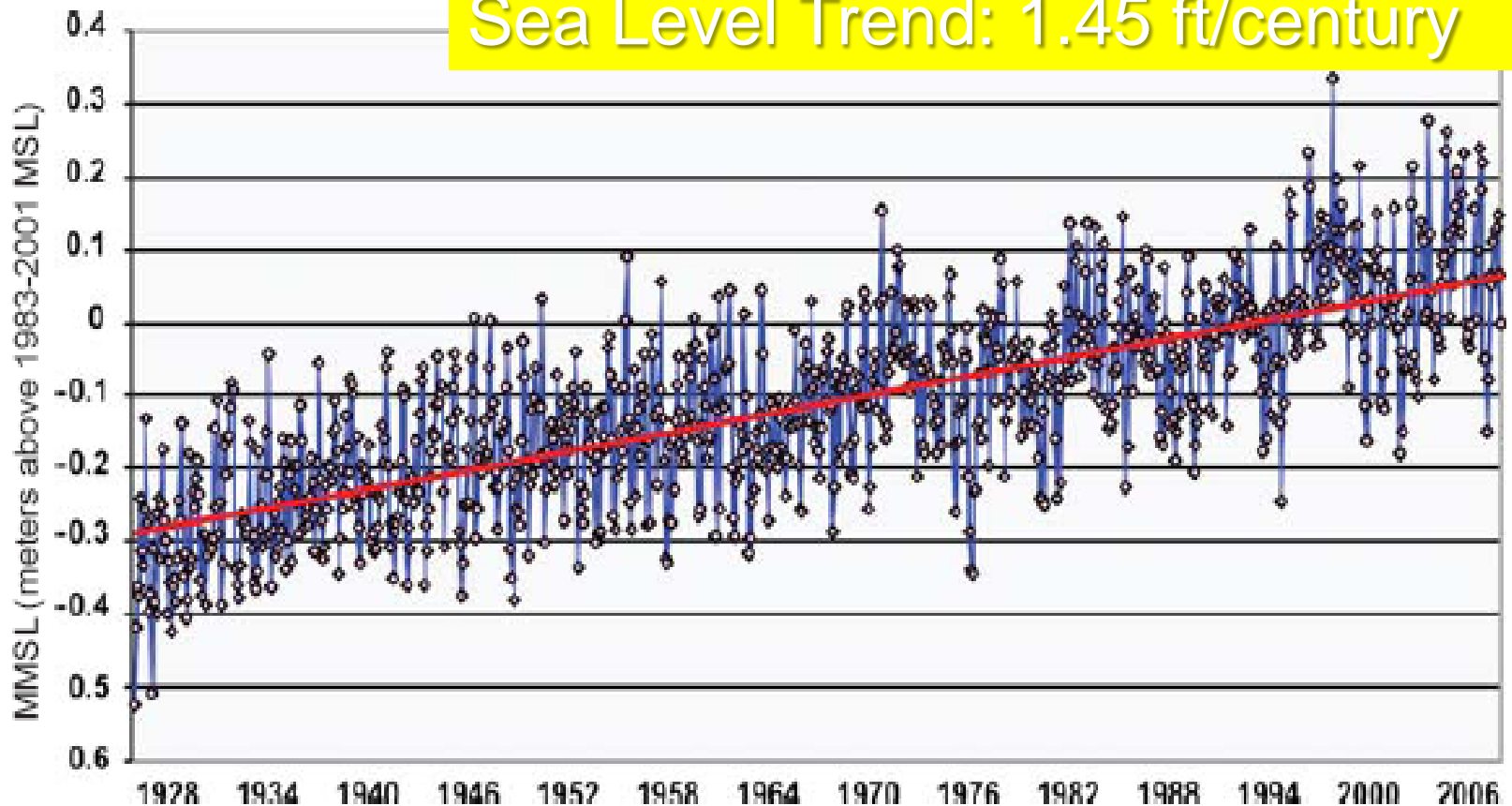


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3	3

Sea Level Rise



Sea Level Trend: 1.45 ft/century



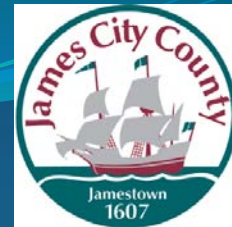
Monthly mean sea level and sea level trend (red line) at Sewells Point, VA.

For the years 1928 through 2007, the trend is +4.43 mm/year (+1.45 ft/century).



MS4 Stormwater Discharge Permit

- Municipal Separate Storm Sewer System
- Required by federal Clean Water Act
 - Stormwater is now the greatest polluter of the nation's waterways
- MS4 permits have 6 minimum standards
- JCC's permit also has a requirement for water quality related to TMDLs



JCC MS4 Minimum Standards

- Outreach & Education
 - PRIDE, Turf Love
- Public Involvement & Participation
 - Volunteer Monitoring, Advisory Committee
- Illicit Discharge Detection & Elimination
 - No dumping - only stormwater in a storm drain
 - Must find & remove illegal connections
- Construction Site Runoff Control
 - Plan review, construction inspection, enforcement



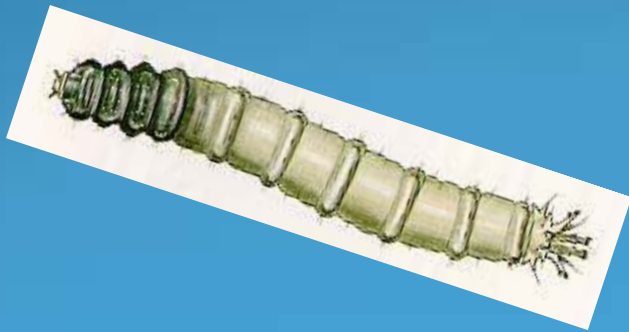
JCC MS4 Minimum Standards

- Post-Construction Stormwater Mgmt
 - Mitigate development impacts, ensure maintenance of privately owned BMPs
- Pollution Prevention/Good Housekeeping
 - County facilities need to do their part
- TMDL Requirements
 - Must eliminate pollutants in impaired waterways -
Scoop the Poop, DogValets®



Water Quality Monitoring

- Determine baseline water quality conditions
- Identify watersheds needing added attention
- Identify appropriate management practices
- Most monitoring by volunteers – saves \$\$, involves citizens as stewards





What we look for

- *Overall watershed health:* Benthic macroinvertebrates, temperature, pH, etc
- *Screening:* Coliscan Easygel – TMDL bacteria
- *Source identification:* Stream walks - illicit discharges, connections

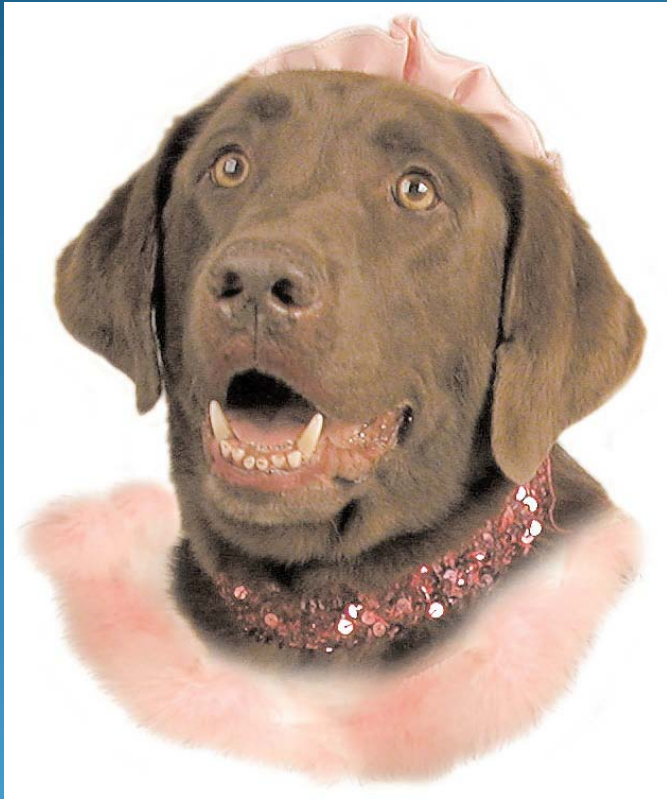


I'm no Poop Fairy...



- Most County waterways have too much bacteria
- Pet waste contains bacteria and parasites.
- Simple message:

*Carry a plastic bag
and pick up after
your pet!*





Scoop the poop!

- Facilities in each County park
- Provided free to neighborhoods
- Premium items



DogValet® - Mid County Park

NO Dumping Allowed!

- Follow up on complaints
- Help businesses find appropriate disposal alternatives
- Detect & eliminate illegal connections

The image shows two forms from the James City County Stormwater Division. The left form is titled "Important Notice" and the right form is titled "Warning Notice". Both forms feature the James City County logo at the top, which includes the text "James City County" and "1807".

Important Notice Form:

- Address: _____
- Date: _____ Time: _____
- Regarding:
 - Standing water in roadway
 - Standing water - other
 - Stormwater entering building
 - Sink hole or erosion area
- The following has been determined:
 - Conditions are normal, no further activity is needed
 - Additional information is attached
 - Problem is located on private property, owner(s) is (are) responsible
 - JCC is responsible
 - Further investigation is needed
 - Repair will be scheduled as funds become available
 - Problem is within the VDOT right-of-way

Warning Notice Form:

- The James City County Stormwater Division received a complaint regarding non-stormwater being discharged to the stormwater system.
- Address: _____
- Date: _____ Time: _____
- Description of observed activity: _____
- The described activity is prohibited by James City County Code, Section 18A-22, governing discharges of non-stormwater to the stormwater system. Violating this code constitutes a Class 1 Misdemeanor, subject to civil penalties up to \$1000 per day plus costs to clean-up, restore and monitor any damages.
- Recommended corrective action: _____
- Re-inspected date: _____



Private BMP Program

Well-maintained BMP

Maintenance needed!



Stable shoreline - Longhill Station

Failed outfall – Williamsburg Crossing



JCC Pollution Prevention or “government by example”

“Safe” wash area

Simple actions



JCC Tewning Road Facility



Accomplishments

- FY 08
 - Set up office and equipment, hired staff
 - Began implementation of new MS4 program
 - volunteer monitoring program
 - Capital program encumbered \$450,941.21
- FY 09
 - Continued development of MS4 program
 - Advisory committee, expanded TMDL activities
 - Capital program encumbered \$935,032.04
- FY 10
 - Capital program plan = \$2.085 M



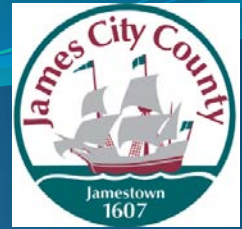
Emerging Issues

- Continuing increase in number of BMPs due to evolving state regulations
- Developing/maturing federal TMDL program – Chesapeake Bay, local TMDLS
- Increasing national emphasis on new regulations to address pollution from stormwater - flow regulations, effluent limitations



Project Needs vs. Budget

- Almost \$30M in identified capital improvement & maintenance need to date
- Screening criteria developed by Advisory Committee
- Preferred progress workload ~ \$2M/yr
- Approved CIP plan funding ~ \$900,000/yr

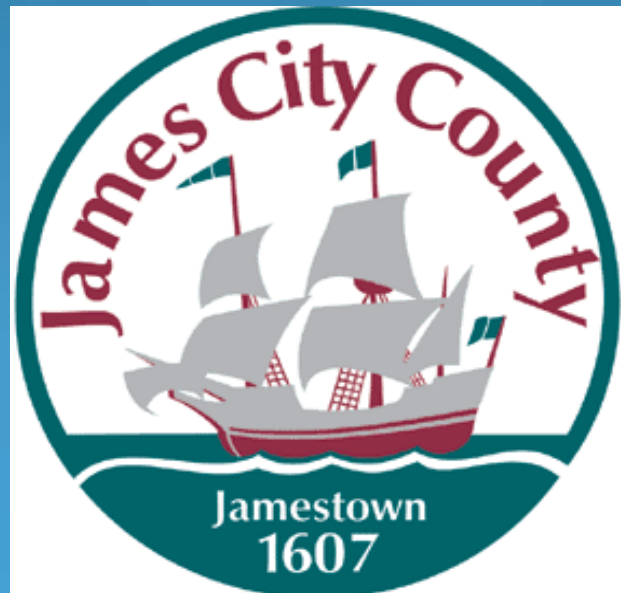


By District

District	Amount	Notes
Berkeley	\$12,970,000	Includes flood mitigation projects
Jamestown	\$1,310,000	Mill Cr watershed plan is underway
Powhatan	\$4,170,000	Includes large stream restoration projects
Roberts	\$7,335,000	Includes large neighborhood drainage improvement projects
Stonehouse	\$4,010,000	Includes large stream restoration projects
TOTAL	\$29,795,000	

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

Questions?



JCC General Services Stormwater Division

Proposed 5-Year Preferred Progress
Capital Improvement Plan

Prepared 11/10/2009

BUDGET YEAR	FY10	FY11	FY12	FY13	FY14	FY15
Previous Balance	\$ 1,802,088.05	\$ 845,398.05	\$ (529,601.95)	\$ (1,849,601.95)	\$ (3,131,101.95)	\$ (4,495,101.95)
Other Revenue	\$ 126,160.00	\$ -	\$ -	\$ -	\$ -	\$ -
New Funds - Budget	\$ 1,200,000.00	\$ 900,000.00	\$ 900,000.00	\$ 900,000.00	\$ 900,000.00	\$ 900,000.00
Fiscal Year Balance/Shortfall	\$ 3,128,248.05	\$ 1,745,398.05	\$ 370,398.05	\$ (949,601.95)	\$ (2,231,101.95)	\$ (3,595,101.95)
CIP Plan	\$ (1,985,000.00)	\$ (2,000,000.00)	\$ (1,950,000.00)	\$ (1,915,000.00)	\$ (1,990,000.00)	\$ (2,000,000.00)
Contingency at 10%	\$ (197,850.00)	\$ (200,000.00)	\$ (195,000.00)	\$ (191,500.00)	\$ (199,000.00)	\$ (200,000.00)
WSMP	\$ (100,000.00)	\$ (75,000.00)	\$ (75,000.00)	\$ (75,000.00)	\$ (75,000.00)	\$ -
Fiscal Year Remainder/Shortfall	\$ 845,398.05	\$ (529,601.95)	\$ (1,849,601.95)	\$ (3,131,101.95)	\$ (4,495,101.95)	\$ (5,795,101.95)
	FY10	FY11	FY12	FY13	FY14	FY15

PO Amount	Project Name/Street Address/Description	Type of Project
BERKELEY DISTRICT		
\$35,600.00	Meadows (The) Sharps Rd outfall	Construction
\$8,750.00	The Meadows 3916 Shady Lane outfall replacement	Construction
\$33,633.00	Belen Heights Debra Dr outfall replacement	Construction
\$45,065.00	Powhatan Creek Flood Study (Lower)	Study
\$4,940.00	Fieldcrest Elevations Survey	Study
\$50,873.00	Powhatan Creek Watershed Management Plan Powhatan Plantation Stream Restoration	Construction
\$178,861.00	Berkeley Subtotal	
JAMESTOWN DISTRICT		
\$15,851.80	Powhatan Shores Lavelle Ct outfall replacement	Construction
\$12,500.00	Drummonds Field Drainage & WQ Improvements	Alternatives Study
\$7,650.00	Powhatan Shores Lavelle Ct outfall replacement	Construction
\$13,111.55	Powhatan Shores 106 Discovery Lane outfall replacement	Construction
\$9,964.80	Powhatan Shores 115 Lands End outfall replacement	Construction
\$2,840.00	Powhatan Shores Lands End tree removal drainage easement	Construction
\$799.60	Powhatan Shores 114 Constance Ave outfall replacement	Construction
\$62,717.75	Jamestown Subtotal	
POWHATAN DISTRICT		
\$16,640.00	Yarmouth Creek Watershed Management Plan Centerville Tributary	Alternatives Study
\$19,110.00	Scotts Pond P-2 Stream Restoration	Design
\$8,980.00	Scotts Pond P-1 Stream Restoration	Design
\$11,750.00	Forrest Glen Delafayette Place emergency replacement	Construction
\$56,480.00	Powhatan Subtotal	
ROBERTS DISTRICT		
\$29,650.00	Jackson-Whiting HPI Jackson/Whiting Intersection	Alternatives Study
\$29,650.00	Roberts Subtotal	
STONEHOUSE DISTRICT		
\$8,822.00	Mirror Lake Drainage Improvements	Design
\$12,770.00	Woodland Farms Woodland/Stonehouse Rd outfall improvement	Design
\$18,195.00	Oakland Estates Improvements & Channel Stabilization Concept Plans	Alternatives Study
\$19,740.00	Yarmouth Creek Watershed Management Plan Kristiansand Tributary assessment/conceptual plan	Alternatives Study
\$59,527.00	Stonehouse Subtotal	
MULTIPLE DISTRICTS		
\$15,000.00	Impaired Streams TMDL Mill and Powhatan Creek	Study
\$48,705.46	Stream monitoring	Study
\$63,705.46	Multiple Subtotal	
\$450,941.21	FY08 Encumbered Project Total	

PO Amount	Project Name/Street Address/Description	Type of Project
BERKELEY DISTRICT		
\$417,921.78	Powhatan Creek Watershed Management Plan Powhatan Plantation Stream Restoration	Construction
\$28,024.00	Powhatan Plantation Stream Restoration 3 year monitoring plan as required by army corp of engineers	Construction
\$20,860.00	News Road Stabilization	Design
\$18,965.00	Whistle Walk (Tributary to Mill Creek) Stream Stabilization Concept Plan	Design
\$550.00	Bradshaw Ordinary Bradshaw Dr BMP	Maintenance
\$140.00	Powhatan Secondary 208/210 Old Cart Rd debris removal	Maintenance
\$1,200.00	Ironbound Square Regional BMP Plat/survey for proposed conveyance to JCC from Chambrel on 5.14 acres	R/W Design
\$4,250.00	Ironbound Rd BMP & Warhill Stream Mitigation	Study
\$19,000.00	Powhatan Creek Mitigation Bank	Design
\$510,910.78	Berkeley Subtotal	
JAMESTOWN DISTRICT		
\$5,100.00	129 Brookhaven - erosion repair	Construction
\$645.00	Druid Hills 115/117 Braddock Rd pipe repair	Construction
\$24,221.80	Powhatan Shores Constance Ave	Construction
\$19,600.00	Druid Hills Tributary project	Alternatives Study
\$15,806.00	Brookhaven Drive #133-145 Drainage Study	Alternatives Study
\$65,372.80	Jamestown Subtotal	
POWHATAN DISTRICT		
\$300.00	Mooretown Clark Lane clean out DI and manhole rehab	Construction
\$10,040.00	Scotts Pond SR Easement plat prepare, draw, review, and seal	Design
\$57,550.00	Scotts Pond Phase I & II Stream project	Design/ Permitting
\$23,650.00	Centerville Road Tributary proposal for 2200 lf stream enhancement	Design/ Permitting
\$1,900.00	Ewell Hall 118 Queen Mary Ct	Construction
\$6,250.00	Scotts Pond Stream III project	Alternatives Study
\$99,690.00	Powhatan Subtotal	
ROBERTS DISTRICT		
\$200.00	Grove 8728 Pocahontas Trail clear vegetation from channel	Maintenance
\$8,250.00	James River Elementary drainage repair	Construction
\$39,269.00	James Terrace Proposal for drainage alternatives	Alternatives Study
\$19,850.00	James Terrace Watershed study	Alternatives Study
\$67,569.00	Roberts Subtotal	

PO Amount	Project Name/Street Address/Description	Type of Project
STONEHOUSE DISTRICT		
\$4,665.00	Chickahominy Haven 7258/7260 Canal & Osprey culvert repair	Construction
\$23,900.00	Debord Tract Construction Monitoring	Construction
\$472.50	Kristiansand 203/204 Haradd Ln sink hole repair	Construction
\$974.96	Kristiansand Stavenger Ct paved swale repair	Construction
\$27,073.24	Mirror Lake Reflection Dr outfall repair	Construction
\$8,900.00	Mirror Lakes 125-135 Reflection Dr outfall repair	Construction
\$9,301.01	Woodland Rd/Stonehouse Rd Construction Material Testing	Construction
\$18,585.00	Woodland Rd/Stonehouse Rd Drainage Improvements and Construction Administration services	Construction
\$29,863.00	JCC/Debord Parcel Debord Property design and permitting	Design
\$1,758.75	Woodland Farms Woodland/Stonehouse Rd	Design
\$24,800.00	Yarmouth Creek Phase 1 Detailed Retrofit Design Norge Crossing Shopping Center	Design
\$996.00	Woodland Farms Geotechnical exploration and engineering services for Woodland and Stonehouse Rd	Alternatives Study
\$8,300.00	Yarmouth Creek Watershed Management Plan Norge Crossing retrofit study	Alternatives Study
\$159,589.46	Stonehouse Subtotal	
MULTIPLE		
\$31,900.00	Powhatan Creek Flood Study (Upper)	Study
\$31,900.00	Multiple Subtotal	
\$935,032.04	FY09 Encumbered Project Total	

JCC General Services Stormwater Division

Proposed 5-Year Capital Improvement
Approved Budget Plan

Prepared 11/10/2009

BUDGET YEAR	FY10	FY11	FY12	FY13	FY14	FY15
Previous Balance	\$ 1,802,088.05	\$ 845,398.05	\$ 614,398.05	\$ 432,898.05	\$ 267,898.05	\$ 135,898.05
Other Revenue	\$ 126,160.00	\$ -	\$ -	\$ -	\$ -	\$ -
New Funds - Budget	\$ 1,200,000.00	\$ 900,000.00	\$ 900,000.00	\$ 900,000.00	\$ 900,000.00	\$ 900,000.00
Fiscal Year Balance/Shortfall	\$ 3,128,248.05	\$ 1,745,398.05	\$ 1,514,398.05	\$ 1,332,898.05	\$ 1,167,898.05	\$ 1,035,898.05
CIP Plan	\$ (1,985,000.00)	\$ (960,000.00)	\$ (915,000.00)	\$ (900,000.00)	\$ (870,000.00)	\$ (840,000.00)
Contingency at 10%	\$ (197,850.00)	\$ (96,000.00)	\$ (91,500.00)	\$ (90,000.00)	\$ (87,000.00)	\$ (84,000.00)
WSMP	\$ (100,000.00)	\$ (75,000.00)	\$ (75,000.00)	\$ (75,000.00)	\$ (75,000.00)	\$ -
Fiscal Year Remainder/Shortfall	\$ 845,398.05	\$ 614,398.05	\$ 432,898.05	\$ 267,898.05	\$ 135,898.05	\$ 111,898.05
	FY10	FY11	FY12	FY13	FY14	FY15

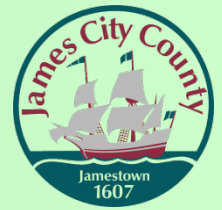


James City County Greenhouse Gas Emissions Inventory Baseline Summary Report

November 24, 2009

General Services Department





- September 25, 2007

Resolution:

Cool Counties

Declaration (votes 5-0)

Strategic goals to stop greenhouse gas emission growth by 2010 and work toward 80% reduction by 2050.

International Council for Local Environmental Initiatives (ICLEI)



The ICLEI 5-Milestone Process



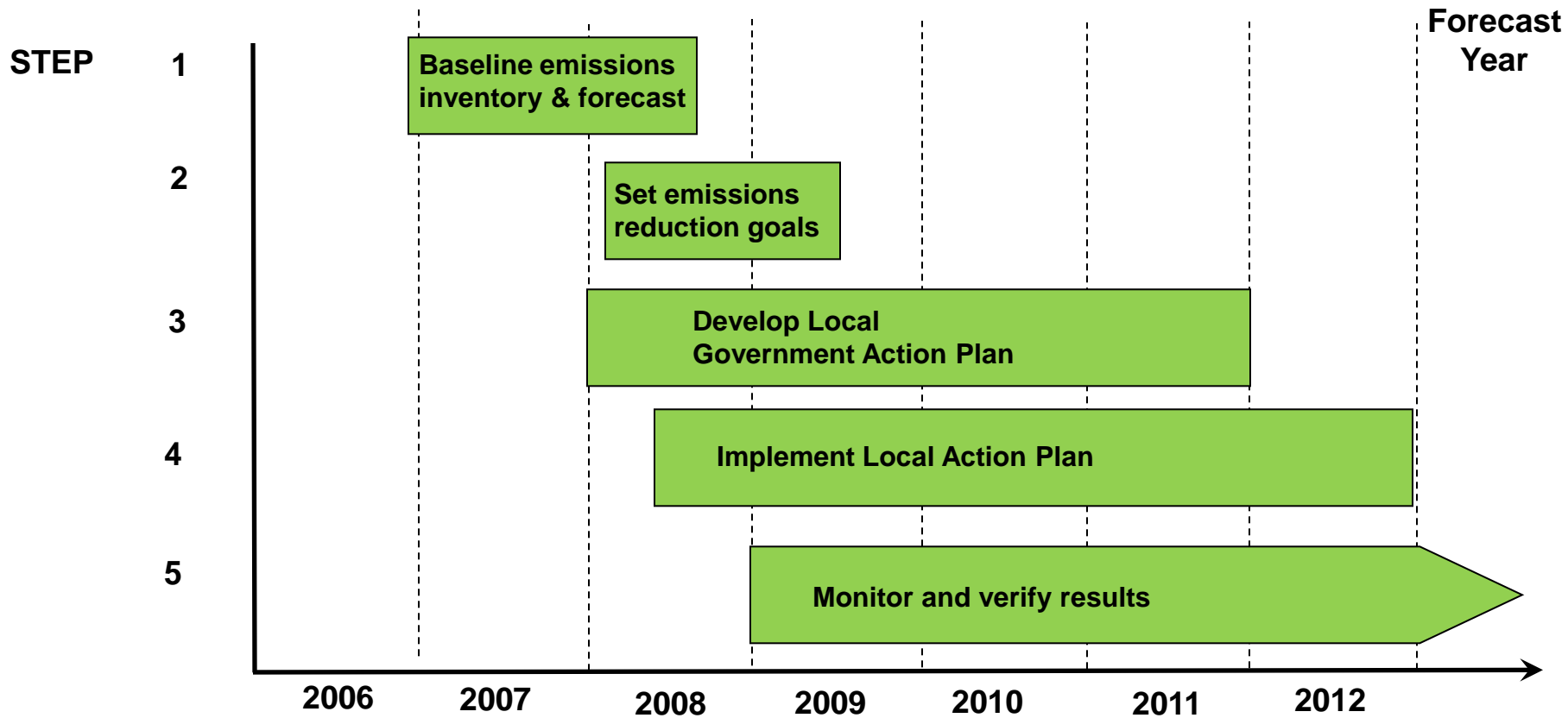
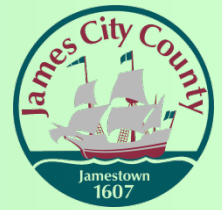
ICLEI (International Council on Local Environmental Initiatives, www.iclei-usa.org), a non profit organization, has software based on Excel spreadsheets that allows to tabulate emissions both from municipality controlled facilities and from the community at large. ICLEI has established a network of municipalities in the US (over 350) that have already initiated projects. They are preparing a database for all the initiatives that have been implemented by their members with an evaluation of the cost effectiveness and success.

Virginia ICLEI Members



- Abingdon
- Albemarle County
- Alexandria
- Altavista
- Arlington County
- Augusta County
- Blacksburg
- Charlottesville
- Dumfries
- Falls Church
- Harrisonburg
- James City County
- Loudoun County
- Lynchburg
- Norfolk
- Richmond
- Roanoke
- Roanoke County
- Warrenton

ICLEI Process and Timeline





ICLEI uses the *Clean Air and Climate Protection* (CACP) software to estimate emissions of greenhouse gases and criteria air pollutants based on the fuel amount/type and point-source chemical emissions

Greenhouse Gases	Pollutant Source (Anthropogenic)
CO ₂ (carbon dioxide)	Combustion of fuels
N ₂ O (nitrous oxide)	
CH ₄ (methane)	Waste decomposition in landfills
CF ₄ (carbon tetrafluoride), C ₂ F ₆ (hexafluoroethane)	Industrial processes and products (air conditioning refrigerants, electrical power industry, metal production, etc.)
HFC-23, HFC-125, HFC-134a, HFC-152a	
SF ₆ (sulfur hexafluoride)	
Criteria Air Pollutants	
NO _x (nitrogen oxides)	Combustion of fuels
SO _x (sulfur oxides)	
CO (carbon monoxide)	
VOC (volatile organic compounds)	Chemical solvents, adhesives, fuel vapors
PM ₁₀ (particulate matter < 10 μm)	Combustion of fuels, industrial dust

Baseline Analysis



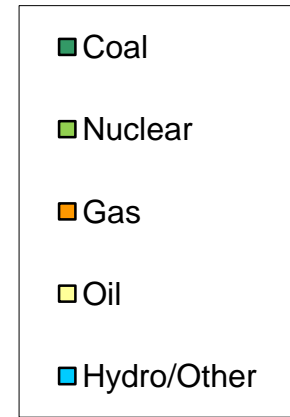
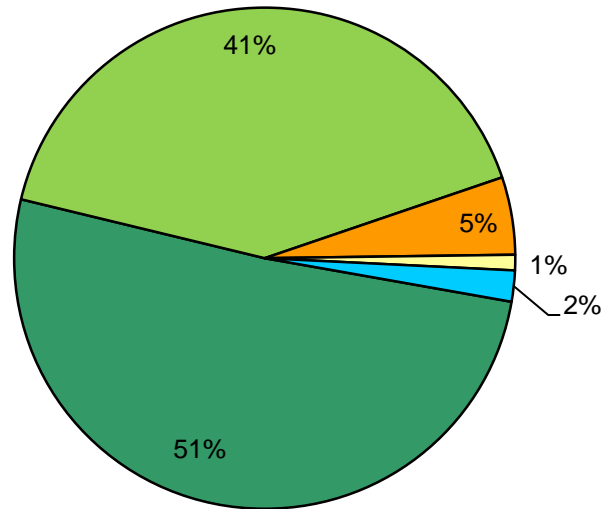
- **Baseline Scope**

1. James City County boundaries
2. Residential, commercial, industrial, and government activities
3. Electricity, natural gas, transportation fuels and waste

- **Data Sources**

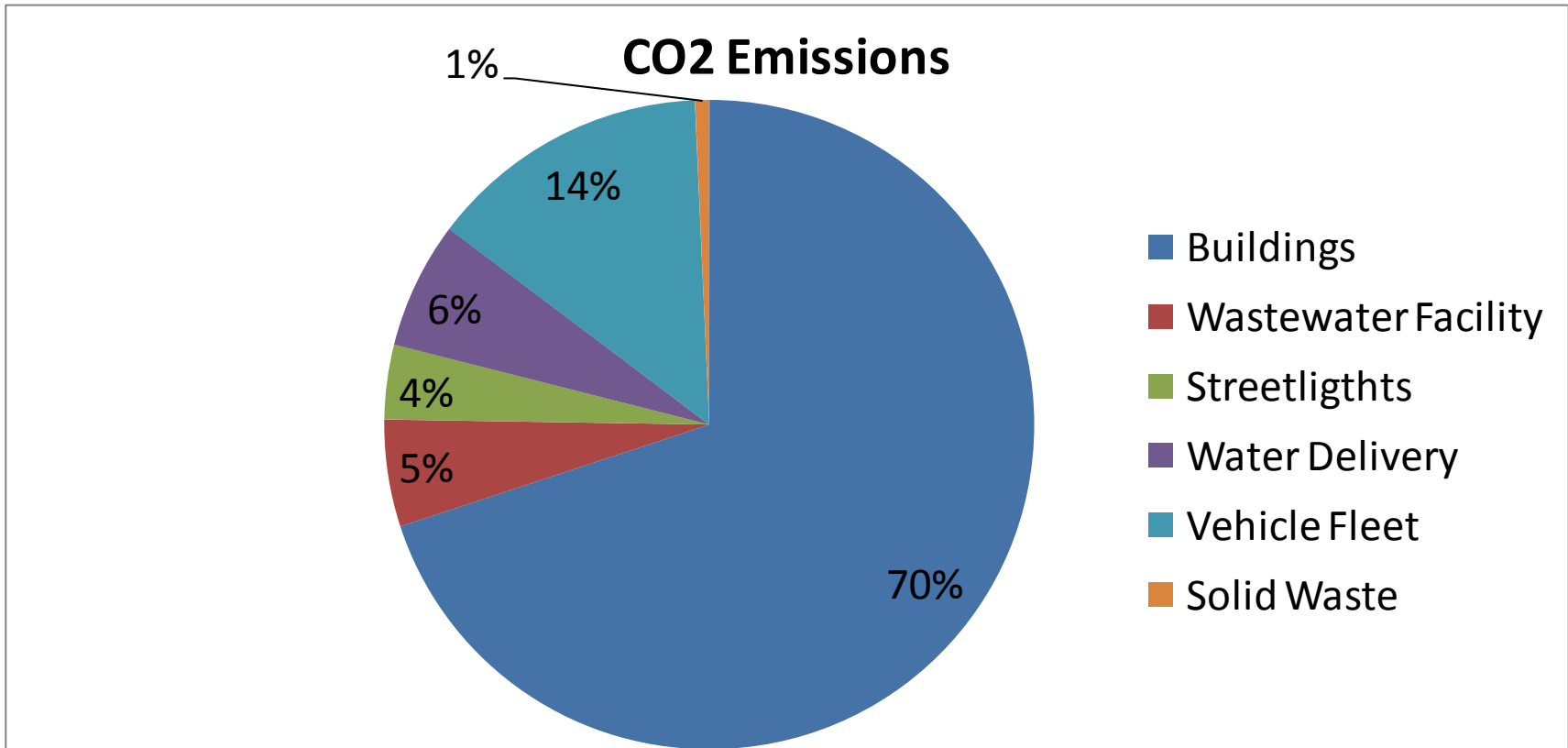
1. 2006 County billing records for electricity, natural gas, fuel, solid waste and water usage
2. 2006 utility billing records for electricity and natural gas use by sector
3. Transportation fuel and emissions estimates from VA Department of Transportation
4. Waste water treatment emissions from the Hampton Roads Sanitation District
5. Closed Landfill emissions from Joyce Engineering, Inc.

Electricity Grid Fuel Mix

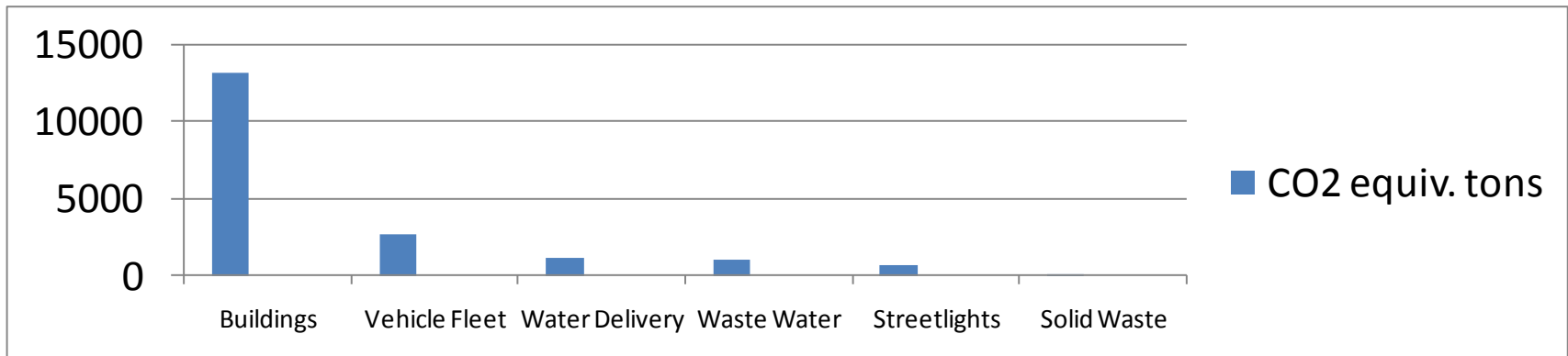
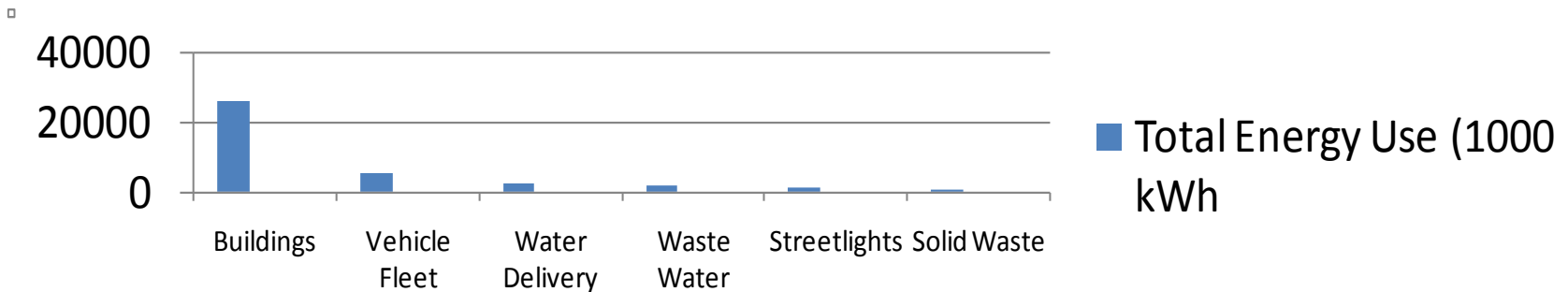
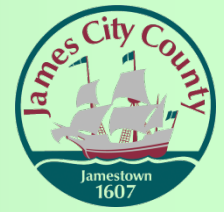


**Dominion Virginia Power
Electric Production By Fuel Source**

James City County Government Baseline Results



James City County Government Baseline Results

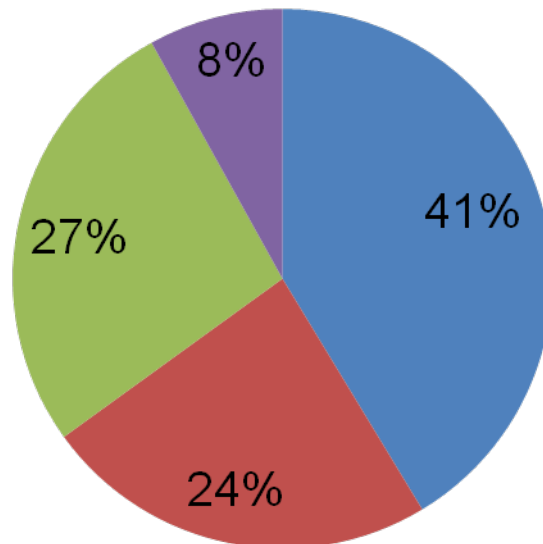


James City County Community Baseline Results



Sector	kWh	Data Source
Residential	440,081,011	Dominion VA Power
Commercial	252,260,213	
Industrial	286,523,655	
Governmental	85,834,257	
Totals	1,064,699,136	

James City County Electrical Usage (kWh)

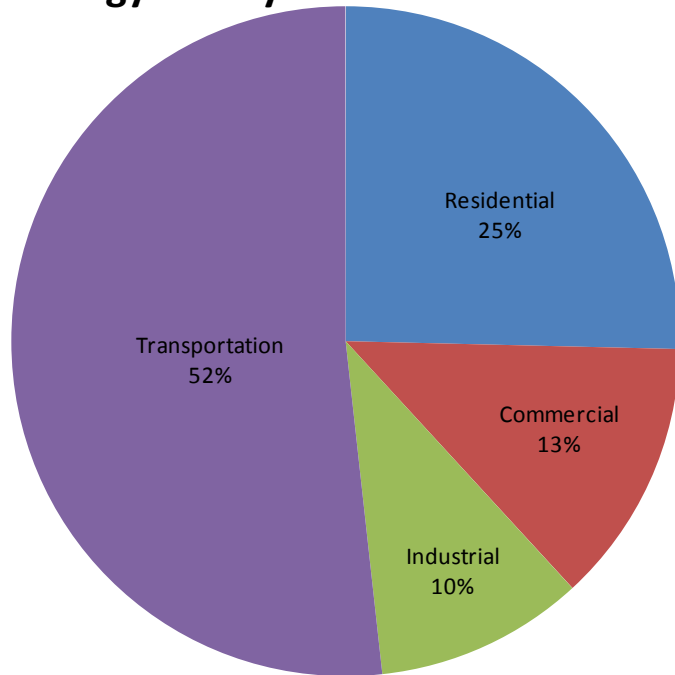


- Residential
- Commercial
- Industrial
- Governmental

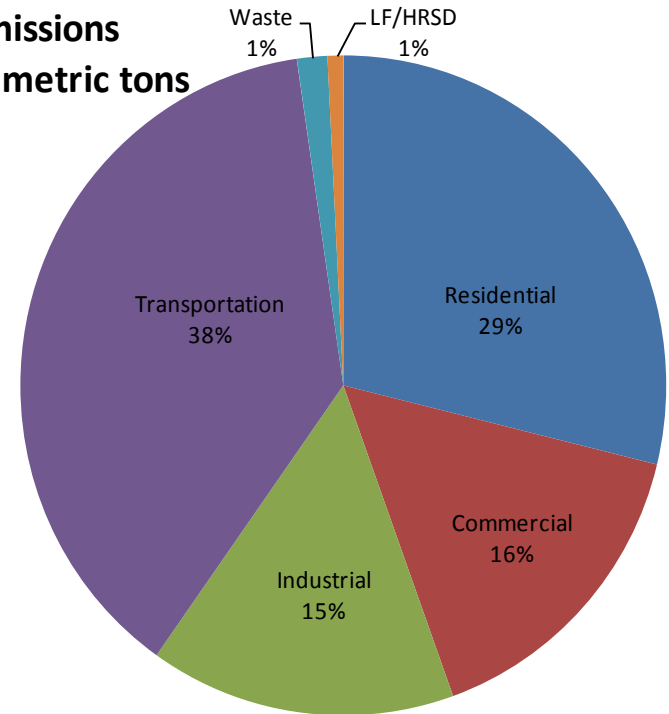
Community Baseline Summary



Energy Use by Sector - MMBtu



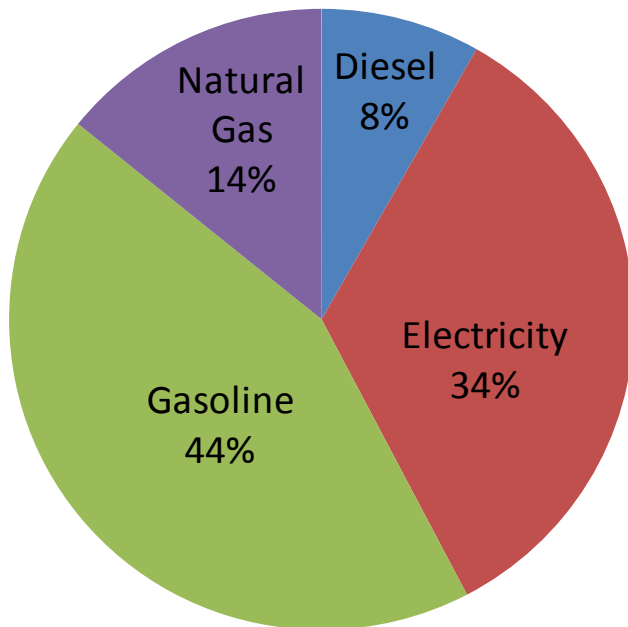
CO2 Emissions by Sector - metric tons



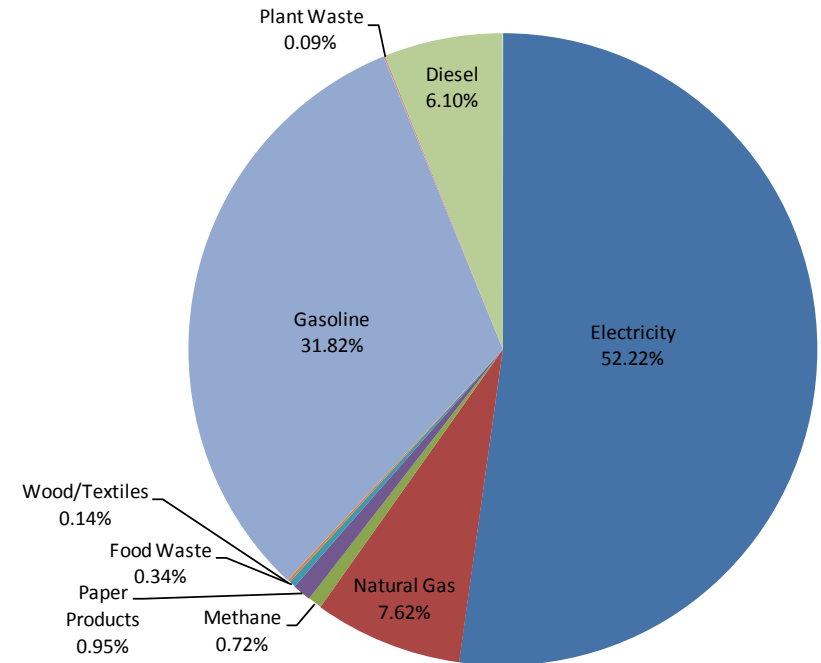
Community Baseline Summary



Energy Use by Source



CO2 Emissions by Source



GHG Emissions Comparison



Sector	NOx (metric tons)	SOx (metric tons)	CO (metric tons)	VOC (metric tons)	PM10 (metric tons)
Municipal	43.71	65.03	66.27	7.33	2.38
Community	2,352.78	2,415.29	9,825.72	1,009.24	100.51
Municipal (%)	1.85%	2.69%	0.64%	0.73%	2.37%

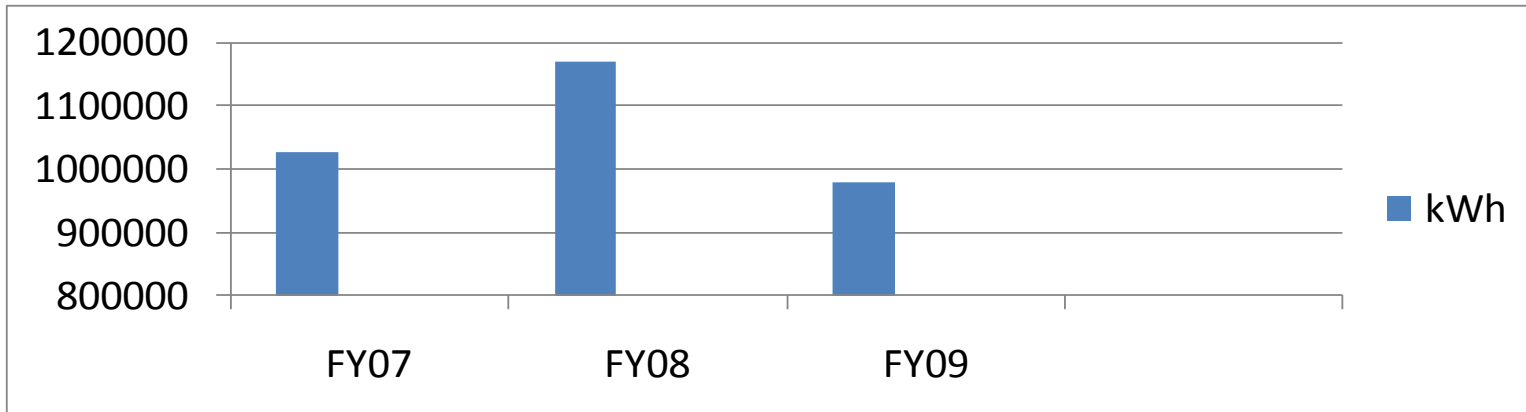
CO2 Baseline Emissions 2007



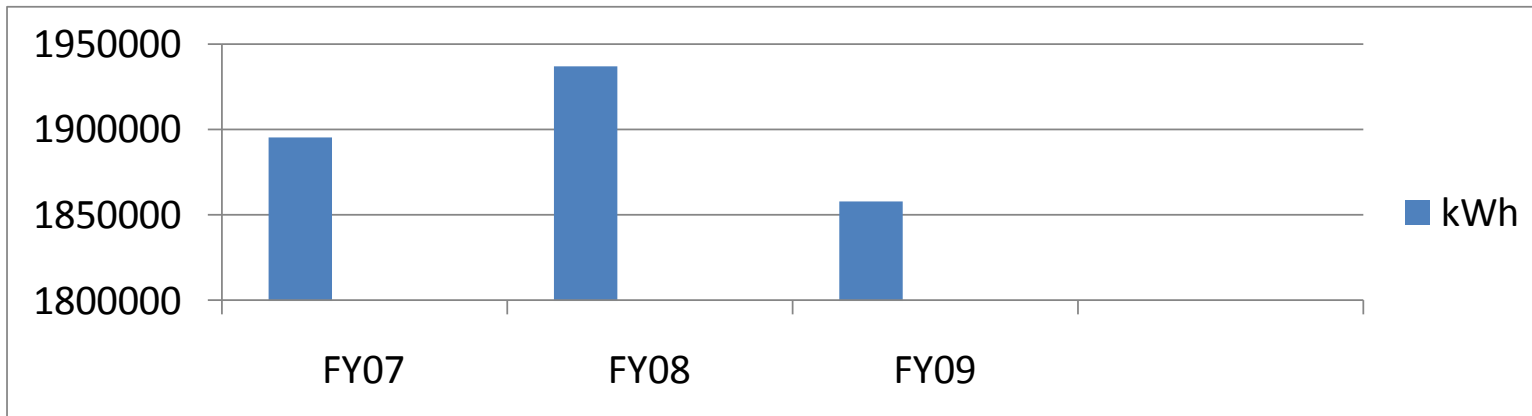
Measures for Governmental GHG Reduction



Building F Electrical Usage



Rec Center Electrical Usage

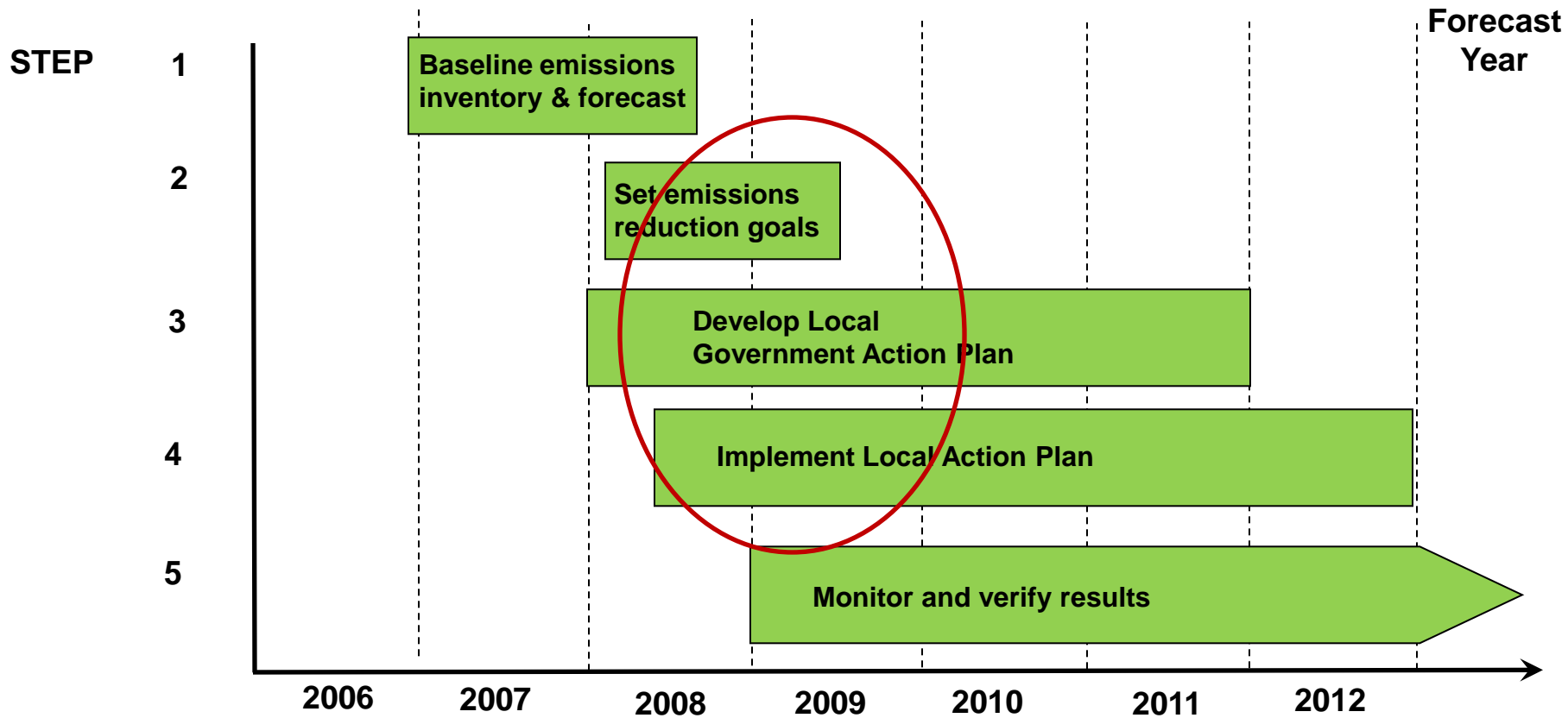
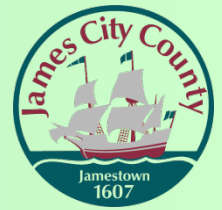


Measures for Community GHG Reduction



Potential Measures	CO2 Reduction (tons)
1. Residential – increased use of CFL lights <ul style="list-style-type: none"> ○ <i>Replace one 75 W incandescent bulb with an equivalent 20 W compact fluorescent light bulb (CFL) in each household (2010 – 2012).</i> 	1,131
2. Commercial and Industrial – energy efficiency measures <ul style="list-style-type: none"> ○ <i>Reduce total commercial and industrial electricity usage by 1% each year (2010 – 2012).</i> 	8,370
3. Transportation – increased use of public transportation <ul style="list-style-type: none"> ○ <i>Increase public transportation ridership by 1% each year (2010 – 2012).</i> 	1,569
4. Waste – increased recycling of solid waste <ul style="list-style-type: none"> ○ <i>Increase total recycling of solid waste (paper, glass, metal, plastic) by 1% (weight) each year (2010 – 2012).</i> 	6,363

Milestones Next Steps



Emissions Reduction Recommendations



CO2 Reduction	Target Year	Baseline Year	Recommended By
7%	2008 - 2012	1990	Kyoto Protocol for US (Kyoto, Japan – 1997)
60 – 80%	2050	1990	ICLEI, World Mayors Conference on Climate Change, US Mayor’s Climate Protection Agreement, C40 Climate Leadership Group (Bali, Indonesia – 2007)
15 – 20%	15 – 20 years	-----	ICLEI Milestone Guide (minimum recommendation)
Return to 2000 levels	2025	2000	2007 Virginia Energy Plan
2%	Every year	Every year	Virginia Citizen Energy Plan



Questions?



Acknowledgement

Research Assistant

Matt Michenfelder

The Thomas Jefferson Program in Public Policy

The College of William and Mary

AT A SPECIAL WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF NOVEMBER 2009, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Mary Jones, Vice Chair, Berkeley District
Bruce C. Goodson, Roberts District
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

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

C. BOARD DISCUSSION

1. 2009 Comprehensive Plan: *Historic Past, Sustainable Future*

Mr. Wanner stated that during the Board's regular meeting, the Comprehensive Plan would be considered as a public hearing. He stated that a work session was scheduled for November 17, 2009 for more discussion prior to a final adoption of the Comprehensive Plan.

Mr. Wanner recognized Planning Commission Chairman Rich Krapf and Steering Committee Chairman Jack Fraley. Mr. Wanner introduced Ms. Tammy Rosario, Principal Planner, to present the Comprehensive Plan.

Ms. Rosario reviewed the 26-month process that the Comprehensive Plan had undergone and reviewed methodology and citizen input vehicles. She noted the development of the Community Participation Team and the Community Conversations that were held to garner citizen feedback. She reviewed the formation of the Steering Committee and its development and approval of a draft plan.

Ms. Rosario addressed various concerns expressed by the public and how they were addressed in the proposed Comprehensive Plan. She commented on the pace and impact of growth and the small-town character of the community. She stated the Comprehensive Plan addressed growth by establishing a cumulative impact analysis and consideration of additional adequate public facilities policies, establishing Five Forks as a Community Character area, tree preservation, and protection of rural lands. She commented on economic development in the County. She noted the input of members of the business community during the Comprehensive Plan process. She stated initiatives were included in the Comprehensive Plan to diversify the County's economy, improve workforce development, and encourage infill development and redevelopment. She noted the creation of the Economic Opportunity land use designation. Ms. Rosario commented on housing in the County, including the need for affordable and workforce housing. She stated the initiatives called for an affordable housing unit policy, incentives for affordable housing, a housing trust fund, and an emphasis of

universal design features. She noted concerns about traffic congestion, water supply needs, senior population needs, preservation of open space, and promoting green building practices and how those items were addressed in the Comprehensive Plan.

Planning Commission Chairman Rich Krapf commented on the Planning Commission involvement on the Comprehensive Plan. He stated seven work sessions were held, a public hearing was held, and on October 7, 2009, the Planning Commission adopted the proposed Comprehensive Plan and recommended approval by the Board of Supervisors. He noted the development of the Implementation Guide and Schedule and the Executive Summary as part of the Comprehensive Plan. He noted some suggestions the Planning Commission has made to the Plan in respect to Land Use, Community Character, and growth.

Mr. McGlennon stated his appreciation for the efforts of staff and citizens who contributed to the Plan. He stated he felt that this was a very comprehensive document, but that a sense of direction should be added to the Plan. He asked how the Planning Commission addressed the rate of growth that is expected and how that was addressed in relation to sustainability.

Mr. Krapf stated that the current economic conditions have impeded growth, action items in the plan have been geared toward growth management and economic diversity.

Mr. McGlennon stated that he felt that citizens did not agree that a healthy economy required a growth rate of 3 - 4 percent annually.

Mr. Krapf stated that was addressed through utilization of workforce development and educational development and technologies in the area.

Mr. McGlennon stated he felt that the tools to control growth should be identified. He stated that economic growth should be considered fully in relation to the impact on employment.

Ms. Rosario stated the proposed Plan recognizes that the County will be subject to growth in the future, and in Virginia, many planning tools are geared toward directing growth rather than limiting growth.

Mr. McGlennon commented on reducing proposals for buildable lots. He stated that this would be allowed by the State and why shouldn't we approach those kinds of opportunities.

Mr. Fraley stated the ordinances served as a plan for growth and that the Board was responsible for the approval of special use permits and rezonings. He commented on a recommendation to reduce density in rural lands. He commented on the action item to correlate development with the availability of public facilities.

Ms. Jones commented on the main concerns of the public and the research done on transportation and appropriate levels of service in relation to land use cases. She commented that balancing economic diversification and responsible growth management was a goal during the Steering Committee process.

Mr. Icenhour asked how the Comprehensive Plan addresses growth in relation to the number of land use cases that were already approved, but not yet completed.

Mr. Krapf stated that there was difficulty in predicting when previously approved developments and growth would occur. He stated the current Plan provided various tools to monitor the pace of growth.

Mr. Icenhour commented on adjustments to the master plan for developments to reflect current goals and regulations.

Mr. Murphy commented that enabling legislation provides for vesting plans for developers, and outside of a voluntary proffer, that may be difficult.

Mr. Rogers stated that some conditions may be put on special use permits for transitional use. He stated that this has been done for daycare centers. He stated that when a land use decision is made, the designation continues regardless of ownership. He stated that Virginia limits those regulations especially when the developer has invested in a property.

Mr. Goodson stated that that was in support of the financial industry which was lending money for the value of the land. He stated if the locality could change the value of the property by changing the vested rights, there was uncertainty for financial institutions.

Discussion was held about investment into developments and timely development. Sunset clauses on various parts of the special use permit, vested development, and stale zoning needs to meet laws in effect at the time of the subdivision plan submission,

Ms. Jones commented that a goal of plan was land use predictability, vision for the community and measuring benefits of land use case versus by-right development.

Mr. Fraley and Mr. Icenhour discussed concerns related to growth predictability and cumulative impact on infrastructure.

Mr. Goodson commented on the need for directed growth in the County to avoid by-right development that may not be manageable or desirable.

Mr. Kennedy noted that many of the approved but not built residential units were age-restricted and would not yield students into the school system. He commented that improved amenities in the County have drawn people to the County and encouraged growth. He commented that rural lands in the Stonehouse district have problems with the inability to farm. He commented on purchase of development rights and rural lands purchases through greenspace funding. He emphasized that growth is a natural part of a good community.

Mr. McGlennon commented that growth is moving toward a point that may be unsustainable. He noted that the greenspace fund ceased being funded prior to the economic downturn. He commented on deteriorating infrastructure in neighborhoods that were not being addressed with a long-term vision.

Ms. Jones noted that a stormwater master plan was incorporated into the Comprehensive Plan and that the Stormwater Management Program Advisory Committee would play an active role in identifying communities and areas that require upgrades. She commented on the need for economic growth in the County, including the Economic Opportunity (EO) zones. She commented that growth is vital to a healthy community.

Mr. McGlennon stated that the goal was not a stagnant community in decline, but the question was how to uphold the quality of life when growth is occurring at the current pace. He commented on the need for growing existing businesses. He commented that some developments are geared toward attracting people to the area.

Mr. McGlennon discussed addressing the aging population and improving the quality of life and services for the people who may not be included in age-restricted housing.

Discussion was held about maintaining viewsheds and directing growth in order to preserve the character of the community and rural lands. Growth and population were compared to the services and amenities provided by the County and the quality of life in the community.

Mr. Kennedy noted that industrialization through a major employer helped improve schools, amenities, and industry in the County. He stated that was a stimulus for increasing growth in the County. He commented that without the amenities that resulted from the industrialization and growth, many people would not have moved into the community.

Discussion was held about the goals of economic development in the County and how those goals have been implemented into the Comprehensive Plan. Discussion was held about the Economic Opportunity (EO) zone. Mr. Krapf commented that the purpose of the EO zones would be for new economic development besides retail commercial developments with a regional master plan including a 15-percent cap on residential development in the EO zone. He commented that the zone would take some time to establish, but would provide for a better product over the longer term, while limiting by-right residential development in the area. Mr. Fraley commented on vast open areas of land, including Hill Pleasant Farm, which would result in more residential development than if they were designated as EO zones. He commented that the EO zones would be strategically located near transportation hubs, would result in placement of workforce housing, would provide a public-private master plan process, and would create employment opportunities that were not primarily retail.

Mr. Kennedy asked about the potential of growth and extension of Mooretown Road, particularly the funding needed for roadway project construction.

Mr. Fraley commented that the concept for the EO-incorporated public-private master planning that may incorporate other jurisdictions.

Mr. McGlennon asked what kinds of jobs were attractive through the EO zones.

Ms. Rosario stated the Business Climate Task Force provided input for the Comprehensive Plan's economic objectives. She stated the desirable jobs were not aligned by industry, but by a table of attributes. She stated this input was the basis of the creation of the EO zone and its implementation into the Comprehensive Plan. She noted that the EO zones included green field development as well as redevelopment and infill opportunities.

Mr. McGlennon commented on the attraction of a large corporation which may result in each of the employees becoming a net cost to the local government.

Ms. Jones commented on bringing larger employers into the community to allow citizens to live and work in the County. She noted that it would alleviate stress on Interstate 64, create opportunities for young professionals, and allow the operation of free enterprise.

Discussion was held about the ability to regulate desirable economic enterprises versus undesirable ones and diversification of employment opportunities in the County, including the employment, entertainment, and housing needs of young urban professionals. Mr. Kennedy commented that the College of William and Mary and the military were underutilized resources in the County.

Mr. Hicks noted that the Comprehensive Plan gave a general overview of what businesses were desirable for economic growth and also addressed working with higher education institutions, advanced scientific, manufacturing, and marine fields. He commented that the tax base has become more diverse since 2003.

Mr. McGlennon questioned the County's competitive advantage to attract industry to the Economic Opportunity zones.

Mr. Goodson asked if Mr. McGlennon opposed EO zones.

Mr. McGlennon stated he wanted a clearer idea of how the EO zones would look.

Mr. Goodson asked if he was requesting more specificity in the Comprehensive Plan.

Mr. McGlennon asked for an economic development plan that could be used to evaluate the EO zones

Ms. Jones stated that would occur during the legislative process for the master plan.

Mr. Icenhour stated he supported the idea of the EO zones. He stated his concern was that the County's existing industrial parks were largely empty. He stated his concern about how to market the new zones and the placement of the EO zones in relation to the Primary Service Area (PSA).

Discussion was held about the consideration of transportation infrastructure in relation to the EO-zone placement, including railway access and the possibility of light rail.

Mr. Krapf emphasized that the Comprehensive Plan was a long-term framework guide to development and land use rather than a specific guide.

Discussion was held about the PSA relative to the development of an EO zone.

Mr. Kennedy commented that he felt that the Comprehensive Plan was a long-range plan and the EO zone development could be expected to develop over time.

Ms. Jones commented on an opportunity for regionalism with York County with its adjoining EO zone.

Mr. Kennedy asked if the other two identified possible EO zones were anticipated to receive similar designation.

Mr. Krapf stated only the Hill Pleasant Farm had the support to be designated as an EO zone. He commented that it may be difficult to encourage the development of three major economic areas at the same time. He commented on the necessity to limit stress on the PSA by refraining from bringing two additional areas into the PSA.

Mr. Icenhour asked about discussion to bring the Hill Pleasant Farm property into the PSA.

Mr. Fraley stated he proposed that the property not come into the PSA until the master plan process to keep the property from being developed by-right before it could be developed as an economic area.

Mr. Icenhour and Mr. Fraley discussed the possibility of by-right development of rural lands.

Mr. Icenhour stated that he did not wish to bring the Hill Pleasant Farm property into the PSA, but he felt the designation should be reserved for land that is already inside the PSA. He stated he was unsure of the process being followed and he did not want to bring lands outside the PSA just for this designation.

Ms. Rosario commented that less than one-third of the property was inside the PSA.

Discussion was held about the possible economic impacts of the zoning.

Mr. Wanner commented on the public-private master planning process and the long-range concept of the EO zone. He commented that housing was a major component in the EO zone and a catalyst for support from York County for development in this corridor.

Discussion was held about the amount of housing and density of residential development in the EO zones and the employment opportunities that would meet the needs of the citizens.

Discussion was held about the vision for the EO zones and attracting quality employers into these areas.

The Board took a short break at 6:00 p.m.

D. BREAK

At 5:59 p.m., the Board took a break.

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 10TH DAY OF NOVEMBER 2009, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Mary Jones, Vice Chair, Berkeley District
Bruce C. Goodson, Roberts District
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

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

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE – Cub Scout Pack 103, consisting of Anders Becerra, a first-grade student at D.J. Montague Elementary School who lives in the Powhatan voting district; Elijah Fry a first-grade student at Clara Byrd Baker Elementary School who lives in the Jamestown district; Griffin Hartley, a first-grade student at Matoaka Elementary School who lives in the Berkeley district; Lennon Newsom, a first-grade student at Clara Byrd Baker Elementary School who lives in the Berkeley district; and Ethan Wunibald, a first-grade student at Clara Byrd Baker Elementary School who lives in the Jamestown district, led the Board in the Pledge of Allegiance.

D. PRESENTATION

1. Stormwater Program Advisory Committee Update

Mr. Aaron Small, Stormwater Program Advisory Committee Chairman, gave a brief update on the activities of the Stormwater Program Advisory Committee over the past year. He noted that the Committee was established in 2008 and the first official meeting was held in January 2009. He stated there were 14 voting members and two non-voting representatives from the Colonial Soil and Water Conservation District and the Virginia Department of Transportation (VDOT). He stated the mission was to provide guidance and information to staff and the Board on County stormwater management to improve flooding and water quality, outreach programs, and recommendations on implementation. He reviewed the organization of the committee and its subcommittees. He commented on staff assistance from the Stormwater Division and the Environmental Division, including water quality training and field training. He noted that the Committee provided evaluation criteria and prioritization for stormwater management projects. He reviewed the Committee's five-year capital program for flood mitigation, stream restoration, drainage system improvements, stormwater management facilities, and retrofits. He stated the Committee served in an advisory capacity for staff and for the Comprehensive Plan update related to stormwater management. He stated that in the future the Committee would continue to work with staff to help evaluate necessary stormwater management improvements and mitigation techniques.

Mr. McGlennon asked about funding for the capital projects. He asked for confirmation that the Committee expected roughly \$1.4 million per year for the next five years for the projects.

Mr. Small stated that figure was an average, but certain projects currently had existing funds budgeted and the projects would take over six years, which reduced the necessary funding to roughly \$900,000 per year.

Mr. McGlennon confirmed that 60 percent of the projects identified were designated as high-priority projects.

Mr. Small stated that was correct.

Ms. Jones thanked the citizens and staff that participated with this committee.

E. PUBLIC COMMENT

Mr. Kennedy recognized Planning Commissioners Rich Krapf, Debbie Kratter, Chris Henderson, and Jack Fraley in attendance.

1. Dr. John Whitley, 110 Governor Berkeley Road, commented on environmental issues related to the proposed coal plant in Surry County and possible impacts on James City County. He noted that decisions by the Board affect those in adjoining jurisdictions as well.

2. Mr. Robert Richardson, 2786 Lake Powell Road, urged the Board to disclose its position on the proposed coal plant in Surry County. He stated his opposition to the coal plant and the possible environmental and biological effects of the emissions from the plant.

3. Mr. Jack Haldeman, 1597 Founder's Hill North, commented on the County budget reductions proposed in the Consent Calendar, item F-9. He commented on the reductions in funding toward education and public safety. He commented that the reduction was equal to the necessary funding for stormwater capital improvements. He requested that the Board cease to delay fiscal and environmental responsibility.

4. Mr. Ed Oyer, 139 Indian Circle, commented on the recent shootings at Fort Hood; commended the General Registrar and election officials for the efficiency of the recent election; and noted the drastic economic decline.

F. CONSENT CALENDAR

Mr. Kennedy asked that Agenda Item No. F-9 be pulled from the Consent Calendar for additional discussion.

Mr. Icenhour made a motion to adopt the remaining items on the Consent Calendar.

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

1. Minutes – October 27, 2009, Regular Meeting

2. Grant Award – Kiwanis Club of Williamsburg – \$300

RESOLUTION

GRANT AWARD – KIWANIS CLUB OF WILLIAMSBURG – \$300

WHEREAS, the James City County Police Department has been awarded a grant in the amount of \$300 from the Kiwanis Club of Williamsburg; and

WHEREAS, the funds are to be used for the purchase of supplies for the RadKIDS program; and

WHEREAS, the grant requires no match.

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

Revenue:

Kiwanis FY 2010 \$300

Expenditure:

Kiwanis FY 2010 \$300

3. Grant Award – Virginia Department of Environmental Quality Litter Prevention and Recycling Grant – \$10,269

RESOLUTION

GRANT APPROPRIATION – VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

LITTER PREVENTION AND RECYCLING GRANT – \$10,269

WHEREAS, the Virginia Department of Environmental Quality has awarded James City County a Litter Prevention and Recycling Grant in the amount of \$10,269.

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

Revenue:

Litter Control Grant \$10,269

Expenditure:

Litter Control Grant \$10,269

4. Grant Appropriation – Homelessness Prevention and Rapid Re-Housing Program – \$100,000

RESOLUTION

GRANT APPROPRIATION – HOMELESSNESS PREVENTION AND

RAPID RE-HOUSING PROGRAM - \$100,000

WHEREAS, the Virginia Department of Housing and Community Development (VDHCD) has been awarded a Federal grant funded by the US Department of Housing and Urban Development (HUD) from the Homeless Prevention and Rapid Re-Housing Program (HPRP) authorized under Title XII of the American Recovery and Reinvestment Act for the period ending September 30, 2011; and

WHEREAS, the Peninsula Mayors and Chairs Commission on Homelessness endorsed the application by the Hampton-Newport News Community Services Board (HNNCSB) to VDHCD to be an HPRP subgrantee serving the Virginia Peninsula localities; and

WHEREAS, VDHCD has awarded HRHP grant funds to the HNNCSB, and HNNCSB has agreed to partner with James City County and to allocate \$100,000 of HPRP funds to James City County to provide financial assistance and services to individuals and families eligible under the HPRP; and

WHEREAS, there is no local cash match required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following amendment to the Community Development Fund budget:

Revenue:

Homelessness Prevention and Rapid Re-Housing Program Grant \$100,000

Expenditure:

Homelessness Prevention and Rapid Re-Housing Assistance \$100,000

5. Grant Appropriation – Forest Heights Road Area Project Planning – \$25,000

RESOLUTION

GRANT APPROPRIATION – FOREST HEIGHTS ROAD AREA PROJECT PLANNING – \$25,000

WHEREAS, the Virginia Department of Housing and Community Development has awarded James City County a \$25,000 Community Development Block Grant (CDBG) Project Planning Grant; and

WHEREAS, the grant will fund the cost of engineering services for planning and conceptual design of infrastructure and housing alternatives in the Forest Heights Road area; and

WHEREAS, the County will provide staff resources to complete housing inspections, property research, CDBG construction grant application preparation, and other project planning activities; and

WHEREAS, there is no local cash match required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following amendment to the Community Development Fund budget:

Revenue:

CDBG Project Planning Grant \$25,000

Expenditure:

CDBG Project Planning \$25,000

6. Application for Grant Funds – Energy, Efficiency, and Conservation Block Grant (EECBG)

RESOLUTION

APPLICATION FOR GRANT FUNDS – ENERGY, EFFICIENCY, AND CONSERVATION

BLOCK GRANT (EECBG)

WHEREAS, the Board of Supervisors of James City County wishes to undertake actions to reduce energy consumption and reduce greenhouse gas emissions; and

WHEREAS, the Board of Supervisors wishes to authorize the submission of an application for funding from the Virginia Department of Mines, Minerals and Energy (DMME), through the Energy, Efficiency, and Conservation Block Grant (EECBG) program.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized to submit a grant application in the amount of \$359,270 to the Virginia DMME through the EECBG grant program.

7. Dissolution of the Community Airport Committee

RESOLUTION

DISSOLUTION OF THE COMMUNITY AIRPORT COMMITTEE

WHEREAS, on September 11, 2007, citizens were appointed to serve on the Community Airport Committee; and

WHEREAS, these citizens worked with staff, consultants, citizens, and various State and Federal agencies to complete the Airport Feasibility Study; and

WHEREAS, on October 27, 2009, the Board of Supervisors adopted a resolution indicating that it did not wish to become a sponsor for a community airport based on the results of the Airport Feasibility Study; and

WHEREAS, the intended purpose of the Community Airport Committee has been completed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby dissolve the Community Airport Committee.

8. Contract Award and Contingency Transfer – Executive Search Services – \$26,300

RESOLUTION

CONTRACT AWARD AND CONTINGENCY TRANSFER –

EXECUTIVE SEARCH SERVICES – \$26,300

WHEREAS, a Request for Proposals (RFP) to establish a contract with a professional executive search firm for the recruiting, screening, interviewing, and selection of qualified candidates to fill the County Administrator position was publicly advertised and 20 proposals were submitted; and

WHEREAS, upon reviewing the proposals and interviewing three firms, the Evaluation Committee determined that Springsted, Inc. was the most fully qualified firm and its proposal best suited the County's needs as defined in the RFP. A fair and reasonable contract price of \$21,300 was negotiated and an estimate of \$5,000 for finalist candidate travel was established; and

WHEREAS, the need for this project was identified after the Fiscal Year 2010 budget was approved.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, awards the \$21,300 contract for Executive Search Services to Springsted, Inc. and amends the previously adopted budget for Fiscal Year 2009 as follows:

Expenditures:

Board of Supervisors Professional Services (001-011-0203)	<u>\$26,300</u>
Operating Contingency (001-193-0705)	<u>(\$26,300)</u>

10. Virginia Peninsula Homelessness Prevention and Rapid Re-Housing Program Partnership Agreement

RESOLUTION

VIRGINIA PENINSULA HOMELESSNESS PREVENTION AND

RAPID RE-HOUSING PROGRAM PARTNERSHIP AGREEMENT

WHEREAS, the Hampton-Newport News Community Service Board (HNNCSB) and James City County staff have negotiated an agreement to administer the Homelessness Prevention and Rapid Re-Housing Program (HPRP) ending September 30, 2011; and

WHEREAS, HPRP is authorized under Title XII of the American Recovery and Reinvestment Act (AARA) or 2009 (Recovery Act) whereby Congress has designated \$1.5 billion for communities to provide financial assistance and services to either prevent individual and families from becoming homeless or help those who are experiencing homelessness to be quickly re-housed and stabilized; and

WHEREAS, the sub-grant awarded to the HNNCSB, which is the subject of the HPRP Agreement, is authorized by the Governor of the Commonwealth of Virginia under a Grant Agreement executed by and between the U.S. Department of Housing and Urban Development (HUD) and the Commonwealth of Virginia; and

WHEREAS, HPRP awards are subject to the availability of funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes County Administrator Sanford B. Wanner to sign the HPRP Partnership Agreement.

9. Reduction in County's FY 2010 General Fund Budget

Mr. John McDonald, Manager of Financial and Management Services, stated that the purpose of this resolution was to adjust the County's General Fund Budget for FY 2010 in an equal amount to the reduction of contributions from the State. He stated that public school contributions were being reduced all over the State since the State government had not realized the revenues that had been expected from the State Sales Tax for Education. He noted the other reduction in HB 599 money law enforcement purposes for localities with police departments. Mr. McDonald stated that the proposal was not to reduce funding for public safety, but to reduce spending in anticipated vacancies. He stated that the last item was a reduction in reimbursement for shared offices which were the five constitutional offices which have received a considerable reduction from the State budget.

Mr. McDonald stated that the Virginia Retirement System (VRS) quarterly payment for teachers that would apply from April through June 2010 was eliminated in the Governor's budget. He stated that it was correct this would only be a deferral of the contribution, but during this fiscal period, the schools would not need to find the funds to pay the contribution. He noted that he felt that FY 2011 and FY 2012 would be difficult for the County and schools. He reiterated that the purpose was to reduce the County budget by the amount of the reduction in State contributions. He recommended approval of the resolution.

Mr. McGlennon stated that there was about \$1 million in savings as a result of not making the VRS contribution for teachers until next fiscal year. He asked what the school's plan was to make up this contribution in the future.

Mr. McDonald stated that the school administration was aware of this reduction and making changes to accommodate budget reductions in the future. He noted that the reduction was proposed in a State budget passed by an outgoing governor and a new governor would be in place when final adjustments to the budget may occur, which makes expectations uncertain.

Mr. Goodson asked if the deferred payment to VRS could be made in increments over time.

Mr. McDonald stated that it would have to be made up in the biennial budget process in FY 2011 and FY 2012. He stated a higher contribution was set to fully-fund the retirement benefits of the program, but it has been politically impossible in recent budgets.

Mr. Goodson asked if the rate would be higher in the future as a result.

Mr. McDonald stated changes were being proposed to the retirement system and the rate would likely increase, which would result in increased spending.

Mr. McGlennon asked for clarification that it was not this specific reduction that was causing the change.

Mr. McDonald stated that was correct.

Mr. Icenhour asked what would need to be done over the remaining fiscal year in the event of significant additional reductions.

Mr. McDonald stated that frozen positions are being used as reductions to balance the budget for next year. He stated that the County Administrator is looking at different funding options for capital projects. He noted reductions in debt service. He stated that recurring funding could face problems with additional reductions, but the current fiscal year was stable due to one-time reductions.

Mr. Icenhour commented on a projected shortfall in the Virginia budget of roughly 9.8 percent in reductions. He noted that the General Assembly will be asked through the Virginia Association of Counties (VACo) legislative program to give counties equal taxing authority to cities, which has been brought forward before, but has never been approved.

Mr. Kennedy made a motion to approve the resolution.

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

RESOLUTION

REDUCTION IN COUNTY'S FY 2010 GENERAL FUND BUDGET

WHEREAS, recent reductions in State funds require reductions in both revenue estimates and in spending for the FY 2010 County General Fund Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, shall adopt the following reductions to the FY 2010 budget and amend appropriations as follows:

GENERAL FUND REVENUES:

Revenue from the Commonwealth		
Sales Tax for Education		-\$667,000
HB 599 Payments		-104,709
Reimbursements of Shared Expenses		<u>-135,454</u>
		<u>-\$907,163</u>

GENERAL FUND EXPENDITURES:

Contribution to WJCC Public Schools		-\$667,000
Non-Departmental Personnel Contingency		-104,709
Shared Constitutional Offices		
Commonwealth Attorney	-\$30,811	
Clerk of the Circuit Court	-29,439	
Sheriff	-28,698	
Treasurer	-11,347	
City Share of Spending	<u>-18,218</u>	-118,513
County Offices		
Commissioner of the Revenue	-\$13,928	
Registrar/Electoral Board	<u>-3,013</u>	<u>-16,941</u>
		<u>-\$907,163</u>

G. PUBLIC HEARINGS

Mr. Kennedy announced that the Comprehensive Plan public hearing would be the public hearing of the evening.

1. Case No. SUP-0019-2009. Treasure Island Road Wireless Communications Facility

Ms. Sarah Propst, Planner, stated that Ms. Lisa Murphy has applied for a Special Use Permit (SUP) to allow for the construction of a 124-foot tower on Treasure Island Road. The proposed tower is 120 feet tall with a 4-foot lightning rod. The site is 0.83 acres out of a 457.8-acre parcel and is zoned R8, Rural Residential. The property is located at 1700 Treasure Island Road. Three Wireless Communications Facilities (WCFs) are currently located within a three-mile radius of the proposed tower but do not provide adequate coverage along the Colonial Parkway, Treasure Island Road, and to the surrounding residential areas to the north.

Staff found the application consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation.

At its meeting on October 7, 2009, the Planning Commission voted 5-1 with one abstention to recommend approval the application.

Staff recommended approval of the resolution.

Mr. Kennedy opened the Public Hearing.

1. Ms. Lisa Murphy, on behalf of the applicant, New Cingular Wireless, gave a brief overview of the application and a network map of cellular service coverage for the area. She reviewed the location and impact of the tower in relation to the Gospel Spreading Farm and Treasure Island Road. She displayed the various balloon test photos and photos of similar towers to illustrate a minimal impact on the viewshed. She commented on community meetings and discussions with the owner of the property and those who work on the farm. She stated that she and staff worked diligently to find an ideal location for the tower. She requested approval of the application.

2. Mr. David N. Smith, 8600 Pocahontas Trail, commented that he was a grandson of the caretaker of the property where the tower is proposed to be located. He commented on potential medical impacts of the cellular towers on the animals and people who lived near the tower.

3. Mr. Paul L. Smith, 2280 Lake Powell Road, stated he was one of the caretakers of the land where the tower is proposed to be located. He stated his opposition to the cellular tower being located on the property due to the agricultural nature and the historic area.

4. Mr. Howard Smith, 101 Dogwood Drive, requested consideration for the families who live on the land where the cellular tower was proposed to be located. He stated the proposed site was previously a hay field. He commented that storms and harvesting could reduce the tree cover around the site. He stated there were other sites in the area that may be utilized. He commented that Gospel Spreading Farm was the last existing dairy farm in James City County and he believed the tower could affect the health of the cattle. He requested denial of the application.

5. Mr. Robert Spencer, 992 Three Bushel Drive, questioned the symbols on the applicant's coverage maps.

6. Mr. Anthony Smith, Richmond, Virginia, stated he was a grandson of the caretaker of the property. He commented on the effects of radiation in relation to cellular towers. He commented on potential health hazards as a result of exposure to the cellular tower. He commented on a potential race issue related to the placement of the tower.

7. Mr. Keith Smith, 2697 Lake Powell Road, asked for reassurance that no health risks were associated with cellular towers.

8. Mr. James Stoltz, on behalf of the property owner, stated he ran a children's camp at the farm for the past 39 years. He stated that at one point last summer, the telephone service went out and there was no cellular service, putting children and staff at potential risk. He stated the caretaker picked the site where he felt the cellular tower should be placed. He stated there was a need for cellular service in the area. He stated the proposal would be beneficial to those individuals who live on the farm and in the surrounding community. He requested approval of the application.

9. Ms. Jacqueline Norman, 1704 Treasure Island Road, commented that she had concerns about the property. She stated she was not against the tower, but she was unsure of the effects of living in close proximity to the tower. She further stated that Judge Powell could be provided new information regarding the Judge's past decision on property ownership.

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

Mr. Goodson asked about Federal statutes that do not allow the consideration of possible health threats as part of land use case deliberations by local government boards and councils.

Mr. Leo Rogers stated that the Federal government in the Federal Communications Commission (FCC) Act concluded that radiation could not be considered at the local level as part of a land use case for wireless facilities.

Mr. Goodson stated that he understood that if ownership was challenged, this decision could be changed.

Mr. Rogers stated that if there was a new owner or if the court changed the ownership, the applicant would have to have an agreement with the new property owner. He stated that if there was a willing change of ownership, the SUP would continue with the property to the new owner.

Mr. Goodson stated denial of the SUP would not affect the matter of ownership.

Mr. Rogers stated that was correct.

Mr. Goodson stated that based on the information from the County Attorney, he would like to make a motion to adopt the resolution.

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

RESOLUTION

CASE NO. SUP-0019-2009. TREASURE ISLAND ROAD

WIRELESS COMMUNICATIONS FACILITY

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Ms. Lisa Murphy has applied on behalf of New Cingular Wireless for an SUP to allow for the construction of a wireless communications facility on a parcel of land zoned R-8, Rural Residential; and

WHEREAS, the proposed development is shown on a plan prepared by GPD Associates, with a final revision date of August 8, 2009, (the "Master Plan") with the site number listed as NF429C; and

WHEREAS, the property is located at 1700 Treasure Island Road and can be further identified as James City County Real Estate Tax Map Parcel No. 5620100001; and

WHEREAS, the Planning Commission, following its public hearing on October 7, 2009, voted 5-1, with one abstention, to recommend approval of this application; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2003 Comprehensive Plan Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0019-2009 as described herein with the following conditions:

1. Terms of Validity: This SUP shall be valid for a total of one wireless communications facility at a total height of 124 feet including all appurtenances on the property as depicted on Sheet C-1 of the *Overall Site Plan* prepared by David B. Granger with a final date of August 3, 2009.
2. Time Limit: A final Certificate of Occupancy (CO) shall be obtained from the James City County Codes Compliance Division within two years of approval of this SUP, or the permit shall become void.
3. Structural and Safety Requirements: Within 30 days of the issuance of a final CO by the County Codes Compliance Division, certification by the manufacturer, or an engineering report by a structural engineer licensed to practice in the Commonwealth of Virginia, shall be filed by the applicant indicating the tower height, design, structure, installation, and total anticipated capacity of the tower, including the total number and type of antennas which may be accommodated on the tower, demonstrating to the satisfaction of the County Building Official that all structural requirements and other safety considerations set forth in the 2000 International Building Code, or any amendment thereof, have been met.
4. Tower Color: All colors used shall be approved by the Planning Director, or his designee, prior to final site plan approval.
5. Advertisements: No advertising material or signs shall be placed on the tower.
6. Additional User Accommodations: The tower shall be designed and constructed for at least three users and shall be certified to that effect by an engineering report prior to the site plan approval.
7. Guy Wires: The tower shall be freestanding and shall not use guy wires for support.
8. Enclosure: The fencing used to enclose the area shall be vinyl-coated and shall be dark green or black in color, or shall be another fencing material of similar or superior aesthetic quality as approved by the Planning Director. Any fencing shall be reviewed and approved by the Director of Planning prior to final site plan approval.
9. Tree Buffer: A minimum buffer of 100 feet in width of existing mature trees shall be maintained around the tower. This buffer shall remain undisturbed except for the access drive and necessary utilities for the tower as depicted on Sheet C-1 of the *Overall Site Plan* prepared by David B. Granger with a final date of August 3, 2009.

10. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Case No. SUP-0014-2009. Chickahominy Riverfront Park RV Loop and Master Plan

Ms. Leanne Reidenbach, Senior Planner, stated that Mr. Aaron Small of AES Consulting Engineers has applied on behalf of James City County Parks and Recreation for an SUP to make improvements to existing facilities at Chickahominy Riverfront Park and to master-plan the entire park property for community recreation. The proposed Phase I improvements include replacement of existing water mains, electrical service connections, and septic system for approximately 36 RV campsites located along the banks of Gordon Creek adjacent to the boat launch. The SUP will also provide for future development of the park in general conformance with the Shaping Our Shores Master Plan. The property was lawfully nonconforming as a campground and private recreation area in an A-1, General Agricultural, district prior to the County acquiring it in 2001. Prior to improvements or construction projects occurring on the property, the park must be brought into compliance. In 2005, Parks and Recreation was granted SUP-0033-2005 for improvements to 2.5 acres of the property, including replacing picnic shelters and the playground and adding parking. At that time, it was noted that any future improvements would need to obtain an amended SUP. Current zoning, Public Land (PL), also allows community recreation facilities as a specially permitted use.

Staff found the proposal consistent with surrounding zoning and development, the Comprehensive Plan, and the Shaping Our Shores master plan endorsed by the Board of Supervisors on June 9, 2009.

At its meeting on October 7, 2009, the Planning Commission recommended approval of the application by a vote of 6-1.

Staff recommended approval of the application.

Mr. Icenhour stated that he thought with the approval of Shaping Our Shores, the Board had approved the master plan.

Ms. Reidenbach stated that was the master plan referred to in Condition No. 1 of the SUP.

Mr. Icenhour stated that under the SUP and Master Plan that there would be authority to make improvements consistent with the Master Plan.

Ms. Reidenbach stated that any capital improvement requests for parks and recreation that would come forward through the budget process would be reviewed by the Development Review Committee (DRC) for consistency with the Master Plan.

Mr. Icenhour asked if each major phase of development would be required to be approved by the Board, either through a land use case or through the budget process.

Ms. Reidenbach stated that was correct.

Mr. Icenhour expressed concern about where the Resource Protection Area (RPA) buffers were in relation to the property to fulfill the same responsibilities as any other applicant. He commented that there were isolated and intermittent wetlands that were not yet subject to a watershed management plan. He stated there were currently no requirements to protect those wetlands, but the County should do so.

Mr. Kennedy opened the Public Hearing.

1. Mr. Robert Spencer, 9123 Three Bushel Road, commented that it was difficult to identify the Barrett's Ferry subdivision on the location map.

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

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. SUP-0014-2009. CHICKAHOMINY RIVERFRONT PARK –

RV LOOP AND MASTER PLAN

WHEREAS, the Board of Supervisors of James City County has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Mr. Aaron Small of AES Consulting Engineers, on behalf of James City County Parks and Recreation, has applied for an SUP to make improvements to existing facilities at Chickahominy Riverfront Park and to master-plan the entire park property for community recreation; and

WHEREAS, the property is located on land zoned PL, Public Land, and can be further identified as James City County Real Estate Tax Map/Parcel No. 3430100002; and

WHEREAS, the Planning Commission of James City County, following its public hearing on October 7, 2009, recommended approval of this application by a vote of 6-1; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2003 Comprehensive Plan Land Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing does hereby approve the issuance of SUP No. 0014-2009 as described herein with the following conditions:

1. **Master Plan.** This SUP shall permit a public community recreation facility and accessory uses thereto, including, but not limited to, tent sites, cabins, recreational vehicle (RV) camping areas, special event areas, docks/piers, swimming facilities, playgrounds, boat launches, rowing facilities, picnic pavilions, camp store, and seasonal concession stands on property located at 1350 John Tyler Highway (the "Property"). Improvements to the site shall generally be located as shown on the document entitled "Figure 4-2: Master Plan-Chickahominy Riverfront Park," (the "Master Plan") prepared by Vanasse, Hangen, and Brustlin, Inc. (VHB) and date-stamped October 14, 2009, with only changes thereto that the Development Review Committee (DRC) determines to be generally consistent with the Master Plan and Shaping Our Shores report.

2. **Soil Studies.** Soil feasibility studies to determine appropriate areas for septic drainfields shall be submitted to the Virginia Department of Health for review and approval prior to final development plan approval for any new development on the Property. Redevelopment plans (“Redevelopment”) for the Property shall not be subjected to this requirement. Redevelopment shall include the removal and replacement, renovation, or rehabilitation of existing buildings or facilities that does not increase or change the general shape or location of impervious area or number of tent sites or RV spaces, does not change the existing primary use of an area, and/or does not change existing points of access. Based on the findings of any study, if a proposed use needs to be relocated, a plan detailing the relocation shall be provided to the DRC to determine whether the plan is generally consistent with the Master Plan and Shaping Our Shores report.
3. **Right-of-Way Buffer.** A 150-foot buffer shall be maintained along John Tyler Highway. That buffer shall remain undisturbed with the exception of breaks for roadways and pedestrian connections, utilities, walking, hiking, and biking trails, and other uses specifically approved by the Director of Planning and the DRC.
4. **Lighting.** Any new exterior site or building lighting shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source are not visible from the side. Fixtures which are horizontally mounted on poles shall not exceed 15 feet in height. No glare defined as 0.1 foot-candle or higher shall extend outside the property lines.
5. **Speakers.** All permanent public address speakers used on the site shall be oriented generally toward the interior of the property and away from exterior property lines.
6. **Archaeology.** Additional archaeological studies for any area to be disturbed that is identified as ‘eligible’ for inclusion on the National Register of Historic Places and/or ‘unknown (further work needed)’ on pages 109-112 of the report titled “Phase I Cultural Resources Survey and Archaeological Inventory of the Chickahominy Riverfront Park, James City County, Virginia” by Geo-Marine, Inc. and dated June 2008, shall be submitted to the Director of Planning for review and approval prior to the commencement of any land-disturbing activity on the property. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources’ *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior’s *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior’s *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading, or construction activities thereon.

7. **Tree Clearing.** Tree clearing on the entire property shall be limited to the minimum necessary to accommodate the proposed recreational uses shown on the Master Plan and related driveways, entrance improvements, and facilities as determined by the Director of Planning or designee and the DRC.
8. **Master Stormwater Management Plan.** A Master Stormwater Management Plan for the Property shall be submitted for review and approval by the County's Environmental Division Director prior to final development plan approval for any new development on the Property. Redevelopment of the Property shall not be subjected to this requirement.
9. **Special Stormwater Criteria.** Special Stormwater Criteria (SSC) as adopted by the County in the Powhatan and Yarmouth Creek watersheds shall apply to this project. Low-impact development principles and techniques shall also be used in all development plans to reduce and control impacts associated with any increased storm water runoff. The owner shall demonstrate the application of SSC and low-impact design on all development plans to the satisfaction and approval of the County's Environmental Division Director prior to final development plan approval for any new development on the Property. Redevelopment of the Property shall not be subjected to this requirement.
10. **Resource Management Area (RMA) Buffers.** All development plans shall have the RMA buffers delineated in accordance with the Powhatan Creek Watershed Management Plan revision dated October 11, 2006, or any such RMA buffers as outlined in any future Gordon Creek Watershed Management Plan, to the satisfaction and approval of the County's Environmental Division Director prior to final development plan approval for any new development on the Property. Redevelopment of the Property shall not be subjected to this requirement.
11. **Severance Clause.** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Adoption of the 2009 Comprehensive Plan

Ms. Tammy Rosario, Principal Planner, stated that over the past 26 months, staff, the Planning Commission, Steering Committee, Community Participation Team, and other citizens and community groups have collaborated to create the 2009 Comprehensive Plan. She stated that the plan was based on the 2003 Comprehensive Plan, but amendments have been incorporated that address specific concerns by the public. She said after a four-month review and adoption by the Planning Commission, the Comprehensive Plan has been brought before the Board for public comment at this time and further consideration at the Board's November 17, 2009, Work Session before final adoption.

Mr. Kennedy noted that a work session was held at 4 p.m. regarding the Comprehensive Plan. He stated the public hearing would be opened and on November 17, 2009, the Board would hold an additional work session which would be televised for the public.

Mr. Kennedy opened the Public Hearing.

1. Ms. Carolyn Hunt, 7152 Richmond Road, representing Hill Pleasant Farm, commented on the role of Hill Pleasant Farm in the 2009 Comprehensive Plan. She commented on the demands of farm life and

the reduction of employees and customers for the farm. She commented that she felt that the proposed Comprehensive Plan would be a positive tool for the community.

2. Mr. Bob Spencer, 9123 Three Bushel Drive, Vice Chair of James City County Citizens Coalition (J4C), commented on the Comprehensive Plan process and its transparency and community involvement. He stated the J4C has submitted studies, participated in meetings, and sponsored education sessions in relation to land use and the Comprehensive Plan. He stated there was concern for additional growth as a result of the new land use map. He stated that the J4C would like an analysis of the cumulative impact of any development and assurance not to expand the Primary Service Area (PSA). He stated that the Board should not permit development that would exceed the by-right population maximum. Mr. Spencer commented that unconstrained development was expensive for the community in terms of quality of life. He stated the J4C agreed with the concept of the environmental inventory of each development and the requirement to meet an adequate public facilities test for all infrastructures. Mr. Spencer noted support for researching a sustainable population goal and general endorsement for the Economic Development section of the Plan. He stated the J4C would oppose creation of an Economic Opportunity (EO) zone at Hill Pleasant Farm and Taylor Farm. He commented that Richmond Road was not a pleasant viewshed even as a Community Character Corridor (CCC). He stated opposition to creating commercial areas from rural lands due to possible expansion of the PSA. Mr. Spencer stated J4C's support of the findings of the Rural Lands Study and other land use recommendations aside from EO. He asked that the Comprehensive Plan define the number of acres of preserved open space and stated support for the transfer of development rights. Mr. Spencer stated on behalf of the J4C's opposition to widening Jamestown Road, Richmond Road, or Monticello Avenue, and a requirement of 'C' or higher level of service for these roads. He stated opposition for the amendment process, but approval of an annual evaluation of the Comprehensive Plan. He requested that the Comprehensive Plan address community character and revisit expanding stream buffers.

3. Mr. Mark Rinaldi, 10022 Sycamore Landing Road, stated he felt the benefits of economic diversity to citizens would provide an overall improvement in the quality of life. He stated the Comprehensive Plan makes significant progress to provide for certainty in land use, transportation, redevelopment, limiting sprawl, transfer of development rights, and business incentives. He stated that there should be a comprehensive rezoning of the County to match the Comprehensive Plan Land Use Map. He stated there should at least be comprehensive rezoning for nonresidential areas to encourage businesses to locate here and help achieve a business-friendly community. He stated the current economic conditions should encourage business emphasizing in the Comprehensive Plan and creating an easier process for the businesses to develop in the County which would be beneficial.

4. Mr. Richard Costello, 10020 Sycamore Landing Road, stated he felt this Comprehensive Plan process engaged the public and set direction for development. He commented on residential growth and the need for incorporate workforce and affordable housing. He commented that slow economic growth in the County underscored the need to be more inviting to commercial development. He noted a need to have a fair and equitable plan for rural land owners and said the County should not take away the property owners' rights to build homes in relation to the transfer of development rights process. He stated he was opposed to the amendment process for the Comprehensive Plan because changes would be routinely done through rezonings. He commented on water quality and stated that the County should adopt a funding mechanism to upgrade existing watersheds to comply with updated Chesapeake Bay regulations. He commented on the need for increased density for developments in some areas to prevent sprawl.

5. Mr. Jay McClatchey, 4764 Winterberry Court, commented on proposed changes in the Deer Lake area of the Colonial Heritage development. He stated the residents of Colonial Heritage were not a major strain on the infrastructure. He stated the land use application proposed by the developer but denied through the Comprehensive Plan review process was beneficial due to decreased density and a broader tax base with the built-out development.

6. Mr. Tom Wishart, 4759 Winterberry Court, stated he was an active member of the Colonial Heritage Community and that he supported the changes in the Deer Lake area as proposed by the developer in a land use application.

7. Ms. Susan Gaston, 205 Par Drive, on behalf of the Williamsburg Area Association of Realtors (WAAR), stated that her organization represents the real estate professionals and homeowners in the area. She stated the association was happy to participate on the Community Participation Team. She stated she felt the process was open and stated her support of the plan on behalf of WAAR. She stated that she has been involved in numerous Comprehensive Plans, and she felt that this plan set a standard of openness and communication. On behalf of her organization, Ms. Gaston commented that the housing needs assessment indicated a shortage of over 1,900 units of workforce housing, and expressed support for the housing goals and strategies of the Comprehensive Plan, including development of an affordable unit dwelling ordinance and incentives for workforce housing. She commented that two-thirds of citizens surveyed expressed the concern that development is moving too fast and stated that WAAR did not support sprawl development. She commented on the development of a cluster ordinance in order to maximize the value of properties and as a tool to balance property owner rights and preservation of rural lands. She stated support of the EO designation to increase nonresidential tax base and to create jobs, mixed-cost housing, workforce housing, and mixed-use development in order to balance the commercial and residential tax base. She stated her organization was in support of the Comprehensive Plan's economic development goals and would like to encourage green design and green jobs, responsible growth, and environmental stewardship.

8. Mr. Greg Davis, on behalf of Kaufman and Canoles PC, spoke on behalf of the Colonial Heritage project land use application. He stated that his client was complimentary of the Comprehensive Plan process. He stated his client, the developers of Colonial Heritage, submitted a land use application to be incorporated into the Comprehensive Plan to move 66 acres of development near Deer Lake to decrease density, and an additional 90 acres would be moved into a conservation area. He stated the County would take over a private well system for an approved cluster development and there was no citizen opposition to the application, but the PSA boundary became a major factor in considering this land use case. Mr. Davis commented on long-range planning related to the PSA line and requested that the Board change the land use application denial in the Comprehensive Plan of the Deer Lake Estates area for future consideration in order to examine the proposal.

9. Mr. Doug Gebhardt, 3609 Grey Abbey Circle, Vice Chair of the James City County Economic Development Authority (EDA), stated that the EDA has provided input to the Steering Committee and he was pleased to see the input included in the Comprehensive Plan. He commented on the issue of growth and stated that quality growth was critical to the economic sustainability of the community. He stated that lands should be designated for economic development in order to plan for the economic health of the future. He commented on the recommendation of identifying land suitable for economic development potential, and he noted that the EDA's main target was the Lightfoot central area due to its transportation access from Interstate 64, Lightfoot Road, Croaker Road, and the CSX rail line. He stated the new EO designation for a portion of the land would be favorable and encouraged the County to look at possible EO designations for other areas in transportation and infrastructure hubs such as the Barhamsville interchange at Interstate 64, Anderson's Corner, and the Eastern State Hospital property. He requested that the Board reincorporate language in Economic Strategy 1.1, recommended by the Steering Committee, but removed by the Planning Commission during review:

“Encourage a balanced mixture of commercial, industrial, and residential land uses in a pattern and at a pace of growth supportive of the County’s overall quality of life, fiscal health, and environmental quality. This includes ensuring the adequate availability of a variety of marketable, ready-to-go industrial and office properties, encouraging the growth and development of new and existing small businesses, and actively promoting redevelopment where needed.” He made comments regarding the improvement of predictability by reducing the number of business uses that require an SUP and encouraged the Board to be more specific with regard to Economic Development Action 1.1.5 by adding the language: “Continue to analyze County regulations, policies, and procedures to ensure that they do not unnecessarily inhibit commercial and industrial development. Review SUP requirements to improve predictability by allowing more by-right business and industrial uses. The review should also include discussions regarding the types of performance standards needed to ensure community compatibility and acceptance.” He requested that the Comprehensive Plan improve predictability and refrain from placing unreasonable expectations on businesses or industrial parks within CCC. He asked for language that would not hinder the County’s ability to diversify the economic tax base and for a review of all existing residential zoning districts to provide potential incentives for workforce housing. He stated that in general the EDA supports the Comprehensive Plan. He stated that the EDA would continue to work toward economic health in the County.

10. Mr. Mac Mestayer, 105 Gilley Drive, commented on the public input process and stated that it has been too extensive and irrelevant. He requested that the public hearing be continued so more individuals get a chance to comment. He stated he disagreed with an annual amendment of the Comprehensive Plan. He requested that the EO zone not be used to take over rural lands and open space. He requested that the open space in A-1 zoning be preserved as has been expressed by many citizens.

11. Ms. Dorothea Neiman, 105 Broomfield Circle, commented on the need to update the WCF policy in relation to the proposed towers in Kingsmill. She commented on new technology that may provide a challenge for the planning staff in evaluation of WCF applications. She stated that WCFs should have minimal impact on residences and that Planning staff should have outside FCC resources to assist in locating WCFs.

12. Mr. Steve Romine, Norfolk, Virginia, on behalf of Verizon Wireless, stated objections to language on directing wireless facilities in community character areas. He stated the language dealing with technology should be more specific. He stated that he believed the current policy protects the citizens’ interest and the wireless providers. He stated the new towers have been successful in being camouflaged and that utilizing a specific technology provided significant engineering tradeoffs. He stated there was no need for a change in the WCF policy. He asked that the Board adopt the plan without the language which dictates the technology in the plan.

At 9:31 p.m. Mr. Kennedy recessed the Board for a short break.

At 9:39 p.m. Mr. Kennedy reconvened the Board.

13. Mr. Jack Fraley, 104 Thorpe’s Parish, commented on possible misconceptions about a national citizens’ survey and commented on the statistic that 60 percent of County citizens did not approve of the current direction of the County, but the actual data indicated that 82 percent of citizens ranked the current direction as excellent, good, or fair. He commented on the statistic that 70 percent of County citizens felt County government did not listen to citizens, but the actual data indicated that 70 percent ranked this area as excellent, good, or fair. He highlighted that 90 percent of County citizens felt that County government welcomed citizen involvement with a ranking of excellent, good, or fair, and the overall image of public trust for the County was above the benchmarks for the nation and for the southern states. He noted that there was discussion that the inclusion of two action items in the land use section of the plan may be an attempt to implement his own proposal to harmonize zoning and the Comprehensive Plan. He stated that these items

were in fact brought before the Steering Committee by staff to enhance land use predictability. He commented on concern about build-out population estimates which range from 178,000 to 187,000 between 2083 and 2089, while build-out population with current zoning is estimated at 118,000 by 2045. He stated his concept was to harmonize the Comprehensive Plan with zoning, which would stabilize the estimated population at 120,000. He noted that the draft plan was used as a case study for the Citizen's Planning Education Association of Virginia (CPEAV) conference and was cited for its citizen involvement, transparency, and innovation. He commented on growth management strategies that addressed the concerns of citizens in relation to growth, including determining sustainable levels of population and growth, development in correlation with available public facilities, revising allowable rural lands density with offsetting incentives for property owners, directing growth into designated areas, adoption of a community overlay district, early submission of environmental inventories, determining a Low Impact Development (LID) guide, adoption of a tree preservation policy, and models to assess cumulative impacts of development.

Mr. Kennedy was recognized for his extensive work during the Comprehensive Plan process.

14. Mr. Ed Oyer, 139 Indian Circle, commented on lack of recognition in the Comprehensive Plan related to areas in the Grove community; evaluation of construction and operation costs of schools; soft-second mortgage programs in relation to Pocahontas Square; changes in Federal, State, and County land on Route 60 East; and opposition to changes to M-1 zoning designations on Merrimac Trail.

15. Mr. Robert Richardson, 2786 Lake Powell Road, stated that he felt residential growth was uncontrolled in the County. He requested that the public hearing remain open until the final adoption of the plan. He stated he would not support annual updates to the Comprehensive Plan and requested that the boundary of the PSA be enforced.

16. Ms. Beverly Hall, 8491 Richmond Road, on behalf of the Taylor family, requested consideration of the Taylor Farm for EO designation. She stated that this piece of property was the only one in the area that has not been developed. She requested that the property be rezoned to be consistent with the surrounding area.

17. Mr. Louis Mingo, 6509 Congress Hall, commented that he felt that Colonial Heritage has a positive impact on the community and that the developer has been responsive to the community within the development. He stated he felt the changes proposed by the developer in Deer Lake would be beneficial to the community.

18. Mr. Bob Hershberger, 5215 Center Street, stated the Comprehensive Plan was a collective idea of the participants and reflects a vision for the future with compromise. He requested approval of the plan.

19. Mr. Tom Tingle, 316 The Maine West, Chair of the EDA and member of the Comprehensive Plan Steering Committee, commented on the process the Comprehensive Plan underwent and commended the citizen involvement. He stated the Comprehensive Plan reflected public input and compromise. He commented that he was glad to see the Business Climate Task Force (BCTF) recommendations implemented and opportunities for affordable and workforce housing. He supported the EO designation and hoped it was one of several areas explored in the Regional Comprehensive Plan update. He stated he was pleased with transportation measures included in the plan and progressive land use concepts to address sprawl, rural lands, and transfer of development rights. He requested approval of the Comprehensive Plan.

20. Ms. Deborah Kratter, 113 Long Point, requested that the actions be refined enough to determine whether or not the Board follows the plan. She asked that the Board consider who would pay for the benefits suggested.

21. Mr. Richard Schreiber, President and CEO of the Greater Williamsburg Area Chamber and Tourism Alliance, representing Chamber members and employees, stated that his organization has participated in the Comprehensive Plan process. He agreed that the six issues identified by the Comprehensive Plan were important. He stated that the members of the Chamber want to ensure that long-term lifestyle and tourism were included in the plan, along with workforce housing, transportation systems, and balanced growth. He stated that the Chamber was pleased with the plan. He commented on growth in the County and stated the Chamber believed that economic growth must be accommodated. He asked to maintain the quality of life in the County through a balanced economic portfolio, including EO zones.

22. Mr. Randall Foskey, 121 William Allen, commented on growth over time, including the people who come in for the quality of life, and the need to provide opportunities for the future.

Mr. McGlennon commented that several speakers had requested to leave the public hearing open until the next meeting.

Mr. Kennedy noted that during the budget process, the public hearing was closed and individuals were permitted to speak during the public comment segments to allow individuals who had already spoken to also speak at the next meeting.

Mr. Goodson commented that there should be consideration about whether or not those who spoke at the public hearing this evening would be allowed to speak again if the public hearing was continued.

Mr. Kennedy stated that the precedent was that an individual may speak to a public hearing only once.

Mr. McGlennon stated he was not sure that was correct in relation to land use public hearings that have been continued.

Mr. Kennedy stated that it has been allowed for land use cases that have been deferred.

Mr. McGlennon stated that he felt that citizens would like to provide additional comment if discussion continued on the Comprehensive Plan.

Mr. Kennedy stated there was an opportunity to do that during the public comment sections.

Mr. McGlennon stated that he wished to honor the requests of the citizens who have spoken on keeping the public hearing open.

Mr. Kennedy requested the input of the other Board members.

Mr. Icenhour stated he would support keeping the public hearing open.

Ms. Jones stated she supported closing the public hearing and encouraging citizens to continue to comment via telephone, email, and at the public comment sections.

Mr. Goodson stated that he felt that if there was new comment on new issues, he could support the public hearing remaining open. He stated concern that citizens would feel the necessity to come to two meetings if the public hearing was continued.

Mr. Kennedy stated that he would like to move forward in a similar way to the budget public hearing. He stated the public hearing would be closed and there would be a work session on November 17, 2009. He stated that at the next meeting the public would be able to comment during the public comment segment.

Mr. Goodson stated he supported the plan that was proposed. He stated based on comments from the public, he would like background from staff for further consideration of the land use application for Deer Lake, as well as information regarding the possibility of an affordable housing unit ordinance. He requested details about the technological background on WCFs from staff and information about Taylor Farm as an EO-designated area. He also commented on weak language on growth in the proposed plan. Mr. Goodson also asked for a synopsis of the changes made by the Planning Commission to language approved by the Steering Committee which was supported by the EDA.

Mr. McGlennon noted that a list was provided by staff.

Mr. Wanner indicated that the information would be provided.

Mr. Goodson stated he had seen the minutes, but would like to see the language proposed by the Steering Committee and what was changed prior to the approval of the draft plan by the Planning Commission.

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

Mr. Wanner asked the Board to articulate specific questions and comments about the Comprehensive Plan to staff in preparation for the Board's work session on November 17, 2009.

H. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented that he had reviewed many years of votes by the Board of Supervisors and there was rarely a negative vote. He commented that the Comprehensive Plan was a reflection of what the citizens want to see in the future.

2. Mr. Robert Richardson, 2786 Lake Powell Road, commented on the Hill Pleasant Farm and the EO designation. He stated that he felt the EO overlay would increase density dramatically. He stated he did not support this designation. He commented on the Board of Supervisors Code of Ethics.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner noted that on November 11, 2009, in observance of Veteran's Day, County, State, and Federal offices would be closed. He noted that there would be no mail or bank services.

Mr. Wanner stated that when the Board completed its business, it should recess to 4 p.m. on November 17, 2009, for further discussion on the Comprehensive Plan. He also recommended that the closed session appointment to the Water Conservation Committee be done in open session if the Board wished to do so.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson stated that he received a VACo award for the Neighborhood Connections online database for Neighborhoods Organizing Ways to Achieve Connections (NOWAK) which provides information for neighborhoods. He congratulated the Neighborhood Connections and Information Technology divisions.

Mr. McGlennon made a motion to appoint Ms. Kathy Mestayer to an unexpired term on the Water Conservation Committee, term to expire on May 31, 2011.

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

Mr. McGlennon expressed his appreciation for those who participated in the recent election and election officials.

Mr. Icenhour stated that he attended the VACo Annual Conference and a meeting of the State Water Commission. He stated at the meeting there was a presentation by the Department of Environmental Quality (DEQ) on the cost of providing background information for the water resource plan, which was estimated at \$4 million. He noted there was no record of the impacts of private wells since the Virginia Department of Health holds those records in a database unacceptable to the DEQ. He noted that three bills were proposed: one established a water resources planning committee; a second bill permitted fines for non-reporting of groundwater withdrawals; and the third increased the groundwater withdrawal permit fee, since in Virginia this fee only offsets about 12-13 percent of the cost. He noted that the stormwater regulations public comment will close on November 25, 2009, and the Commission would be acting on the regulations in December 2009. He said the new regulations would go into effect in July 2010 and would need to be addressed on the local level.

K. RECESS to 4 p.m. on November 17, 2009.

At 10:33 p.m., Mr. Kennedy recessed the Board to 4 p.m. on November 17, 2009.

Sanford B. Wanner
Clerk to the Board

MEMORANDUM

DATE: November 24, 2009
TO: The Board of Supervisors
FROM: John Rogerson, Zoning Officer
SUBJECT: Trash and Grass Lien

The Zoning Administrator certifies that, having received a complaint, the Code Compliance Officer inspected the properties listed below. Notification of a violation for trash and/or grass was sent to the property owners. Following failure of the property owners to take corrective action, the County contracted to have the properties cleaned. Owners were sent notification of payment due. They failed to pay.

Owners: Mr. and Mrs. Darl Mann
101 Oxford Road
Williamsburg, VA 23185-3227

Description: 2809 Durfey's Mill Road

Tax Map/Parcel Nos.: (47-4) (01-0-0003)

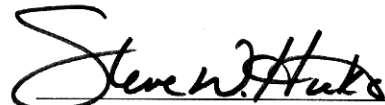
Filing Fee: \$10.00

Total Amount Due: \$330.00

Staff recommends that the Board of Supervisors execute the attached resolution to establish a lien.

John Rogerson

CONCUR:


Steven W. Hicks

JR/nb
Mann_mem

Attachment

RESOLUTION

TRASH AND GRASS LIEN

WHEREAS, the Zoning Administrator has certified to the Board of Supervisors of James City County, Virginia, that the property owners as described below have failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owners and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that in accordance with Sections 10-7 and 10-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Properties to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT:	Mr. and Mrs. Darl Mann 101 Oxford Road Williamsburg, VA 23185-3227
DESCRIPTION:	2809 Durfey's Mill Road
TAX MAP/PARCEL NOS.:	(47-4) (01-0-0003) James City County, Virginia
FILING FEE:	\$10.00
TOTAL AMOUNT DUE:	\$330.00

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of November, 2009.

Mann_res

MEMORANDUM


DATE: November 24, 2009
TO: The Board of Supervisors
FROM: Leo P. Rogers, County Attorney
SUBJECT: Restatement of the Amended and Restated Cooperative Service Agreement - Virginia Peninsula Regional Jail Authority

On August 1, 1995, James City County, York County, the City of Williamsburg, and the City of Poquoson, entered into an Amended and Restated Cooperative Service Agreement with the Virginia Peninsula Regional Jail Authority for the financing, construction, and operation of the Jail Authority. Since then, there have been two amendments to the Agreement, in September 2005 and April 2006.

In order to consolidate the amendments with the original Agreement, a restatement of the Agreement and its amendments have been prepared for your consideration.

Attached is a resolution to authorize the County Administrator to execute the Restatement of the Amended and Restated Cooperative Service Agreement between the Counties of James City and York and the Cities of Williamsburg and Poquoson. The Restatement simply combines the original Amended and Restated Cooperative Service Agreement and the two subsequent amendments into a single document.

Staff recommends approval of the resolution.


Leo P. Rogers

LPR/gb
CoopSrcAgr_mem

Attachment

RESOLUTION

RESTATEMENT OF THE AMENDED AND RESTATED COOPERATIVE SERVICE

AGREEMENT - VIRGINIA PENINSULA REGIONAL JAIL AUTHORITY

WHEREAS, James City County (“County”) entered into an Amended and Restated Cooperative Service Agreement (“Service Agreement”) on August 1, 1995, with the Virginia Peninsula Regional Jail Authority (“Jail Authority), which provides for the financing, construction, and operation of the Jail Authority; and

WHEREAS, on September 13, 2005 and April 11, 2006, the Board of Supervisors approved amendments to the Service Agreement; and

WHEREAS, the Board of Supervisors is of the opinion that the County should consolidate the Service Agreement and the two amendments into one document, the Restatement of the Amended and Restated Cooperative Service Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to execute the Restatement of the Amended and Restated Cooperative Services Agreement in order to incorporate the agreements and amendments into one document.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of
November, 2009.

CoopSrvAgr_res

M E M O R A N D U M

DATE: November 24, 2009

TO: The Board of Supervisors

FROM: Adam R. Kinsman, Deputy County Attorney

SUBJECT: Ratification of 1974 Hill Pleasant Farm Subdivision


In 1974, Harold J. Hunt, Jr., created Hill Pleasant Farm, Inc., by deed dated December 31, 1974, approximately 403 acres of property was transferred from Harold J. Hunt, Jr., and his wife, Muriel R. Hunt, to the Hill Pleasant Farm Corporation. This deed exempted a one-acre parcel, upon which a house and pool were situated, from the transfer. Donald C. and Carolyn L. Hunt, son and daughter-in-law of Harold and Muriel Hunt, have lived upon this one-acre parcel since 1974.

The minimum lot size in the A-1, General Agricultural, district in 1974 was 20,000 square feet; consequently, the aforementioned one-acre subdivision was permitted as a matter of right. Since 1974, the County has treated the parcel as being subdivided from the parent tract. The one-acre parcel has its own tax map number, its own street address, has been taxed separately from the parent parcel, and has been excluded from the surrounding Agricultural and Forestal District.


Following Harold J. Hunt, Jr.'s death in 2005, it was discovered that Mr. Hunt neglected to record a subdivision plat signed by the subdivision agent for the one-acre parcel. There is no doubt that both the County and the Hunts have treated the one-acre parcel as subdivided, but because the parcel transferred to Harold J. Hunt Jr.'s estate, it is necessary to formally recognize the one-acre subdivision so that it may now be transferred to his daughter, Marcia Million, pursuant to his wishes.

Initially, staff believed that a family subdivision (which requires a special use permit) would be necessary to achieve this recognition; however, because there is overwhelming evidence that the County has considered this parcel as subdivided from the parent tract since 1974, the Board need only adopt a resolution ratifying the 1974 subdivision.

I recommend that the Board adopt the attached resolution to ratify the 1974 subdivision and to authorize the subdivision agent to sign the subdivision plat.


Adam R. Kinsman

CONCUR:


Leo P. Rogers

ARK/nb
HillPleasant_mem

Attachment

RESOLUTION

RATIFICATION OF 1974 HILL PLEASANT FARM SUBDIVISION

WHEREAS, by Deed dated December 31, 1974, and recorded in the James City County Clerk's Office in Deed Book 158, page 176, Harold J. Hunt, Jr. excepted from conveyance on behalf of his son, Donald C. Hunt, a one-acre portion (the "Homestead Parcel") of the 426-acre parcel of land in James City County (the "County") located at 7152 Richmond Road and commonly known as the Hill Pleasant Farm (the "Farm Property") and designated as A-1, General Agriculture; and

WHEREAS, in 1974, the minimum lot size in the A-1, General Agriculture, zoning district was 20,000 square feet and, as such, a one-acre subdivision would have been permitted as a matter of right; and

WHEREAS, since 1974, the County has treated the Homestead Parcel as being owned by Donald C. Hunt and subdivided from the Farm Property by assigning the Homestead Parcel an address and tax map number unique from the Farm Property, by assessing the Homestead Parcel separately from the Farm Property, by excepting the Homestead Parcel from the Agricultural and Forestal District in which the surrounding Farm Property is included, and by listing Donald C. Hunt as the owner of record for the Homestead Property, rather than Hill Pleasant Farm, Inc., which owns the surrounding Farm Property; and

WHEREAS, upon Harold J. Hunt, Jr.'s death in 2005, it was discovered that the formal requirements to subdivide the Homestead Parcel from the Farm Property were not properly completed; and

WHEREAS, this resolution should clarify for all purposes, if needed, that the Homestead Parcel was, in fact, subdivided from the Farm Property in 1974.

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

1. The one-acre parcel of property located at 7150 Richmond Road in James City County, Virginia, and further identified as James City County Real Estate Tax Map No. 241010007 is subdivided from the parent tract located at 7152 Richmond Road in James City County, Virginia and further identified as James City County Real Estate Tax Map No. 241010005 and commonly known as the Hill Pleasant Farm.
2. The Subdivision Agent is hereby empowered to affix his signature to those documents, including a subdivision plat, necessary to legally acknowledge the 1974 subdivision.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of
November, 2009.

HillPleasant_res

MEMORANDUM

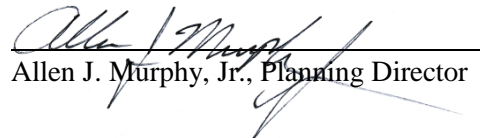
DATE: November 24, 2009
TO: The Board of Supervisors
FROM: Kathryn J. M. Sipes, Senior Planner
SUBJECT: Case No. SUP-0023-2009. Hunt Family Subdivision

An alternate resolution has been offered by the County Attorney's office and appears elsewhere on tonight's agenda (Item F-4). As the above-referenced case has been advertised for public hearing, staff recommends opening the public hearing.

Following Board action on Item F-4, no further action is necessary on this matter.

Kathryn J. M. Sipes

CONCUR:


Allen J. Murphy, Jr., Planning Director

KJMS/nb
SUP0023_2009_mem

Attachment

RESOLUTION

CASE NO. SUP-0023-2009. HUNT FAMILY SUBDIVISION

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, the applicant has request an SUP to allow for a family subdivision on a lot zoned A-1, General Agriculture, located at 7152 Richmond Road, further identified as James City County Real Estate Tax Map/Parcel No. 2410100005; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing held on Case No. SUP-0023-2009; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that the SUP allow for the above-mentioned family subdivision should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0023-2009 as described herein with the following conditions:

1. This SUP is valid for a family subdivision which creates one new lot generally as shown on the exhibit submitted with this application titled "Plat of Family Subdivision and Boundary Line Adjustment Between Three Parcels of Land Being A Portion of the Hill Pleasant Farm Tract," prepared by AES Consulting Engineers, and dated April 7, 2009.
2. Final subdivision approval must be received from the County within 12 months from the issuance of this SUP or this permit shall become void.
3. Only one entrance shall be allowed onto Richmond Road.
4. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of November, 2009.


SUP0023_2009_res

MEMORANDUM

DATE: November 24, 2009
TO: The Board of Supervisors
FROM: Leo P. Rogers, County Attorney
SUBJECT: 2010 Legislative Program

Attached for your consideration is a resolution approving James City County's 2010 Legislative Program. Also attached is the 2010 Legislative Program

Staff recommends adoption of the attached resolution.


Leo P. Rogers

LPR/nb
10LegProg_mem2

Attachments

RESOLUTION

2010 LEGISLATIVE PROGRAM

WHEREAS, James City County has developed a Legislative Program for the consideration of the 2010 session of the General Assembly which outlines certain legislative policies which the Board believes ought to guide the General Assembly and proposes certain legislation that would benefit the County; and

WHEREAS, the Board has carefully considered its legislative program and believes that it is in the best interest of the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the County's 2010 Legislative Program and commends it to the County's representatives in the General Assembly for action.

BE IT FURTHER RESOLVED that a copy of the County's 2010 Legislative Program be forwarded to the County's elected representatives to the General Assembly.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of November, 2009.

10LegProg_res2



JAMES CITY COUNTY 2010 LEGISLATIVE PROGRAM

Part I. Legislation to be Introduced on Behalf of the County

1-1. LOCAL CIGARETTE TAX

Amend Virginia Code § 58.1-3831 to authorize counties to levy a tax upon the sale or use of cigarettes to the same extent permitted by cities and towns.

1-2. APPEAL OF BOARD OF ZONING APPEALS DECISIONS

Amend Virginia Code § 15.2-2314 to clarify that appeals taken from decisions rendered by boards of zoning appeals are not suits against the board of zoning appeals and that boards of zoning appeals are not parties to those suits.

1-3. PROVIDE THAT ONLY VESTED MEMBERS OF THE VIRGINIA RETIREMENT SYSTEM ARE ALLOWED TO WITHDRAW CONTRIBUTIONS BEFORE RETIREMENT

Amend Virginia Code § 51.1-161 to add the word “vested” before the word member to limit when a withdrawal of contributions may be made from the Virginia Retirement System. Employees who work less than five years would not be eligible for a withdrawal of contributions given that they never made a contribution. This change would assist in maintaining sufficient funds to compensate vested members.

1-4. APPLICATION OF TRANSIENT OCCUPANCY TAX TO TRAVEL COMPANIES AND INTERNET SALES

Amend Virginia Code § 58.1-3819 et seq., to clarify that the transient occupancy tax applies to the entire amount charged for rooms by travel companies and on Internet sales regardless of any discounted rates paid by such companies for such rooms.

**JAMES CITY COUNTY
2010 LEGISLATIVE PROGRAM**



Part II. Position/Legislation to be supported by the County

2-1. STATE FUNDING FOR TOURISM

The County urges the General Assembly to increase funding for the Virginia Tourism Corporation (“VTC”) to promote tourism in Virginia generally, and the Historic Triangle in particular.

2-2. AUTHORITY TO IMPOSE IMPACT FEES

Amend Title 15.2, Chapter 22, to authorize localities to impose impact fees in order to fairly fund public infrastructure costs caused by new residential development.

2-3. LIGHT RAIL IN SOUTHEAST VIRGINIA

The County supports the planning for a light rail system from Richmond to Virginia Beach which would connect urban centers for commuters and provide transportation alternatives for tourism.

2-4. TRANSPORTATION FUNDING

James City County urges the General Assembly to address critical transportation infrastructure needs. Transportation should be addressed as a statewide issue rather than a regional or local issue.

2-5. BEHAVIORAL HEALTH AND COMPREHENSIVE SERVICES ACT (“CSA”) FUNDING

James City County urges the General Assembly to: 1) adequately fund the Medicaid waiver program to reduce the waiting list of individuals and families now eligible for services; 2) provide services to children with serious emotional disorders; and 3) to cover reasonable administrative costs for CSA programs. Adequate funding and services will help prevent the mentally ill from being released early from treatment, living on the streets, going to jail, or being inappropriately placed in residential facilities or other government programs.

2-6. SUBSTANCE ABUSE AND MENTAL HEALTH TREATMENT

James City County supports maintaining State funding for mental health and substance abuse treatment in jails and juvenile detention facilities given the overwhelming percentage of adults and juveniles in the system diagnosed with mental health and/or substance abuse conditions.

2-7. CONTINUE SERVICE LEVELS AT EASTERN STATE HOSPITAL (“ESH”)

James City County urges the General Assembly to delay the downsizing of ESH by retaining existing buildings and staff until State Department of Behavioral Health and Developmental Services has a plan in place, including funding, for alternative community services for the patients that are currently at ESH in State custody.

2-8. STATE FUNDING FOR PUBLIC EDUCATION, PRE-K, K-12 AND HIGHER EDUCATION

The County supports maintaining the gains made in recent years for pre-K and K-12 funding. In addition, the County supports restoring the cuts made to higher education which could cripple some of the most prestigious higher education institutions in the world, including the College of William & Mary.

2-9. ADEQUATE FUNDING FOR PUBLIC LIBRARIES

James City County supports the State maintaining funding to public libraries to make sure that State and localities maintain their proportionate share of funding.

2-10. RESTRICTION ON IMPOSING REAL ESTATE TAXES

James City County opposes any legislation restricting local taxing authority to establish real estate tax rates or place artificial limits on the assessment of real property at its fair market value.

2-11. OPPOSE PUBLICLY FINANCED MARKING OF PRIVATE UTILITY LINES

James City County opposes requiring public water and sewer providers to mark privately owned and maintained water, sewer and storm water lines on private property.

2-12. THE DILLON RULE

James City County supports legislation consistent with that which exists in the majority of states, to provide counties, cities and towns greater local autonomy over matters within the purview of local governments.

2-13. LEGISLATIVE PROGRAMS OF THE VIRGINIA MUNICIPAL LEAGUE AND THE VIRGINIA ASSOCIATION OF COUNTIES

James City County supports the legislative programs of the Virginia Municipal League and the Virginia Association of Counties.

M E M O R A N D U M

DATE: November 24, 2009

TO: The Board of Supervisors

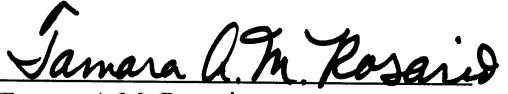
FROM: Tamara A.M. Rosario, Principal Planner
Richard Krapf, Planning Commission Chairman

SUBJECT: Adoption of the 2009 Comprehensive Plan

During the past 26 months, County citizens and businesses, the Community Participation Team, the Steering Committee, the Planning Commission, County staff, and consultants have researched and discussed a vision for James City County. The culmination of this work is the *Historic Past, Sustainable Future* 2009 Comprehensive Plan. The Steering Committee's draft of the document, including goals, strategies, and actions in 10-distinct and inter-related arenas of the community, was presented to the Planning Commission and Board of Supervisors in a joint work session on July 28, 2009. The Planning Commission proposed several changes during its four-month review of the plan and unanimously recommended approval of the revised document on October 7, 2009. Copies of the Planning Commission's draft plan and related material were delivered to the Board on October 16, 2009, and the plan is available on the Comprehensive Plan website at www.jccplans.org.

While the 2009 Comprehensive Plan draws much from the 2003 Comprehensive Plan, its amendments are noteworthy. Beyond updating facts and figures and meeting State requirements where applicable in each section, the theme of sustainability has been integrated throughout the document. An Executive Summary and Implementation Section and Schedule have been added. A section previously dedicated to youth has been expanded into the Population Needs Section and addresses the issues of seniors and those populations with special needs. The Land Use Map has been updated to include new roads, a new land use designation and area called Economic Opportunity, and revised land use designation descriptions and standards. Finally, many new goals, strategies, and actions have been included in response to specific concerns voiced by the citizens, as summarized in the July 1, 2009, memorandum to the Planning Commission and Board of Supervisors.

The Steering Committee, Planning Commission, and staff recommend adoption of the *Historic Past, Sustainable Future* 2009 Comprehensive Plan.



Tamara A.M. Rosario

Richard Krapf

CONCUR:



TAMR/RK/nb
09CompPlan_mem2

Attachments:

1. Minutes from the October 7, 2009 Planning Commission Meeting
2. Resolution
3. Draft Comprehensive Plan and Land Use Map (previously distributed on October 16, 2009)

RESOLUTION

ADOPTION OF THE 2009 COMPREHENSIVE PLAN

- WHEREAS, the Code of Virginia, Title 15.2, Chapter 22, Section 15.2-2223 requires James City County to prepare and recommend a Comprehensive Plan for the physical development of its territory, and Section 15.2-2230 mandates that at least once every five years the Comprehensive Plan be reviewed by the local Planning Commission; and
- WHEREAS, the James City County Planning Commission has reviewed the original Comprehensive Plan and determined it advisable to amend that plan; and
- WHEREAS, a 10-member Community Participation Team met weekly for 11 months informing County citizens and gathering their diverse views for the future; and
- WHEREAS, an 11-member Steering Committee held 36 meetings over a nine-month period reviewing community input, technical reports, text, goals, strategies, and actions; and
- WHEREAS, amendments have been proposed for incorporation in the 2009 James City County Comprehensive Plan and Land Use Map; and
- WHEREAS, the James City County Planning Commission held a public hearing on September 30, 2009, and unanimously recommended approval of the *Historic Past, Sustainable Future* 2009 Comprehensive Plan and Land Use Map on October 7, 2009; and
- WHEREAS, a public hearing on the *Historic Past, Sustainable Future* 2009 Comprehensive Plan was held on November 10, 2009, by the Board of Supervisors; and
- WHEREAS, the Board of Supervisors held a joint work session with the Planning Commission on July 28, 2009, and an additional work session on November 10, 17, and 24, 2009, to discuss the *Historic Past, Sustainable Future* 2009 Comprehensive Plan.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the *Historic Past, Sustainable Future* 2009 Comprehensive Plan and Land Use Map for James City County.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of November 2009.

UNAPPROVED MINUTES FROM THE OCTOBER 7, 2009 PLANNING
COMMISSION MEETING

2009 Comprehensive Plan – Historic Past, Sustainable Future

Mr. Krapf thanked staff for incorporating all of the changes from the September 30, 2009 work session into a final draft for tonight's meeting. For tonight's meeting he would like to address those items that the Commission agreed to follow up on from their last meeting, and then discuss new items that have surfaced since the September 30, 2009 meeting.

There was some discussion as to whether specific language regarding the population targets was approved. Ms. Kratter thought that the language concerning the targets would be reviewed tonight. The language can be found on page 169 of the draft plan.

The next topic was the implementation priorities. Mr. Krapf stated there was a request to discuss how the low, medium, and high ratings were decided upon.

Mr. Jason Purse stated that staff tried to identify items that were already in the County's work program, such as the Zoning Ordinance amendment process that is planned after the Comprehensive Plan is adopted. Those items that staff knew they would do were labeled as high priority. Mr. Purse said that other departments were contacted to determine what was in their particular work programs and what they considered high priorities. Then the Steering Committee's suggestions were taken into consideration, along with those suggestions from the Planning Commission and the Board of Supervisors. He stated that County Administration was consulted as to the items that they knew would be on the work program. Mr. Purse stated that some of the items that needed additional research or funding were identified as a lower priority. Items that were more long term goals were listed as a lower priority.

Mr. Fraley suggested moving some items to the category of high priority under the Environmental section. For instance, Action 1.1.2 is stated as "promote the use of better site design and low impact development and effective BMPs." This item has a lot of history behind it with public committees that worked on that principle. He felt this should be a high priority.

Mr. Fraley suggested Action 1.1.2.5, Action 1.1.2.6, and Action 1.1.2.8 all be changed to a high priority status. Mr. Fraley also believed that the items involved in the protection of trees should continue to be a high priority.

The Commission agreed to the changes.

Mr. Allen Murphy stated that the overarching goal would be to move better site design items to a higher priority. With these changes, it is suggested that some actions would be at a higher priority than other actions under that particular strategy.

Mr. Fraley stated that in his opinion that would be correct. He asked if this would be an

issue.

Mr. Murphy answered no, as long as it was understood that some have a higher priority than others even though the overarching strategy was to promote better site design.

Ms. Kratter stated that she was not sure if having certain items as a lower priority due to budgetary concerns was an appropriate measure to group the items. She stated that there may be items that are very important, but due to budgetary constraints are not able to be done. These items should still be categorized as a high priority.

Mr. Purse stated that items that would require attention, time, and/or funds were not marked as a lower priority across the board. It was not staff's intent to base it solely on funds available.

Mr. Krapf asked Ms. Kratter to initiate the discussion on the executive summary. She stated that she sent the Commissioners and staff her suggestions for revisions and additions. She felt that the executive summary is important because it helps to set the tone for the entire document. She added Mr. Krapf's comments to her suggestions. Ms. Kratter did not receive any other additional comments from staff or other Commissioners.

Mr. Krapf had a question concerning Ms. Kratter's insertion under the heading "Snapshot: Where We Have Been and Where We Are Today." The insertion was "recognizes that although fast paced growth has provided new options in employment, services, and housing; citizen input indicates that a large majority want future growth to be limited in order to protect the unique character of the County." He questioned the word "limited." He would be more comfortable with "manage growth" as oppose to "limit growth."

Ms. Kratter stated that the majority of citizens participating in this process have stated that limiting growth is what they would like to see.

Mr. Henderson stated that the way he reviewed the results of the citizen surveys was that there was approximately 32% - 34% of the population that strongly agreed with the statement that James City County was growing too fast. The balance either moderately agreed or disagreed with that idea. Mr. Henderson did not feel that 34% was a majority. He stated that he objects to the inclusion of that language in the executive summary. He also felt that a majority of changes in the executive summary have the tone of controlling or limiting growth. Mr. Henderson does not believe the majority of citizens are in agreement with this as the numbers show in the surveys that were taken. Based on this, he is unsure whether he could support the changes proposed by Ms. Kratter.

Ms. Kratter quoted that the draft stated "that these comments are reinforced by the results of the Virginia Tech survey which indicated that 83% of the respondents agreed that the development of the land in the County was happening too quickly. This is a 5% increase over the last survey performed in 2001." She felt that this indicated that a majority of the citizens did not want business as usual. Ms. Kratter felt that since surveys were conducted to ask people their opinions, then the draft document needed to reflect these opinions. She believes that the

changes she has proposed reflect the input from the citizens so that they feel they have been heard.

Mr. Fraley stated that he is in agreement with the changes so long as the survey is reflected accurately. He stated the survey results were that 58% strongly agreed and 25% somewhat agreed that the development was happening too quickly. He would not group both categories as one and state 83%.

Ms. Kratter stated she would have no objection to this if it was broken down into categories every place that mentioned survey percentages. In other discussions that have taken place, the Commission has taken the liberty of combining these areas.

Mr. Fraley asked if there were any other percentages cited in the executive summary.

Ms. Reidenbach did not believe there were.

Mr. Fraley felt that the breakdown could be included in the executive summary only without going back and changing all the numbers throughout the document.

Ms. Reidenbach stated that there was one other citation of the Virginia Tech Survey, where it was mentioned whether the County was a good or excellent place to live.

Mr. Fraley suggested to adding the “strongly agreed or somewhat agreed” to the language quoting the 83%.

The Commission and staff agreed on this.

Mr. Krapf suggested removing the word “large” from “large majority.”

The Commission and staff agreed.

Ms. Tammy Rosario stated that this was an example, and there were a few others, where the discussions have strayed from sticking to the exact survey wording and proceeded to a next level of broadly connecting what the survey said with a particular direction in the document. She stated staff felt some discomfort with this. Staff took a more conservative approach of reporting the survey results more literally. She stated that if the Commission felt that something needed to be added with regard to the survey, staff could propose something.

Ms. Reidenbach added that there was more detail concerning the citizen surveys after the executive summary.

Mr. Poole stated that he appreciated the comments and suggestions from the Commissioners and staff. He still feels that this plan is a guide, not an ordinance. The details should be left to the Zoning Ordinance update and the public hearing cases that are heard by the Commission. There could be a lot of time spent rewriting this plan. He feels uncomfortable getting into the level of detail that is taking place at the moment. Mr. Poole would be in

agreement to accept the draft plan as presented with no more edits.

Ms. Kratter stated that these changes were given to the Commissioners and staff prior to tonight's meeting. She stated the understanding was that the executive summary was going to be a collaborative effort between her, Mr. Fraley, and staff. For a variety of reasons, it was not completed as such. She felt it was crucial to have some of the changes added; otherwise, there was no point to having all of the citizen participation. She felt it was important to have something that holds everyone accountable for listening and understanding; otherwise, the document may not be very useful.

Mr. Fraley stated caution should be taken when making changes due to the fact that the document could be changed constantly to suit any particular person's wording preferences and viewpoints.

Mr. Krapf felt that the action items were the translation of the survey results. Each Commissioner at some point would need to agree that they could support the Comprehensive Plan and were in general agreement with its content. It was suggested to accept the executive summary in the draft as presented by staff. Five Commissioners were in agreement.

Mr. Krapf stated that Mr. Peck had a suggestion of listing a top five or top ten of "super priorities" that would be highlighted. He previously asked Commissioners for their input and was given a few suggestions. Mr. Krapf did not submit any because he felt there were so many good action items, and to highlight a few would take away from the rest. He felt that every year the Board of Supervisors determines what projects are priorities. Mr. Krapf asked Commissioners if there was a consensus to have a top five or top ten list of priorities.

Mr. Fraley stated he only responded because Mr. Krapf asked him for input.

Mr. Krapf asked the Commissioners if they wanted to add a top five or top ten priority listing. Two out of seven Commissioners agreed, but since the majority did not want to add this, it was determined to not include the list in the draft.

Ms. Kratter then discussed the changes that she had sent out to Commissioners and staff. She stated her changes were to make the County more responsive to its citizens. She felt there were some areas where something was stated incorrectly or was not clear enough. She stated the first one was in the vision statement under the heading "Sustainable Future." She wanted it clarified that "to sustain" is not the same thing as "to survive." Ms. Kratter wanted to emphasize after the first sentence because she felt that there should be more than "leaving the County in good shape." Sustain means that the County will be strengthened and preserved for that which is most special. The Commission and staff were in agreement.

Mr. Poole stated he did not receive some of this information until today. He encouraged fellow Commissioners to use the County email addresses since some of this was sent to his home email address and he could not retrieve some of it. He expressed his views about getting too detailed and having more and more revisions to the draft.

Ms. Kratter suggested taking what staff had added to the executive summary regarding the definition of “consider,” redefining it and moving it to page 9 of the Planning Process.

Mr. Purse stated that staff felt that this text was better in the Implementation Guide along with the schedule. The Planning Process concerns the process of developing a comprehensive plan and the approval process, not so much of what happens after it is approved.

Mr. Krapf suggested adding it to the Implementation Guide also since it discusses a reporting mechanism through the annual report on the status of the action items.

Mr. Purse stated that Ms. Kratter’s suggestions concerning the definition of “consider” were in the Implementation Guide text already, but that staff could insert additional wording. It was added to page 197 of the document.

Ms. Kratter was in agreement with this.

Ms. Kratter wanted to review the exact language that would be adopted for the determination of the population level. She felt that this should be called out and also added to the discussion of Demographics on page 12. She suggested the wording to be “indeed for the first time the plan includes a new strategy and calls for a determination of the population level and rate of growth that will ensure a high quality of life and protect and preserve our unique character and natural resources and a review of all legislative actions and policies with a view to controlling the amount and pace of development consistent with that vision.” She stated she refined some language that had been approved by the Planning Commission earlier.

Mr. Fraley stated that the approved language was in Land Use Action 1.5.3 on page 169 of the draft plan. He stated that a motion was made to approve this language at the previous public hearing.

Ms. Kratter wanted to clarify this language.

Mr. Krapf stated that Ms. Kratter’s suggestion is to take this language and move it into the Demographics section. She thought it was important to highlight in this section since it was the first time that the Comprehensive Plan has this item. She would also like to clarify the language in Land Use (Action 1.5.3).

Ms. Rosario stated that in addition to being in the Land Use section, it is also highlighted in the Executive Summary per the direction of the Planning Commission at the last meeting. If it were added to the Demographics section, it would change the character of that section from a presentation of facts to having the element of goals, strategies, and actions.

Mr. Krapf asked Commissioners if they would like to add this wording suggested by Ms. Kratter to the Demographics section. Only one Commissioner voted yes; therefore, it will not be added to the Demographics section.

Ms. Kratter suggested changing the wording on page 27 in the Economic Development

section from “beer” to “brewing.” The Commission agreed to the change.

Ms. Kratter suggested changing the wording earlier in the paragraph from “economic sustainability is the creation of,” to “economic sustainability requires an adaptive.” The Commission agreed to the change.

Ms. Kratter spoke on some changes in the Housing section. On page 43 she suggested changing the wording of “role of housing in a sustainable community” to “sustainable housing in a community.” The Commission and staff agreed to the change.

Ms. Kratter pointed out that for Action 1.3.1, it says that a review and a revision will be “done” as opposed to “considered.” She also pointed out where it was stated that a fast track system would be “developed” as opposed to “considered.” She stated that these items will increase density and asked the Commission if the wording should be changed. Ms. Kratter suggested changing the wording to “reviewing and assessing the feasibility.”

Mr. Fraley stated that this action item was to promote and support affordable and workforce housing. He suggested changing it to “review and consider.”
The Commission and staff agreed to the change.

Ms. Kratter stated the same would be true of Action 1.3.12, where it would read to “consider a fast track system” as opposed to “develop a fast track system.”

The Commission and staff agreed to the changes.

Mr. Fraley stated that the Steering Committee and the citizen groups went through the language very carefully when developing these action items.

Mr. Peck stated that affordable housing is a real need in the County. He stated his view was that this language was to encourage affordable housing. There are costs to affordable housing. He is comfortable with leaving the language as is.

Mr. Billups expressed the importance of developing a fast track program to develop affordable and workforce housing in the County. He asked whether the Board of Supervisors has adopted anything regarding workforce housing.

Mr. Kinsman answered that he was unaware of any specific document regarding workforce housing.

The Commission agreed to leave the language as is for Action 1.3.12.

Ms. Kratter suggested changing the word “attain” to “obtain” for Action 1.3.8. The Commission and staff agreed to the change.

Mr. Kratter suggested a change of wording on the statement in the Community Sustainability Spotlight on page 75 to “maintain healthy ecological processes.” She would like

to clarify that in the next few sentences the thought is to survive or maintain the environment. She believes that the County would probably want to do more to preserve and enhance the environment.

Mr. Fraley stated his concerns over the statement that the “citizens desire more than basic environment survivability.” He does not believe this came from citizen comment. He believes that this statement reads negatively. He agrees with upgrading some of the definitions. He suggested “County residents expect that the environment will be preserved and enhanced as a valuable asset.”

Ms. Rosario stated that it may be out of place to discuss citizen commentary in the sustainability spotlight. It is not consistent with other spotlights.

Ms. Kratter suggested the statement “sustainability would require that the environment be preserved and enhanced as a valuable asset.”

The Commission and staff agreed.

Mr. Henderson stated that there will be more stormwater regulations being implemented. There may be issues when discussing enhancing as opposed to preserving. He believed the term “enhance” was too broad.

Mr. Peck suggested “preserve and protect.”

The Commission agreed to Mr. Peck’s suggestion.

Mr. Krapf expressed his concerns about the level of detail in going through these changes in the draft.

Ms. Kratter asked about the comments expressed earlier from the wireless carriers concerning encouraging certain technology.

Mr. Kinsman stated that there were no issues encouraging certain technology as long as preferences are not specified.

Ms. Kratter expressed some concern over the language in Action 1.7.1 on page 193 under Community Character concerning wireless communications.

Mr. Fraley stated that the County Attorney had reviewed the language and what is proposed is as specific as the County can be.

Ms. Kratter agreed with this.

Ms. Kratter suggested changing the language in Action 1.5.1 on page 101 in the Community Character section.

Mr. Fraley was not comfortable with the change suggested. He would like the language to remain since there was a lengthy discussion between staff and the Steering Committee on this topic.

Mr. Poole again expressed his concerns about rewriting the plan and how detailed the changes are. He respects his fellow Commissioners opinions but does not feel that this is a constructive use of their time.

Mr. Krapf asked the Commissioners if there were any other edits. There were none.

Mr. Henderson had a question concerning the insertion on page 25 of the percent of revenue derived from non-residential sources. He thought there was a companion chart to go with this information and asked if it was going to be included in the final text.

Ms. Rosario stated it is included in the technical report.

Mr. Henderson suggested moving the chart from the technical to the final text document. He felt it would clarify the information stated.

Ms. Rosario stated staff is comfortable with the material itself since there was extensive work done in developing it; however, it was included in the technical report with the other detailed information in a similar manner to what has been done for the other sections. She stated staff's preference would be to leave the chart in the technical report, and make a reference to the chart's location in the final text.

Mr. Krapf asked for a vote to include the chart and footnotes on page 25 concerning the revenue from non-residential sources. Only three Commissioners voted yes; therefore, the chart and footnotes will not be included on page 25 but remain in the technical report, with an added reference in the final text.

Mr. Henderson moved for approval of the 2009 Comprehensive Plan with a second from Mr. Poole. An errata sheet will be presented along with a copy of the draft.

Ms. Kratter suggested making the changes and sending it in its entirety.

Mr. Murphy stated that the Board of Supervisors will receive the amended draft, but an errata sheet is done for audit purposes.

Mr. Poole asked if this draft expands the primary service area (PSA).

Ms. Rosario answered that the Hill Pleasant Farm area proposed to be designated as Economic Opportunity (EO) will ultimately add acreage to the PSA, but that would be done only after a satisfactory master plan was developed for the property at a later time. There is the expectation of this area will be added, but it is not actually added in this Plan. Therefore, this draft does not expand the PSA.

Mr. Poole appreciated the work of staff, the Community Participation Team, the Steering Committee, the Planning Commission, and citizens involved in the process, for their work and dedication. He views the plan as a strategic plan, with the real decision making involving sustainability and quality of life dependent on the decisions of the public hearing cases that come before the Commission and the Board of Supervisors. He believes this plan limits growth in the outlying areas. Mr. Poole stated he is not comfortable with the population cap because he believes it may inadvertently create some growth that might not be desired. He feels this plan addresses commercial growth in encouraging reuse and re-energizing commercial areas instead of placing new commercial growth further out. He believes this is an important part of sustainability and community character. Mr. Poole feels that the development of a master plan is key to the development of the new Economic Opportunity area. He does not support the annual amendment process. He does not feel that the County can move forward if there is an opportunity to amend the plan annually.

Mr. Fraley stated that overall he believed that the PSA contracted slightly with all of the land use applications.

Ms. Rosario stated that was correct, the overall the area was reduced slightly with the approval of the Hazelwood Holdings application.

Mr. Fraley clarified that the amendment process does not necessarily mean amendments would be done every year. It permits someone to apply for an amendment. Mr. Fraley thanked staff for all of their hard work and dedication. He appreciated their responsiveness and the quality of work that was presented.

Ms. Kratter stated that she continues to be disappointed that not enough was included in the plan to require accountability by appointed and elected officials. Despite this, she will support moving this plan to the Board of Supervisors.

Mr. Henderson felt that this plan is a citizens' plan. Overall, he feels that it is a plan worthy of James City County and will serve the County well going forward. He feels that the annual amendment process will serve the County well also. There is still a lot of work to do regarding limiting growth in the rural lands. Mr. Henderson felt that the plan does a good job encouraging business growth and is prepared to support the plan.

Mr. Peck felt that this plan was a clear statement to the citizens that the officials have listened and heard their concerns. There were institutional reforms set up in the plan along with a list of priorities to be undertaken. For the first time, there is a monitoring and reporting process. He believes that these are fundamental changes. Mr. Peck thanked staff for working with the Commission because he realizes it was a give and take and educational process. He strongly supports the plan.

Mr. Billups thanked staff for all of their work that was done and the work still left to do. He appreciated Mr. Fraley's work as the Chairman of the Steering Committee and his involvement in the Community Participation Team.

Mr. Krapf thanked staff and his fellow Commissioners for their work.

In a roll call vote, the draft Comprehensive Plan was approved (7-0). (AYE: Fraley, Kratter, Henderson, Billups, Poole, Peck, Krapf.)