

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

December 8, 2009

7:00 P.M.

A. ROLL CALL

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE – Emily Boyle, a third-grade student at D.J. Montague Elementary School

D. RECOGNITION

1. Chairman's Awards
 - a. Employee
 - b. Citizen

E. HIGHWAY MATTERS

F. PRESENTATION

1. Annual Financial Report – Goodman and Company L.L.P.
Supports County's Strategic Pathway 1.a - evaluate service delivery costs

G. PUBLIC COMMENT

H. CONSENT CALENDAR

1. Minutes –
 - a. November 10, 2009, Special Work Session Meeting
 - b. November 10, 2009, Regular Meeting
 - c. November 24, 2009, Work Session
 - d. November 24, 2009, Regular Meeting
2. Rescind Declaration of Local Emergency
Supports County's Strategic Pathway 2.a - address the needs of the underserved and protect the vulnerable
3. Chesapeake Bay Preservation Ordinance Violation – Civil Charge – Scott and Brandi Brand, 3657 Bridgewater Drive, Mill Creek Landing
Supports County's Strategic Pathway 4.c - ensure private development and government operations are environmentally sensitive

-CONTINUED-

4. Contract Award – James City County/Williamsburg Community Center Parking Lot Asphalt Repairs – \$118,786
Supports County’s Strategic Pathway 2.e - improve access to information by decreasing the “digital divide”
5. Contract Award – Two Rigid Hull Inflatable Boats and Trailers – Police Department
Supports County’s Strategic Pathway 5.b - maintain a well-trained and high performing workforce for normal and emergency operations
6. Williamsburg-James City County Schools “Safe Routes to School” Grant Application
Supports County’s Strategic Pathway 2.a - address the needs of the underserved and protect the vulnerable
7. Eastern State Hospital Downsizing
Supports County’s Strategic Pathway 2.a - address the needs of the underserved and protect the vulnerable
8. American Reinvestment and Recovery Act Project (ARRA) Overlay/Resurfacing Various Routes County Wide – \$518,394
Supports County’s Strategic Pathway 3.d - invest in the capital project needs of the community

I. PUBLIC HEARINGS

1. Case No. SUP-0022-2009. King of Glory Lutheran Church SUP Amendment
2. Vacation of a Portion of the Subdivision Plat for Fenwick Hills, Section Two, Right-of-Way for Colony Mill Road

J. PUBLIC COMMENT

K. REPORTS OF THE COUNTY ADMINISTRATOR

L. BOARD REQUESTS AND DIRECTIVES

M. CLOSED SESSION

1. Consideration of the acquisition of property for public use pursuant to Section 2.2-3711(A)(3) of the Code of Virginia

N. ADJOURNMENT to 4 p.m. on January 4, 2010

MEMORANDUM

DATE: December 8, 2009
TO: The Board of Supervisors
FROM: Tara E. Woodruff, Accounting Director
SUBJECT: Annual Financial Report – Goodman & Company L.L.P.

Included in the Reading File are the FY 09 Financial Statements for James City County and James City Service Authority. C. Frederick Westphal, Partner at Goodman & Company L.L.P., will present an overview to the Board.

Tara E. Woodruff

TEW/nb
Audit09_mem

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.

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><u>-\$907,163</u></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><u>-\$907,163</u></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.

L. CALL TO ORDER

At 4 p.m. on November 17, 2009, Mr. Kennedy reconvened the Board of Supervisors.

M. 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

N. BOARD DISCUSSIONS

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

Ms. Tammy Rosario, Principal Planner, gave a presentation on each section of the Comprehensive Plan to address the Board's questions. Ms. Rosario invited the Board members to discuss their questions about each section.

a. Executive Summary

Mr. McGlennon commented on the summary's implication that growth control was previously implemented in the County's Comprehensive Plan. He said that according to citizen surveys and feedback, many citizens did not feel the County had been previously exercising strong growth control measures. He stated that he felt the document should indicate that growth controls should be implemented rather than be continued.

Ms. Rosario commented that initial wording proposed by staff was to "continue to practice growth management," as that was a key factor in the plan and what is allowed through enabling legislation. She stated that the Planning Commission had revised the section's wording to include growth control rather than growth management.

Mr. McGlennon agreed that the original wording was more accurate. He stated his preference would be to incorporate language indicating that growth controls should be implemented.

Mr. Goodson commented that he felt there were implements in place to influence the rate of growth.

b. Vision Statement

Mr. McGlennon noted that his questions in this section dealt with clarifying the language of the statement rather than changing the intent. He noted a possible change in the statement that dealt with enhancing the legacy of the County's quality of life. He stated that he would recommend a change to preservation and enhancement of the quality of life.

Mr. Goodson commented that there was a 26-month process in which the language was considered, and he felt that the word "legacy" was appropriate in this context. He commented that the Planning Commission should reconsider the numerous proposed changes to the plan.

Mr. McGlennon stated that the Board had a responsibility to carefully review and contribute to the plan. He stated the Board would ultimately be accountable for the plan.

Mr. Goodson stated the Comprehensive Plan process was approved by the Board. He noted that there were many changes being proposed to the plan, which would not be typical of a land use proposal without being referred back to the Planning Commission.

Mr. McGlennon stated he did not object to referring the plan back to the Planning Commission in the event substantial changes were made. He commented that the process included active participation by the Board of Supervisors.

Ms. Rosario noted that the language was made at the Planning Commission level, and dependent on Board instruction the change could be made.

Ms. Rosario commented on the next comment, which was the language to address balancing the pressure to develop against the need to protect the County's history and environment. She stated that staff suggested the phrase "cultural opportunities" in place of "culture" in reference to the desire to change the word "entertainment."

Mr. Kennedy clarified that staff would go through the comments of the Board individually, and the Board would then evaluate what changes it would like staff to make.

Ms. Rosario noted two more comments about language under the Vision Statement which was endorsed by the Planning Commission, including the definition of "sustain" and stated that further clarification could be made. She noted the next question was on the continuation of world-class education. She commented that the Vision Statement was more inspirational and goal-oriented. She stated the more restrained language was added to the implementation section.

Mr. Icenhour commented that he agreed that was the goal, but the reality may be a more constrained approach.

Mr. Allen J. Murphy, Jr., Planning Director, commented that the language related to the budget was contained in the implementation guide.

c. Population/Demographics

Ms. Rosario commented on the growing population of the County and noted the statistical demographic information on the County that was presented in the section. She commented on the population projection method which was previously discussed. She commented that the statement could be clarified.

Mr. Icenhour commented that the methodology was not clear in the document, but the response was clearer. He commented that an average percentage growth may be a more accurate portrayal of population increase. He stated he understood the methodology, but he had a different approach to the calculation.

Ms. Rosario noted that the population was not linear throughout the calculations. She commented that Mr. McGlennon asked about inconsistent years selected for analysis. She noted that staff strived to make the years as consistent as possible, but the different sets of data may not have had the same time range. She stated that it was matched where possible.

Mr. McGlennon stated that he felt decennial information should be consistently available. He noted that it would be difficult to compile several decades of data if the information was not available. He stated valid trends were less apparent when the data represented different time frames.

Ms. Rosario stated census data was one source of information, but there were in-house sources and other resources to incorporate into the demographic information.

Mr. McGlennon noted that he was unable to locate some information from the technical reports and stated he would like to view the reports in hard copy.

Ms. Rosario commented on a question of State and national comparisons on income growth in the County. She stated that staff did not find that information in the reports. She stated that research could be conducted, but it would need to be compiled and added in at a later time. She commented on how to respond to the population trends. She stated the intention of the section was to be factually based and the other sections of the plan would draw from the data there to develop policy recommendations. She stated at the Planning

Commission level, there was discussion about whether the County should make value judgments about the trends in this section and steer the population in one way or another. She stated that the Planning Commission was supportive of applying those judgments throughout the Comprehensive Plan.

Mr. McGlennon noted that there was a subsection entitled “Population Summary and Implications” which would require some comment on the data presented. He stated that it was not a very helpful planning tool unless it was demonstrated that the trends were being evaluated. He stated that if there were goals, strategies, and objectives to address changes in the demographics in the other sections of the plan, there should be a statement of why the trends cause concern to justify the response.

Ms. Jones commented that during the Steering Committee process, there was an emphasis placed on the senior population and the youth population in response to citizen input.

Mr. McGlennon stated his point was that if the demographic trends were evaluated, those trends should be highlighted.

Ms. Jones stated she felt that was self-evident in the plan.

Mr. McGlennon stated he was interested in clarifying the logic for citizens who would read the plan.

Ms. Jones stated the goals, strategies, and actions fall back on the demographics to justify the recommendations.

Ms. Rosario commented that the section could be more accurately entitled “Population Trends Summary.”

Mr. McGlennon stated staff took proper actions. He stated that staff should not be tasked with deciding which trends should drive policy, but highlighting trends and what implications may result. He stated that ultimately, the Board would need to make the decision about what the policy should be and that would be apparent in the trends.

Ms. Jones commented that the goal of the Comprehensive Plan was a general guidance document based on citizen input. She commented that ultimately, the policies are up to the Board.

d. Population Needs

Ms. Rosario commented that historically this section dealt most directly with youth issues and feedback. During this review process, a significant amount of citizen feedback referenced the rising senior population, so it was also included in this section. She stated that some of the needs were related for seniors and youth. She commented on age-appropriate activities and youth leadership programs. She commented on the Strategic Plan for Children and Youth, which was most recently created in 2001. She stated the Department of Social Services felt that it was still relevant, but there was a call for it to be updated.

Mr. McGlennon stated the 2001 report informed the 2003 Comprehensive Plan. He stated that ideally, there should have been some changes as a result of the 2003 Comprehensive Plan. He stated that any changes in the baseline should be reported. He stated that this section should note any progress and reevaluation of areas of concern.

Ms. Rosario noted a suggestion of evaluating the experience of Parker View Senior Apartments (Parker View) and determining the need among current senior residents along with future affordable housing options.

Mr. McGlennon stated that there was a significant senior housing option and there would be benefits from understanding what the experience has been, including demand for apartments. He stated that this was critical to determining whether this type of development for senior living was a valid option or if other alternatives should be considered.

Mr. Murphy stated this was discussed with Community Services and that staff would be amenable to taking into consideration the experience of Parker View among current residents for that kind of affordable housing option.

Ms. Rosario stated there was a concern about a strategy to "advocate cost structures" rather than "establish costs and fees."

Mr. McGlennon commented that the Board has the ability to set rates and fees in most instances.

Ms. Rosario stated broader language was included to address fees and tax structures that the Board did not have direct control in setting, such as health care and day care programs.

Mr. Murphy stated the Board may not wish to restrict its ability to make funding decisions by having specific language about those actions in the Comprehensive Plan.

Ms. Rosario commented on a question about issues related to the schools. She stated the School Board provided input that was included in the Comprehensive Plan. She stated a member of the School Board was on the Steering Committee and as issues arose related to schools, the language was amended or revised as needed. She stated the most pertinent issues were incorporated in the plan.

Mr. McGlennon commented that he was concerned about the very broad statement of the goals, which lacked a clear notion that the schools were an integral part of the County. He stated that the majority of the local budget goes to the schools and they are not given the role that he expected to see.

Ms. Rosario stated that over the years, there has been more and more emphasis on the School Board and school issues in the various comprehensive plans. She commented that there could be an addition regarding general communication with citizens to the text describing what was done for the Comprehensive Plan, but there was not yet an entire section devoted to that.

Mr. McGlennon commented that his question did not deal with communication techniques, but the interaction between citizens and the County. He stated that there is a great deal of population change over time and there is a need to respond to community questions. He stated that the County should engage in constant dialogue to see what the expectations of the community would be.

Ms. Rosario stated that additional language could be added if needed.

Mr. Goodson commented that there was specific language that comments on engagement of citizens.

Mr. McGlennon stated that he would like to see a few action items that specifically address soliciting and incorporating feedback from citizens.

Ms. Jones stated that she felt that Action Item 1.4.4 addressed Mr. McGlennon's concerns.

Ms. Rosario commented that the next question addressed youth, but not young adults. She stated that in this section, youth and senior issues were grouped together and intended for young adults to be addressed in the Economic Development section from an economic development standpoint.

Mr. McGlennon asked how the presence of young adults was an economic development issue.

Ms. Rosario commented that those issues seemed to be linked in community conversations and community input. She stated that segment of population (sometimes referenced with the creative class) also adds vibrancy to localities and their economies. She stated that ultimately that discussion was not included in the economic development section, although an action was included to support the presence of young adults.

Mr. McGlennon stated that population needs would be defined by age groups that were not as represented as desired instead of economic development. He stated that the population need assessment would then drive the analysis of how to make the community more accessible to the particular age group.

Ms. Jones stated the focus was on an expanding population and addressing the future needs based on trends. She commented that the needs of young adults were considered in the Economic Development section and the recommendations from the Business Climate Task Force (BCTF).

Mr. Powell stated he received an update related to Parker View. He stated it consists of 67 units. He stated it opened in January 2009 and it was fully occupied by June 2009. He stated there was a waiting list of about 20 residents.

e. Economic Development

Ms. Rosario stated the Economic Development section focused on strategies of redevelopment and infill development as growth management tools, exploration of specific economic benefits due to the geographic location of the County and proximity to resources, the desire to retain and expand businesses, references from the BCTF report, and recognition of various economic activities such as tourism and agriculture.

Mr. Goodson asked about changes that were made to the Economic Development section as referenced during the public hearing by a representative of the Economic Development Authority (EDA).

Ms. Rosario commented that there were two Economic Development goals, strategies, and actions (GSAs) that were commented upon. The first was Strategy 1.1, which was changed during the Planning Commission discussion in order to be shortened. She stated that much of the language was included in other actions, so it was reduced in length. She commented that the representative also expressed a desire for more specificity in Action Item 1.1.5 to describe how County regulations, policies, and procedures would be analyzed in relation to commercial and industrial development during the Zoning Ordinance revision process. She stated that the action sets up a framework for those discussions.

Mr. Goodson stated that one of the major actions was to review and update the entire zoning ordinance to reduce Special Use Permit (SUP) requirements as necessary.

Ms. Rosario stated that type of analysis was included in the action, and it would be the Board's discretion to add specificity. She noted Mr. McGlennon's request to add language to that action to include the phrase "while still protecting the interest of the County and its citizens." She stated that she felt that would be within the framework of the zoning ordinance process.

Mr. McGlennon stated he did not feel strongly about that change.

Ms. Rosario and Mr. Goodson discussed changes to this section by the Planning Commission, including the analysis of residential versus nonresidential development and more detailed information than the technical report. Ms. Rosario stated that Mr. Icenhour asked how the numbers were derived.

Mr. Icenhour stated it was not clear in the Comprehensive Plan how the numbers were derived. He stated the calculations varied if there was not a consistent measurement. He stated that the Planning Commission had developed a consistent way of measuring this ratio, but it was not specified in the Comprehensive Plan.

Ms. Rosario commented that there was a chart outlining that information in the technical reports.

Mr. Icenhour asked if there was one formula that was used.

Mr. Murphy indicated that there was one formula used which was outlined in the technical report.

Ms. Rosario noted that the method was reproducible.

Ms. Rosario commented that Mr. McGlennon had a suggestion to add “agriculture and education” as part of the listing of industries in the County along with manufacturing and tourism. She commented that these industries have not been strong local tax revenue producers in recent years, but education is considered to be a major job-generator in the economy.

Mr. McGlennon commented that these industries were historically linked to the County’s economy over a longer time frame.

Mr. Goodson commented that a more modern perspective could be considered in terms of economic development since there was little economic development in the County before the 1970s.

Mr. Murphy stated staff could provide a framework of time.

Mr. McGlennon stated if the last ten years were evaluated, manufacturing would not be considered an area of growth, but service-oriented businesses would be more prevalent. He stated he had a different perspective of history beyond 30 years. He stated there were other economic engines in the community over time.

Mr. Goodson commented economic development became more prevalent in the 1970s. He stated that there was an agriculture-based economy, but there was not a great deal of economic diversity.

Mr. McGlennon noted that the statement indicates the economy has been linked to certain industries. He stated that an important part of the Comprehensive Plan was to retain some link to agricultural past.

Ms. Rosario stated that the tradition of agriculture in the County was included in the plan and the importance of agriculture to the identity of the County.

Mr. McGlennon stated there were more fundamental issues that could be considered.

Ms. Jones asked what points should be raised for discussion.

Mr. McGlennon commented on the discussion of the Economic Development section. He stated that he did not have a clear understanding as to what types of economic development were seen as positive. He stated the BCTF grid was a listing of desirable characteristics with no clear goals. He stated that there was specific mention of things such as robotics and simulation, which he did not understand were an economic development objective. He asked what the competitive advantage would be in those areas.

Mr. Goodson responded that the competitive advantage was the County's proximity to Fort Eustis.

Mr. McGlennon asked how that compared to the City of Suffolk, which has an institute devoted to modeling and simulation.

Mr. Goodson stated that Fort Eustis would become a leader in the field of robotics.

Mr. McGlennon stated that there was no engineering institution in the County. He asked how these fields were included in the Comprehensive Plan instead of others.

Mr. Goodson stated that individuals in the Comprehensive Plan process were focused on those particular technologies.

Ms. Rosario stated that during the Steering Committee process, there were several discussions with Mr. Jim Golden, College of William and Mary Vice President for Strategic Initiatives, who emphasized that those were seen by William and Mary as areas of competitive advantage and that there were certain factors that made them appealing.

Mr. McGlennon stated that he would ask Mr. Golden how many programs that have developed through the Applied Science program have decided to locate in the County versus elsewhere and why the locations were chosen. He stated that he was unaware of that kind of discussion.

Mr. Goodson stated the EDA has had those kinds of discussions.

Mr. Keith Taylor, Economic Development Director, stated the evolution of those targets began with the first economic development consultant study which was tasked with examining some technology areas. He stated since that time, the BCTF has begun to focus more on qualities and characteristics of businesses rather than types of industry. He stated that the economy is growing so fast that industries are changing very quickly.

Mr. Wanner stated that the regional assets were considered as well when determining the types of industries and competitive advantages the County should consider. He stated the Historic Triangle Collaborative was identifying gaps in economic diversity in the County. He stated there were two studies done by the EDA and the Board to help determine the County's economic strengths and noted that in recent years the County has been a player in the energy field. He stated at this point, it was difficult to determine specific economic development targets.

Mr. McGlennon stated that serious consideration should be done to take advantage of economic opportunities that fit the community. He stated the process should be spelled out more clearly.

Ms. Jones stated that the concept of filling the gaps in economic diversity was discussed in the Comprehensive Plan. She stated that she felt the Board was taking a broader view of economic development. She stated that the County needed to have flexibility in terms of economic development, and she commented that the BCTF has done well to identify desirable businesses along with other studies through regional groups. She stated she did not share the same concerns about specificity.

Ms. Rosario commented about a strategy to foster the development of the County's workforce and there were references to actions by the Peninsula Council for Workforce Development. She stated that there were references to local colleges and universities which would help address the need for healthcare professionals.

Mr. McGlennon commented that William and Mary's participation was highlighted extensively, but he felt that there should be emphasis on the new Thomas Nelson Community College (TNCC) Historic Triangle Campus which was geared toward workforce training. He stated he felt that there should be some focus on TNCC in the Comprehensive Plan.

Mr. Icenhour commented that he also felt there should be greater emphasis on the role of TNCC on the workforce development.

Ms. Rosario stated that more emphasis could be included on TNCC in this section, and noted that there was a reference to the community college in Action Item 1.4.4. She stated that through the development of the Comprehensive Plan, there was not as much discussion in the final text as was provided in the technical reports.

Mr. McGlennon commented that there was a decision not to provide the Board with the technical reports, which would have been useful.

Ms. Rosario stated that printed copies were available upon request and the information was available online.

Mr. McGlennon stated he had a hard time finding the documents online.

Mr. Goodson stated that the document was more focused on the research and development part of economic diversification.

Mr. McGlennon commented that some focus should be paid to the workforce.

Mr. Goodson stated that there were comments included in reference to workforce development.

Mr. McGlennon stated his desire to decrease the service-industry employee deficit as reported by the Chamber of Commerce. He recommended pursuing other strategies such as developing labor pools cross-trained to work in different fields, or emphasizing other kinds of economic development besides service-oriented industries.

Mr. McGlennon commented on the section on taxes and asked if the reference was to business personal property taxes. He commented that the rate was \$4 assessed at one-fourth the value. He stated that it should be clarified.

Mr. Goodson asked if the actual title was "*Business Personal Property Tax.*"

Mr. McGlennon stated there was a different rate for business personal property and average personal property.

Mr. Goodson stated the value was what was considered.

Mr. McGlennon stated that was used for vehicles.

Mr. Wanner stated clarification was needed.

Ms. Rosario stated that clarification could be made.

Mr. McGlennon stated that it would be helpful to identify major tourism employers within the Comprehensive Plan. He suggested new language that would include pursuit of agricultural opportunities to help preserve the quality of life in the County. He asked about the success rate of the Technology Business Incubator.

Mr. Taylor stated that of the five graduates, three remained in James City County, one did not turn up any records, and one became part of a joint venture with two other companies.

Mr. McGlennon asked what kind of impact these businesses were having on the local economy.

Mr. Taylor stated the impact was minimal because they are still in the early stages of development.

Mr. McGlennon stated it was a good venture.

Mr. Taylor stated that he was happy that three were still located in the County and hold business licenses.

Mr. McGlennon asked about Action Item 1.1.3.2 and asked what the issue would be related to the land allowable for the Enterprise Zone by the Code of Virginia.

Mr. Murphy stated that the County was allowed up to six square miles under the Enterprise Zone program and 5.4 miles were currently being utilized. He stated additional space was available and the intention was to expand the program.

Mr. Icenhour asked if the land was originally required to be contiguous.

Mr. Murphy stated that was correct.

Mr. Wanner stated that there was a requirement for a social impact on the surrounding community as well.

Mr. McGlennon asked if the intention was to find the remaining six-tenths of an acre to maximize the area.

Mr. Murphy stated that was correct and the Office of Economic Development (OED) was working toward finding the remaining acreage. He stated the property did not need to be contiguous or meet the original Enterprise Zone criteria.

Mr. McGlennon asked the relative importance of the individual actions.

Mr. Taylor stated this was a temporary opportunity.

Mr. McGlennon commented on Action Item 1.2.1 and noted that since there was a large retail component in the local economy, emphasis should be made on how to make the most of the retail sector. He stated that the County should encourage distinctive retail to help promote the County as a tourism destination.

He commented on identifying sub-shopping areas to emphasize this, such as the retail shops on Jamestown Road.

Mr. Goodson stated that this was being addressed through the zoning ordinance update.

Mr. McGlennon commented that he was thinking of areas that were already established as shopping areas without the need for an SUP or rezoning. He stated he wanted to encourage collocation of similar retail ventures.

Ms. Rosario stated that staff felt that was a complementary statement to Action Item 1.2.1 rather than a substitution.

Mr. McGlennon stated this reflects a change from a previous view of retail. He stated that retail was not seen as the best kind of economic development. He stated if retail is included, a focus should be given about what kind of retail would be promoted.

Mr. Taylor stated that the County's OED has not proactively sought out retail operations, but would continue to respond to their inquiries.

Mr. Goodson stated that when any shopping centers are approved, the Board should ensure that a variety of sizes are available to foster different types of retail shops.

Ms. Jones stated the market would dictate what types of retail would be prevalent. She commented that in the 2003 Comprehensive Plan, the citizens requested more retail. She stated that in this process, there was a request to decrease retail growth in the County.

Mr. McGlennon stated that he wished to emphasize the values of the County and what was desirable for the community. He stated he wanted to help create a unique shopping area.

Mr. Kennedy stated that small businesses come and go because prices are typically higher than big box stores and it becomes more difficult to maintain a business. He stated he felt that the County was oversaturated with retail.

Mr. Wanner stated he could address this through the business facilitator.

Mr. Goodson commented that the outlet malls were a unique shopping opportunity.

Mr. McGlennon commented that it was a driver of tourism.

Mr. McGlennon commented on the development of a technology zone.

Ms. Rosario stated the technology zone was a State-codified opportunity that allows localities to designate areas to promote technology enterprise and offer incentives to technology companies including a reduction in user and permit fees, local tax incentives, and other incentives. She stated it was broader than what was included in the County's zoning ordinance.

Mr. McGlennon asked when this zone could be established.

Mr. Taylor stated the State has given the right at the local level to adopt ordinances to reduce or waive the costs of permit fees and taxes which can cut across a variety of land use zoning areas. He stated that his office was evaluating some proposals for this area if it was embraced by the Board.

Mr. Goodson stated that this type of designation should be done in advance of a prospect looking at the area.

Mr. Rogers stated that the designation and benefits available had to be done in advance.

Ms. Rosario stated it was important to note that this particular action says consider establishing technology zones, and that the OED is proactively moving forward in this initiative.

Mr. McGlennon commented on the action item to facilitate the need for high school and technical school students to obtain internships, training, and mentorship programs. He asked if the County would offer these opportunities.

Ms. Rosario stated this item related back to an item from the 2003 Comprehensive Plan. She stated the County participates in the shared internship experience through the College of William and Mary successfully.

Mr. Taylor stated the partnership would include the schools, colleges, and businesses.

Mr. Wanner commented that this was currently part of the gifted and talented program.

Mr. McGlennon stated the lead was taken by the college or university.

Mr. Taylor stated that if the university has a program that allows a student to do this, the OED, the Chamber of Commerce, and other resources could broadcast the idea to businesses.

Mr. Wanner stated the high schools had similar programs.

Mr. McGlennon commented on Action Item 1.3.5 and asked if young people could not be included in that action. He stated that focus was on providing opportunities for seniors who may not be willing to rejoin the workforce.

Mr. Goodson stated this was discussed at the BCTF and many opportunities provided enjoyable jobs for seniors.

Mr. McGlennon commented on Action Item 1.3.6 which read "attract young professionals and retain the community's graduates."

Mr. Goodson noted that this concept came out of discussions of the Historic Triangle Collaborative and the BCTF.

Mr. McGlennon stated that this was a goal rather than an action. He stated there should be an action item to promote this.

Ms. Rosario stated from a planning perspective, developments like New Town and additional affordable housing opportunities draw in those demographics. She stated it was specified in other parts of the plan.

Mr. McGlennon stated that he suggested some action items to promote that goal, such as orienting parks and recreation programs specifically to young adults, including team sports, activities, and social networking opportunities. He stated he felt that would be an example of an action item. He stated that simply offering affordable housing would not necessarily attract and retain young professionals in the community unless the community was made to appeal to young adults.

Mr. McGlennon stated he understood how the goals of the Comprehensive Plan developed. He said he wanted to outline and clarify how to move in the direction of those goals.

Ms. Jones stated that during the Comprehensive Plan process, discussion was held about where to place emphasis on specific actions and where to give a more general outline of goals and actions as appropriate. She stated these discussions would have been more appropriate earlier in the process.

Mr. McGlennon stated he raised many of these issues in two other meetings, but he did not see the matters addressed.

Ms. Jones stated that she felt the Planning Commission and Steering Committee did due diligence in identifying and expanding upon major issues, then building the remainder of the plan around those issues. She stated that she felt there were specific action items and goals where they were appropriate.

Mr. McGlennon stated that he thought this would be an opportunity to give Board input on the plan.

Ms. Jones stated that all the materials and meetings were accessible online. She stated that the plan incorporated compromise.

Mr. Icenhour commented that the Board endorsed the process of the Comprehensive Plan, but it did not endorse the product. He stated he noticed the absence of an ongoing policy discussion among the Board members to determine how to incorporate all the technical processes of the Comprehensive Plan into policy statements.

Ms. Jones stated that the Comprehensive Plan is referenced in every land use decision. She stated she disagreed with Mr. Icenhour's comments. She said the process was transparent and inclusive, and the product was an excellent Comprehensive Plan. She stated it was the responsibility of the Board to use the Comprehensive Plan as a tool in deliberations.

Mr. Goodson stated that the zoning ordinance would serve as a policy document and the Comprehensive Plan would serve as a planning document to develop and revise the zoning ordinance.

Mr. Icenhour commented that he had no sense of ownership of the Comprehensive Plan.

Ms. Jones stated many citizens were complimentary of the Comprehensive Plan product.

Mr. Kennedy commented that many Board comments came in at the last minute. He commented that the questions should have come forward sooner to be addressed by staff and discussed by the Board.

Mr. McGlennon stated that the Board should take the time to get the plan correct.

Mr. Kennedy stated that he felt that there was a lot of information requested and a lot of questions that had not come forward prior to the past few days.

Mr. McGlennon stated that he had previously asked those questions at a series of meetings over the past few years of the Comprehensive Plan process. He stated that what he has requested was not reflected in the final product.

Ms. Jones stated that the Steering Committee and the Planning Commission felt that the Comprehensive Plan is responsive to citizen input, including responsible growth management.

Mr. McGlennon commented that there was no call for establishing a policy of no growth. He commented that the goal was to ease the rate of growth since it was currently three to four times the national average.

Ms. Jones asked for suggestions rather than criticisms to improve the plan.

Mr. Icenhour stated that he felt there were many good things in the plan and he felt it was unnecessary to send it back to the Planning Commission. He stated he felt there was a weak statement about cumulative impacts on Action Item 1.3.2 to consider additional adequate public facility policies.

Mr. Goodson stated that this was asking the Board to consider a policy since the Comprehensive Plan was a planning document.

Mr. Icenhour stated this was an action item. He stated that the action item should direct more than a consideration. He commented that this was very important to him since there were over 15,000 residences and the Board was not aware what facilities were required for them. He stated there was no way to consider additional development without knowing the cumulative impact of those projects which were already approved. He stated he would like to see a strong statement and action in this section directing staff to develop a policy for the Board to consider related to adequate public facilities for developments. He said growth was important, but the pace was too great. He asked to include a paragraph indicating the Board's initiative to determine cumulative impacts of previously approved residential growth prior to considering new growth. He stated that the Board should give the public what it has asked for in relation to growth management in the County.

Mr. Icenhour stated that the public has indicated that growth has occurred at an unacceptable rate. He stated he wished to speak directly to the public's concerns about growth rather than have individual action items throughout the plan.

Mr. Goodson stated that the Board approved the Comprehensive Plan process and that he could support the document as presented. He stated that if there were substantial changes in the Comprehensive Plan, it should be referred back to the Planning Commission.

Mr. Kennedy stated that many of the speakers who were dissatisfied with the County's rate of growth had been living in the County for five years or less. He stated that evaluating infrastructure costs of additional residential growth raised other issues for him, including the direction of workforce and affordable housing in the County. He stated he would like to remain an inclusive community.

Mr. McGlennon stated one of the main factors that have inspired him to vote for new housing developments over the years has been the inclusion of workforce or moderate-cost housing.

Mr. Kennedy stated that his voting record would reflect that as well.

Mr. McGlennon stated that he has taken the approach that there was plenty of higher-cost housing, and the main impact of approving higher-cost housing was driving the need for more services, which encourages population growth. He stated those who can afford that kind of housing are often not working in the community. He stated that 55 percent of citizens who work commute out of the County to their jobs. He stated that the Board needed to make choices to break the cycle of growth. He said there is a deliberative role to be played by the Board of Supervisors in the Comprehensive Plan process.

Mr. Kennedy stated that he has asked the County Administrator to move two work session items on November 24, 2009, to Presentations during the regular meeting and continue discussion prior to meeting with the General Assembly representatives. He stated that with an additional work session on the Comprehensive Plan, additional questions should be distributed to the Board and staff prior to the weekend.

Mr. Wanner asked if the Board would like to have the Comprehensive Plan on the November 24, 2009, agenda as a Board Consideration.

Mr. Goodson stated he would like to see the final document to go back to the Planning Commission to evaluate all the additional changes.

Mr. Rogers commented that the General Assembly representatives would be meeting with the Board for a work session on the County's Legislative Program beginning at 5 p.m. on November 24, 2009.

Mr. Wanner stated that there would be about an hour for additional work session discussion on the Comprehensive Plan.

Mr. Icenhour suggested that responses to additional questions be sent via email in order to move the process along.

Mr. Kennedy noted that no changes had been proposed at this point. He stated that the process has been one of the longest Comprehensive Plan processes and he did not believe delaying it further would change the outcome. He commented that the process would occur again in approximately three years. He stated that the Board should work toward a better outcome.

2. Declaration of a Local Emergency

Mr. Wanner explained that due to the recent 2009-11 Rain Event, he had declared a local emergency as the County's Emergency Manager. He stated that the declaration was made in order for the County to be reimbursed for expenses related to the storm. He stated the Board was required to confirm the declaration within 14 days and a resolution was provided for that purpose. He noted that once the storm damage and associated costs were calculated, the Board would be asked to pass a resolution rescinding the Declaration of a Local Emergency.

Mr. Goodson made a motion to adopt the resolution which would confirm a Declaration of a Local Emergency for the 2009-11 Rain Event.

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

RESOLUTION

DECLARATION OF A LOCAL EMERGENCY

WHEREAS, the Board of Supervisors of the County of James City, Virginia, does hereby find as follows:

1. That due to the occurrence of the 2009-11 Rain Event, the County of James City is facing a condition of extreme peril to the lives, safety, and property of the residents of James City County; and
2. That as a result of this extreme peril, the proclamation of the existence of an emergency is necessary to permit the full powers of government to deal effectively with this condition of peril.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a local emergency now exists throughout the County of James City.

NOW, THEREFORE, BE IT FURTHER RESOLVED that during the existence of this emergency, the powers, functions, and duties of the Director of Emergency Management and the Emergency Management organization, and functions of the County of James City shall be those prescribed by the laws of the Commonwealth of Virginia and the ordinances, resolutions, and approved plans of the County of James City in order to mitigate the effects of said emergency.

O. RECESS

At 6:04 p.m., the Board recessed until 3 p.m. on November 24, 2009.

P. CALL TO ORDER

Mr. Kennedy reconvened the Board of Supervisors at 3 p.m. on November 24, 2009.

Q. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Mary Jones, Vice Chair, Berkeley District – Absent
Bruce C. Goodson, Roberts District – Arrived at 3:18 p.m.
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

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

R. BOARD DISCUSSIONS

1. Virginia is for Education

Mr. Randy O’Neill, on behalf of Virginia is for Education, gave a presentation to the Board about the benefits of a cycling fitness program for students. He proposed a grant application in the amount of \$72,000 to collaborate with the Parks and Recreation division to utilize his services for the Before and After School and summer school programs. He commented on a need for focus on public health. He asked for the Board to endorse the grant application.

Mr. McGlennon asked about the evaluation process for the students who participate.

Mr. O’Neill indicated that a heart rate monitor would be used to monitor and evaluate the students and benchmark performance. He stated that educational videos would also be incorporated in the program.

Mr. Wanner asked for clarification that the “foundation” Mr. O’Neill referenced was the Williamsburg Community Health Foundation.

Mr. O’Neill confirmed that was correct.

Mr. Wanner asked if he had met with the grant staff at the WCHF.

Mr. O’Neill stated that the grant applications he had submitted to WCHF were not accepted.

Mr. Wanner asked for confirmation that he has not met with the WCHF grant staff. He noted the next grant cycle was approaching.

Mr. O’Neill stated that was correct. He stated that he asked that he hoped to submit a letter of intent so he may be able to submit the grant. He stated he preferred to write the grant application and be available to answer the questions.

Mr. Wanner asked if Mr. O’Neill had a contract with the Williamsburg-James City County Schools.

Mr. O’Neill indicated that he did not. He said the last contract he had expired in 2008 with the SHIP program, for which he received positive comments.

2. Colonial Community Services Board

Mr. Dan Longo, Director of Behavioral Health Services, Colonial Community Services Board, stated he would be reviewing the CSB’s legislative priorities as discussed at its recent Legislative Breakfast. He introduced Brian Sanderson, a consumer of CSB Behavioral Health Services. Mr. Sanderson described his experiences as a consumer of the CSB Behavioral Health Services and the importance of training police officers to handle mental health patients effectively.

Mr. Longo addressed the first legislative priority, the downsizing of Eastern State Hospital. He stated the nine regional CSBs have a fixed amount of funds to pay for acute care beds for consumers. He stated those who require long term care and would not have services available at Eastern State Hospital and will fill regionally-funded acute-care beds. He stated the CSB would be required to provide more extensive care than is practical. He commented that State funding to CSBs has been reduced ten-percent over the past year and with the imminent downsizing, there will be no safety net for the civil population who may require acute behavioral

healthcare. He stated at the current rate, Eastern State Hospital will be filled to capacity with geriatric and forensic cases within three years, so action was critical. He stated a plan of action to address behavioral health needs should be developed and accepted by the General Assembly prior to implementation. He stated the existing facilities at Eastern State need to remain open until the plan can be developed and implemented. He commented that the CSB would like to amend HB995 to include downsizing. He noted the Colonial Community Services Board of Directors passed a resolution for the development of a well-planned approach to downsizing and asked for the Board to adopt a similar resolution.

Ms. Stella Serra, Community Relations Director, Colonial Community Services Board, stated the next legislative priority was for the support of programs for the sequential intercept model. She said that CSB would like for State and Local support for individuals with mental illness who have contact with the Criminal Justice System to receive treatment and intervention that appropriately address their mental health issues. She stated the sequential intercept model delineates intervals in the process that the individual can receive mental health assistance. She stated the CSB was specifically requesting support for funding for Crisis Intervention Training for law enforcement and other methods. She stated this training can help identify people with mental health needs, keep people out of jail who do not belong there, and help to get these individuals the treatment they need.

Ms. Debbie Tasman-Pittman, Director of Rehabilitative Services, stated the third priority requests to eliminate the Medicaid long-term care waiver waiting list for persons with intellectual disabilities. She stated the waivers such as those for mental retardation or intellectual disability waiver or the individual and family developmental disabilities support waiver were developed to encourage people with disabilities to access services for long-term care. She said through these waivers, requirements can be waived, including the requirement that individuals live in the institutions in order to receive Medicaid funding. She stated there were currently 4,901 people on the waiver waiting list. She stated 2,563 were on the Urgent list for immediate services. She said 86 were consumers of the Colonial CSB and 30 were on the urgent list. She stated the waiver slot provides numerous services to consumers.

Mr. Goodson asked about the Eastern State Hospital downsizing. He asked specifically what would need to be amended to have the Code refer to downsizing facilities.

Mr. Longo stated that HB995 was passed in 2002 which dictated that the Department of Behavioral Health must engage in a comprehensive planning process when restructuring State mental health facilities. He stated that State planning must be done only when facilities are being closed. He clarified that the CSB is asking that this planning process be applied to downsizing facilities also. He stated that with Eastern State reducing its facility down to 145 beds, about 60-70 people would have no place to receive care.

Mr. Goodson stated that this could be considered for the Legislative Program.

Mr. Wanner stated the Governor-elect sponsored HB995.

Mr. Goodson asked if this could be considered an unreasonable request.

Mr. McDonald stated that he had had discussions with Senator Norment, and he felt the current language would cover downsizing, but the State Department of Behavioral Health did not agree. He stated that clarity was needed.

Mr. Goodson stated the new gubernatorial administration may have a different opinion.

Mr. Goodson asked about the sequential intercept model. He asked if this was covered by Medicaid.

Ms. Serra stated it was not.

Mr. Goodson stated that funding would have to come from State or Local government.

Ms. Serra stated that was correct.

Mr. Longo stated that this program would divert people from the regional jails. He stated that now the Police Officers must go to Charlottesville or Hampton for training, which can cost up to \$500. He stated that the other part of the problem was having the services in place for the consumer.

Mr. Goodson asked if the officers were currently being trained.

Mr. Wanner stated that was correct, and noted that the Virginia Peninsula Regional Jail had a contract with the CSB.

Mr. Goodson stated that it was being funded through the jail and the police officers were being trained.

Mr. McDonald stated that there needed to be a sequential approach through the entire criminal justice system, and there needed to be an alternative rather than placing the person into jail. He commented that Medicaid coverage ends when someone is incarcerated.

Mr. McGlennon commented that if there was early intervention, people who may need services can be identified before they are incarcerated and they can maintain that eligibility.

Mr. Longo stated there were different points of interception to give these people treatment.

Ms. Serra stated there was no specific plan to train police officers, so the training is sporadic.

Mr. Powell stated that he attended a recent meeting of regional police departments and Colonial Community Corrections staff. He stated they are submitting a grant for the CIT program. He stated there was an effort to formalize training in this area.

Mr. Wanner asked the receptiveness to these requests at the Legislative Breakfast.

Mr. McDonald stated there was no funding for these requests, and further cuts may be made. He stated these were basic services for individuals who need them and may not be addressed.

3. Senior Services Coalition

Mr. Bill Massey, Director of the Peninsula Agency on Aging and Chair of the Senior Services Coalition, introduced Dr. Christy Jensen who would present the Community Action Plan on Aging.

Ms. Jensen made a brief presentation on the Community Action Plan on Aging which was initiated by the Senior Services Coalition, funded by the Williamsburg Community Health Foundation, and drafted by the Center for Excellence in Aging and Geriatric Health. She reviewed the elements of effective Community Action Plans, benefits to the community, the planning process and goals of the plan, priority areas, and the progress to date. She reviewed the organization of the committees, along with a program director which was recommended.

Mr. Wanner asked about the expected funding sources.

Dr. Jensen stated she hoped to have a public-private mixture of funding. She commented that she saw the project director position as a funding priority.

Mr. Massey stated that a variety of sources were being evaluated. He noted that a Federal grant was submitted, and grant and stimulus funding would be sought to fund this plan.

Ms. Jensen the Coalition would be visiting the Agency on Aging in Washington, D.C. to discuss the plan.

Mr. Wanner stated that County staff could accompany the members of the Coalition on the trip to Washington, D.C.

S. ADJOURNMENT

At 3:54 p.m., Mr. Kennedy adjourned the Board of Supervisors.

Sanford B. Wanner
Clerk to the Board

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH 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 DISCUSSIONS

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

Ms. Tammy Rosario, Principal Planner, stated that the purpose of the work session was to continue discussion about questions the Board members have raised in relation to the Comprehensive Plan. She reviewed the requests for information from Mr. Goodson, including information on Deer Lake, or the Colonial Heritage Land Use Application, the Taylor Farm Land Use Application, explanation of the affordable housing dwelling ordinance, explanation of the Wireless Communication Facility technology language, explanation of how the plan addresses growth, and Planning Commission changes to certain Economic Development actions.

a. Land Use Applications

Mr. Jason Purse, Senior Planner, stated the Colonial Heritage application is listed at this link as “LU-15-2008 499 Jolly Pond Road”. Mr. Purse stated this application was submitted as a request to move the Primary Service Area (PSA) line to the west and re-designate the area which would then be inside the PSA from Rural Lands to Low Density Residential. Staff recommended denial, as did the Steering Committee and Planning Commission.

Mr. Purse stated the Taylor Farm application is listed as “LU-0022-2008 8491 Richmond Road”. He commented this application was submitted as a request to change the designations from the existing split of Mixed Use (MU) along a portion of the frontage along Richmond Road, Low-Density Residential for the remainder of the property inside the PSA, and the rear two-thirds of the property in Rural Lands, to being entirely MU within the PSA. Staff recommended denial, as did the Steering Committee and Planning Commission. He explained the Steering Committee also discussed this property in relation to the new Economic Opportunity (EO) designation, but decided not to apply it to this area.

Mr. Kennedy commented on the various zonings surrounding the Taylor Farm property, particularly near Richmond Road. He asked the rationale behind the different zonings.

Mr. Purse displayed the land use zoning map and explained the various zonings. He commented that everything on the map currently zoned B-1 is designated as MU in the Comprehensive Plan and is currently part of the Anderson's Corner MU area, which has a specific description. He commented on the low-density residential property in the area with two-thirds inside the PSA and the remainder outside the PSA. He commented that the Hankins Industrial Park property was also located in the vicinity which was designated M-2. He commented on the portion of Richmond Road near the White Hall development and that the Hickory Neck Episcopal Church was designated as Low-Density Residential.

Mr. Kennedy asked about the environmental concerns on the Colonial Heritage property.

Mr. Purse confirmed that staff recommended denial for this case. He displayed a map of the proposed changes on the property and how that would be affecting the PSA and expand the development. He explained that the area that is being proposed to be brought into the Colonial Heritage master plan is not currently available to be developed at the proposed density.

Mr. Goodson asked the reason for denial.

Mr. Purse stated that staff recommended denial because additional acreage would be brought into the PSA in order to build the proposed number of units for the Colonial Heritage development, which would impact environmentally sensitive areas.

Mr. Goodson asked if staff would recommend denial on any expansion of the PSA or if the property seemed to be at risk.

Mr. Purse stated that in this particular area, there were no assurances that the benefits from the conservation easement that was proposed would offset the additional dwelling units that would be achieved as a result of the expansion.

Mr. Kennedy commented that the PSA was contracted on the Hazelwood property.

Mr. Purse stated that was correct. He stated a great deal of discussion was held on this item. He displayed a map and explained the different designations as noted on the map. He commented that these actions were taken because of environmental topographic distinctions between properties which would pose problems with development between the properties.

Mr. Allen J. Murphy, Jr., Planning Director, commented that there was also concern about access off of Barhamsville Farm Road.

Mr. McGlennon asked commented on the Deer Lake proposal at Colonial Heritage. He noted that the number of units would not be increased as a result of the expansion. He asked if it would be likely that the developer would achieve the proposed number of units.

Mr. Purse stated that he had not received any development plans that indicated that the 2,000 unit cap would be achieved, but where development was occurring, there have been a number of plans received that would lower the density from tri-plex units to duplex units. He stated this would require the developer to spread out the remaining units.

Mr. McGlennon asked how much open space would be preserved without the proposed change. He asked what impact the clustering would have on the development.

Mr. Purse stated that a certain portion would be open to the 50-lot cluster. He stated the units would possibly extend into the proposed conservation area. He stated there was not a specific amount of land to be conserved, and larger lot developments would occur in this area.

b. Affordable Housing Dwelling Ordinance

Ms. Rosario stated that there were questions regarding Housing Action Item 1.3.7 which calls for the development and adoption of an affordable housing policy or affordable dwelling unit ordinance to establish the County's goals for the development of workforce housing. She stated that a representative of the Williamsburg Area Realtors' Association stated her support of the ordinance and asked to be included in the development of the ordinance. She stated that it was expected to be developed during the zoning ordinance amendment process.

c. Wireless Communication Facility Technology

Ms. Rosario stated that concern was expressed by an attorney from the wireless communications industry regarding the language related to Wireless Communication Facility technology. She stated the main concern was that the Comprehensive Plan might promote one technology over another, particularly language referenced in the sustainability spotlight which was, "and appropriately regulating wireless communication technology to preserve existing community character." She stated staff consulted the County Attorney's office while the Planning Commission worked through the language, and their conclusion was that the language showed no preference for one technology over another. She stated the present language was deemed acceptable, but that caution would be needed during the zoning ordinance update process to be mindful of the regulations concerning wireless communication facilities.

Mr. Goodson stated he understood that no zoning district could be particularly excluded from wireless communication facilities.

Mr. Rogers stated that there can be no arbitrary rule in any particular zoning district stating that there cannot be wireless communication facilities or any rule that makes wireless communication facilities prohibited. He stated the language in the Comprehensive Plan was not a prohibition. He stated that the question of different technologies would occur during the zoning ordinance amendment process. He stated the language was targeting zoning rather than technologies, and he felt it was appropriate.

d. Explanation of Growth Management in the Comprehensive Plan

Ms. Rosario noted a full listing of growth management tools in the previous email correspondence with the Board. She listed a few of the tools including maintaining the PSA concept, coordination of data and tracking cumulative impacts, strengthening actions to require sufficient documentation to determine the impacts of proposed development, strengthening actions regarding proffer guidelines, strengthening actions related to rural lands policy options, and considering additional adequate public facilities tests. She stated there were others as well and staff was prepared to answer any questions.

Mr. Goodson asked about including language related to determining population and growth that would ensure a good quality of life for citizens. He stated it was clearly stated in Action Item 1.5.3.

Ms. Rosario stated that the Planning Commission had asked staff to include that language.

Mr. Goodson stated he felt that it was a strong statement. He stated his support for the language.

Ms. Jones commented that the cumulative impact analysis was significant.

Mr. McGlennon asked if the cumulative impact statement was built upon the adequate public facilities test for schools.

Ms. Rosario stated that was correct.

Mr. McGlennon asked if there was a better sense of how to accomplish these goals.

Mr. Murphy said that he believed it was a statement of need and recognition that previous policies, particularly the adequate public facilities test for schools was more of a snapshot evaluation. He stated that it was determined that a more cumulative analysis may be necessary. He stated it has not yet been developed.

Ms. Jones commented that staff has done well in collecting the necessary data. She stated that there was a better understanding of the implications as a result, and now the application must be considered. She stated that she felt it was a significant addition to the Comprehensive Plan.

e. Economic Development Language

Ms. Rosario commented that the remaining questions staff had received were related to comments from Mr. Gebhardt of the Economic Development Authority (EDA) related to the Economic Development Goals and Strategic Actions (GSAs). She noted language in Item 1.1 that was stricken to result in "Encourage a balanced mixture of commercial, industrial, and residential land uses in a pattern and a pace supportive of growth in the County's overall quality of life, fiscal health, and environmental quality." She stated the portion that was removed was, "This includes ensuring the adequate availability of a variety of marketable, ready-to-go industrial office properties and encouraging the growth and redevelopment of new and existing small businesses and actively promoting redevelopment where needed." She stated that in consideration of that strategy, the Planning Commission felt that it was too lengthy. She stated staff was asked to shorten the language in collaboration with the Office of Economic Development. She noted that through the editing process, it was discovered that three of the action items referenced the language that was proposed to be deleted. She stated it was felt that those actions embodied the language that was stricken.

Mr. Goodson commented that one of the statements was "actively promoting redevelopment where needed." He said that was a strong statement which was not reflected as strongly in the action item.

Ms. Rosario stated that Strategy 1.5 said, "Encourage infill development, redevelopment of existing parcels, and the adaptive reuse of existing buildings" and there were other actions related to redevelopment in the Economic Development section.

Mr. Goodson stated that the strength of the language was significantly different.

Ms. Rosario stated that Strategy 1.5 had seven actions related to that matter, and there were actions related to commercial redevelopment in the Land Use section as well.

Mr. Goodson stated he was satisfied with the actions embodying the stricken language.

Ms. Rosario stated there was an emphasis on redevelopment overall in the plan.

Mr. McGlennon asked how Action Item 1.5.3 fit into the section.

Ms. Rosario read Action Item 1.5.3, which stated, “Facilitate the development of sub-area master plans for strategic areas such as the Croaker interchange and the Lightfoot corridor.” She said that it was recognized that one of the areas lent itself to redevelopment opportunities and the other was more geared toward new development. She stated it does not properly fit under the redevelopment category.

Ms. Rosario addressed concerns about Action Item 1.1.5. She noted that Mr. Gebhardt requested more specificity in the item. She stated the intention of the action was to offer a framework for the zoning ordinance amendment process which would evaluate this comprehensively and provide more specific language at that point.

Mr. Goodson commented that he did not feel that there was an explicit action indicated. He stated he would expect a more active statement, such as including the language to amend County ordinances to assist economic development actions.

Ms. Rosario stated that actions will be forwarded to the Board, including examining Special Use Permits (SUPs) within commercial districts. She said actions were already moving forward regarding these matters. She stated the language could be made more actionable.

Mr. Goodson stated he felt the Planning Commission softened the language, but he was comfortable with the item.

Ms. Rosario stated staff was available to answer any additional questions.

Mr. McGlennon asked what changes would be made the Comprehensive Plan language.

Mr. Kennedy stated he would be happy to listen to any proposed language changes.

Ms. Jones stated that she was agreeable to the language suggested previously to include Thomas Nelson Community College (TNCC) along with the College of William and Mary in relation to educational opportunities in the community.

Mr. Icenhour asked if there was a consensus to remove the proposed amendment process. He stated the Board has had the authority to amend the plan as needed. He stated his concern that the amendment process would create an additional workload. He stated the Board should retain flexibility to make amendments as needed.

Mr. Kennedy stated that the amendment process was relatively new in Virginia and some localities such as Blacksburg were using it. He asked how it was working in other localities.

Ms. Rosario stated that some localities are using it in order to do routine amendments and others are using it as considerations with rezonings.

Mr. Purse commented that it was used to ensure some actions done between Comprehensive Plans, such as the Toano Area Study, did not fall through the cracks. He stated that some actions the Board has taken were addendums to the Comprehensive Plan, and they were being tracked between updates.

Ms. Rosario stated that not many localities in the State go through an open Land Use Application process during the Comprehensive Plan update. She stated that James City County’s was a publicized, open process without fees. She stated that it was something landowners could count on being able to do every five years, which may not be part of other localities’ processes.

Mr. Kennedy asked about how this process evolved in the Steering Committee discussions.

Ms. Jones stated that the matter came up early, but there was not extensive discussion at the Steering Committee level. She recommended that the Board give staff direction to get more feedback on this matter from the public for the 2012 Regional Comprehensive Plan update. She stated that it was not a unanimous recommendation from the Planning Commission.

Mr. Murphy stated that this may be an adjoining issue of the jurisdictions involved in the 2012 Region Comprehensive Plan.

Mr. Murphy stated that in relation to the amendment process, staff has asserted that the Board has the ability to make amendments as it deems necessary. He stated concern with opening up a broad process is that it would put the plan in flux and may diminish its integrity.

Mr. Kennedy stated he has heard suggestions to drop the land use designation change from the amendment process and retain the amendment process without that component.

Mr. Murphy stated that could be evaluated by staff. He stated the interim time was needed to implement the plan appropriately.

Mr. McGlennon asked about the calendar for the Comprehensive Plan. He asked if the plan would be considered from a regional prospective in 2012.

Mr. Murphy stated opportunities would be examined to make adjustments to the plan where there were regional commonalities.

Mr. McGlennon stated at that point what would be examined would be issues of a regional nature.

Mr. Murphy stated that was correct.

Mr. McGlennon asked what would happen in 2014.

Mr. Murphy stated that the County would still be in the process of implementing the studies and analyses of the Comprehensive Plan.

Mr. McGlennon asked if the next review of the Comprehensive Plan would take place in 2014.

Mr. Murphy stated the process would begin in that timeframe.

Mr. Icenhour asked if the intent was to put all localities on the same Comprehensive Plan update cycle following the Regional Comprehensive Plan in 2012.

Mr. Murphy stated that was the intention and through an action of the Board, the cycle would be adjusted.

Ms. Rosario stated there were still details to be considered for the Regional Comprehensive Plan process.

Mr. McGlennon commented that the Comprehensive Plan review in 2003 was primarily a marginal adjustment. He stated the 1997 Comprehensive Plan created extensive revisions. He stated that he felt five

years was a substantial enough time frame to consider these changes, and he felt that this plan would not accomplish the objectives it proposes by 2011.

Mr. Murphy stated that Mr. Wanner made it clear that funding priorities would play a major role in the implementation of the strategies. He stated that the implementation period would likely be extended beyond five years.

Mr. McGlennon stated his concern for opening the plan for amendment while the original strategies were still being implemented and there was a short time before the next full process. He stated he did not feel there was a need to provide the amendment process.

Mr. McGlennon asked to discuss the EO designation and what it was designed to accomplish and its benefits versus not enacting the designation.

Ms. Rosario stated EO was not forwarded to the Steering Committee for consideration by staff. She stated the concept arose during the discussion of the Hill Pleasant Farm land use application at the initiation of a member of the Steering Committee. She stated the EDA's strategic interests for new business were incorporated into the language. She stated the Hill Pleasant Farm application had requested MU, and the development of the EO designation was to take advantage of the strategic location of the property. She stated the Steering Committee first discussed the general language of the designation and then considered its application specific to various properties. She said it was ultimately determined that Hill Pleasant Farm was the only parcel appropriate for that designation. She indicated that staff worked with the Steering Committee to draft final language for the EO designation and specific language related to Hill Pleasant Farm. She stated the specific language took into account two different scenarios, a commerce park scenario and a denser, transit-oriented scenario.

Mr. McGlennon asked if there was public comment in the interest of developing the EO zone.

Ms. Rosario stated she did not believe that there was.

Mr. McGlennon asked if there was a determination that certain economic opportunities would not be available if the property did not have this particular designation.

Ms. Rosario stated that staff felt that many of the uses would be permitted in MU or Industrial designated lands, but the strengths of the EO designation was that it was instantly recognizable, heightened awareness of the opportunity, and fine-tuned elements of MU and Industrial and attuned it to objectives of the EDA and the Office of Economic Development.

Mr. Wanner stated that the EO zone also related to discussions about York County and its plans may be in extension of Mooretown Road and the alignment of the surrounding property. He stated that this was seen as a connection between the jurisdictions in that area.

Mr. McGlennon asked what benefits the County would see as a result of the designation as opposed to York County.

Mr. Wanner stated that this plan was more developed than York County's plans for Mooretown Road.

Mr. Goodson stated concern that the parcel would be developed by-right in a short time frame. He stated it was very strategically-located and he felt it would be a loss for the future if it was developed by-right. He stated the designation would create a benefit to the property owner to wait to develop the property, as it

would be more beneficial. He stated this was an attempt to introduce the idea and to potentially create a use more beneficial to the location.

Mr. McGlennon stated the by-right development would result in three-acre residential lots.

Mr. Goodson stated by-right development would result in a loss of a potential economic development area, and noted this was a potential area for light rail in the future.

Mr. McGlennon stated he was a proponent of light rail, but said it does not make sense everywhere. He stated there are a lot of potential uses for this land being proposed under the EO designation and asked how large a population must be in the area to justify a light rail stop.

Mr. Goodson stated the light rail function was being considered for the parcel for the future. He stated the designation would bring in various commercial uses.

Mr. McGlennon stated he felt that the proposed use would be intensive development that would be inconsistent with the previous discussions about a population cap of roughly 100,000. He stated it was inconsistent with the proposal of light rail in this corridor.

Mr. Goodson stated the development would occur through by-right development in rural lands or by strategic zoning where transportation and facilities were available. He stated that growth should be facilitated to be beneficial.

Mr. McGlennon stated that he did not envision a population that would support multiple light rail destinations. He stated that one location in the Williamsburg area would be sufficient.

Mr. Goodson asked if Mr. McGlennon's vision of a light rail would terminate at the transportation center and not continue into the upper part of the County.

Mr. McGlennon stated that was correct, with mass transit provided through the bus system. He stated he felt the level of intensive development to sustain a light rail stop would be greater than what has been discussed.

Ms. Jones stated that the potential for transportation opportunities was only one component in evaluating the property for the EO designation. She stated it was a response to the Business Climate Task Force (BCTF) report as well as citizen input to expand economic opportunities. She commented that this developed from discussions on the MU land designation. She stated that EO was more focused on economic opportunities. She stated the Hill Pleasant Farm property was considered due to its strategic location with a consideration for complementary zoning with the adjoining jurisdiction.

Mr. McGlennon stated the EO zone permits higher levels of residential development than by-right development. He noted that does not mean by-right development would be desirable. He said it speaks to the need to address rural lands more comprehensively.

Ms. Jones stated the EO zone was not written with the intention of supporting light rail, but it was a component of the consideration.

Mr. McGlennon stated that it was provided for in the proposal, and the developer would be expected to provide the intensity to support light rail transportation. Mr. McGlennon likened the development to the Short Pump area outside of Richmond, Virginia.

Mr. Goodson stated there was not a metropolitan center located nearby to guide that kind of development.

Mr. McGlennon stated that he felt the EO zone was amorphous. He asked why the discussion was not geared toward limitations and considerations for MU land designations rather than creating a new zoning category. He stated outside developers would evaluate the value of the property for their development goals rather than consider what the zoning designation was called in order to select the areas they want to locate.

Mr. Goodson stated there were opportunities with this zoning designation where the development could be predetermined, which would streamline the approval process.

Ms. Jones commented there would be a significant master planning process for the EO zones.

Mr. Goodson stated the master plan would occur prior to development as opposed to MU.

Mr. Icenhour asked about the amendment process and if there was a consensus to remove it from the Comprehensive Plan.

Mr. Goodson asked how those items without a consensus would be addressed.

Mr. McGlennon stated there was not a consensus to keep the amendment item in the Comprehensive Plan.

Mr. Wanner noted that he felt the addition of TNCC was an editorial addition rather than an amendment.

Mr. McGlennon stated he had an understanding on the EO zone and there was not agreement to remove that from the plan. He asked if there was a desire to remove the amendment process.

Mr. Goodson stated there was a consensus to remove that item.

Mr. Wanner stated the Comprehensive Plan was scheduled for adoption during the regular meeting, and if the Board was not comfortable with adoption at this time, the Board could reconvene into a work session following the regular meeting for further discussion. He stated the Board could then consider the final plan at the meeting on December 8, 2009.

The Board took a break at 4:59 p.m.

Mr. Kennedy reconvened the Board at 5:08 p.m.

2. 2010 Legislative Program

Mr. Leo Rogers, County Attorney, introduced Delegate William K. Barlow, 64th District; Delegate Robin Abbott, 93rd District; Delegate Brenda Pogge, 96th District; and Senator Thomas K. Norment, Jr., 3rd District.

Mr. Rogers provided a brief update of the 2009 Legislative Program and an overview of the proposed 2010 Legislative Program of items to be introduced on behalf of the County and supported by the County. The Board, staff, and delegation discussed the legislative items and discussed revisions to the program.

The Board and staff discussed amendments to the Legislative Program, which would be assigned to the County's delegation in the General Assembly after adoption by the Board.

D. BREAK

At 6:13 p.m. the Board broke for dinner.

Sanford B. Wanner
Clerk to the Board

112409bosws_min

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH 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 – Jaysen Aubuchon, a fifth-grade student at Rawls Byrd Elementary School, led the Board and citizens in the Pledge of Allegiance.

Mr. Kennedy recognized Mr. Chris Henderson in attendance representing the Planning Commission.

D. HIGHWAY MATTERS

Mr. Todd Halacy, Virginia Department of Transportation (VDOT) Williamsburg Residency Administrator, stated that VDOT crews have continued to clean up debris as a result of the 2009-11 Rain Event. He stated that assistance has been requested from the Federal Emergency Management Agency (FEMA). He also reported that the Secretary of Transportation announced that the State and Federal transportation revenues are projected to decrease between \$2.1 and \$2.6 billion over the next six years. This is in addition to the \$1.1 billion reduction in the six-year improvement program that took place a year ago. The Commissioner of VDOT presented a high-level plan outlining how it will respond to the six-year revenue forecast and position the department to address long-term economic changes to transportation. He stated the Commonwealth Transportation Board (CTB) has scheduled a public hearing on the draft revised plan on December 1, 2009, at 6 p.m. He stated the presentations could be reviewed on the CTB website.

Mr. Wanner stated that the Board has received the presentations via email.

Mr. Icenhour asked Mr. Halacy to evaluate potholes on a portion of News Road near the intersection with Monticello Avenue and stated the homeowners association at Season's Trace has requested that the drainage ditches be cleared of debris. He commented on stop signs in New Town which were placed by the developer. He noted that since the streets had not all been accepted into the Secondary Road System, some four-way stops may be changed when the roads are accepted based on VDOT's requirements.

Mr. McGlennon asked for drainage ditches to be examined on Lake Powell Road as a result of the 2009-11 Rain Event.

E. PRESENTATIONS

1. Stormwater Management

Mr. John Horne, General Services Manager, commented that the purpose of the presentation was to examine how the stormwater management infrastructure is regulated by the Stormwater Management division. Mr. Horne introduced Ms. Fran Geissler, Stormwater Management Director.

Ms. Geissler gave a brief presentation of the Stormwater Management program and the goals for improving stormwater in the County. She reviewed flood management in the County and the requirements of Municipal Separate Storm Sewer System (MS4) permitting along with the role that the Stormwater Management Division plays in fulfilling those requirements. She commented on water quality monitoring and controlling bacteria in waterways. She reviewed the overall Stormwater Management division roles and mission, accomplishments, emerging issues, and future needs. She commented on budgetary needs for improvements and reviewed the capital needs by voting districts.

Mr. Icenhour asked about the capital budget requirements for stormwater management.

Ms. Geissler stated that some funds were carry-over monies for the Ironbound Square regional Best Management Practices (BMP), and effectiveness has been increased each year.

Mr. McGlennon commented on the assertion that there would be smaller, more numerous BMPs.

Ms. Geissler stated that would be a result of newer technologies that would be more effective than larger regional BMPs.

Mr. McGlennon stated that it was critical to observe site plan design.

Ms. Geissler stated that was correct.

Mr. Icenhour commented on a lecture on the effectiveness of regulations of existing BMPs. He asked if the BMPs are effective based on current regulations. He requested that information be provided to the Board in a work session.

Ms. Geissler stated that Scott Thomas, Environmental Director, would be knowledgeable on that matter.

2. Energy Update

Mr. John Horne stated that the second presentation was on the County's baseline emissions study. He stated that energy efficiency is a core principle in the General Services Department to reduce greenhouse gas emissions and reduce energy costs. He introduced Ms. Jennifer Privette, Environmental Coordinator.

Ms. Privette recognized Mr. Matt Michenfelder, Research Assistant, who assisted with the data collection. Ms. Privette gave a presentation on the results of the greenhouse gas inventory. She referred to the County's participation in the Cool Counties program which was a catalyst in assessing greenhouse gas emissions in the County. She reviewed the Community and Government portions of the baseline study. She noted that the majority of the Carbon Dioxide (CO₂) emissions were a result of the buildings. She commented that residential electrical usage was the greatest energy usage and transportation generated the most CO₂ emissions. She commented that the majority of emissions are generated by the community. She reviewed measures that have been taken to reduced government greenhouse gas emissions, including lighting upgrades, programmable thermostats, and energy-efficient facilities such as the new Police facility. She stated that the cumulative reduction with all the measures would be a one-percent reduction, but the full commitment would require a two-percent annual reduction. She commented on milestones of the current program and the next steps that should be taken. She commented that partnerships with the community would be critical to lower the community's carbon footprint.

Mr. McGlennon commented that it was important to establish a baseline. He commented on a chart that had a spike in electrical usage.

Ms. Privette commented that was a result of warmer weather in FY 2008.

Mr. McGlennon commented that if FY 2008 and FY 2009 were compared, the decline would be more significant.

Ms. Privette stated that was correct.

Mr. McGlennon asked if partnerships would help benefit the community as a whole.

Ms. Privette stated that was correct.

Mr. McGlennon asked what was anticipated to make the greatest difference.

Ms. Privette commented that the greatest impact was private residential usage. She commented that being energy-smart and replacing light bulbs, as well as reduction in driving would make an impact. She stated that it would require coordination and that it was important to involve community organizations that are already implementing these programs.

Mr. McGlennon asked Mr. Michenfelder how an average citizen could evaluate his/her impacts on emission reductions.

Mr. Michenfelder stated that simple measures such as weatherization and energy-efficient bulbs can have a cumulative impact.

F. PUBLIC COMMENT

1. Mr. Mac Mestayer, 105 Gilley Drive, commented on zoning and land use. He commented on important factors of zoning, such as protecting the common good and land use predictability. He commented on the Economic Opportunity (EO) designation and stated that agribusiness should be pursued on those properties.

2. Mr. Robert Richardson, 2786 Lake Powell Road, commented on the Comprehensive Plan. He requested that it be referred back to the Planning Commission. He stated his opposition to the EO zone.

3. Mr. Ed Oyer, 139 Indian Circle, commented on power outages as a result of the 2009-11 Rain Event.

G. CONSENT CALENDAR

Mr. Kennedy asked to pull the November 10, 2009, Special Work Session and Regular Meeting minutes to allow the minutes to be adequately reviewed.

Mr. Goodson made a motion to adopt the Consent Calendar other than the November 10, 2009, Special Work Session and Regular Meeting minutes.

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

1. Minutes –
 - a. November 10, 2009, Special Work Session Meeting
 - b. November 10, 2009, Regular Meeting
2. Trash and Grass Lien – 2809 Durfey's Mill Road

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

3. Restatement of the Amended and Restated Cooperative Service Agreement – Virginia Peninsula Regional Jail Authority

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.

4. Ratification of 1974 Hill Pleasant Farm Subdivision

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. 2410100005 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.

H. PUBLIC HEARING

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

Mr. Allen Murphy, Planning Director, stated that the matter in this public hearing was addressed in Consent Calendar Item G-4 and required no action from the Board.

Mr. Kennedy opened the Public Hearing.

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

I. BOARD CONSIDERATIONS

1. 2010 Legislative Program

Mr. Rogers stated this item was discussed in the Board's work session, and several amendments were recommended to the Legislative Program. He recommended that the Board approve the Legislative Program as amended.

Mr. McGlennon made a motion to adopt the 2010 Legislative Program with the amendments recommended during the work session.

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

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.

2. Adoption of the 2009 Comprehensive Plan

Mr. Kennedy stated that he would like to open up any additional discussion by the Board on the Comprehensive Plan.

Mr. McGlennon commented that there were a number of issues that were discussed. He said he was unsure if there was interest in voting on substantive items that were discussed. He asked for feedback from the Board.

Mr. Kennedy commented that there was consensus to remove the amendment process.

Mr. Goodson stated there was also consensus on adding language referring to Thomas Nelson Community College (TNCC). He stated he could move the adoption of the plan with the addition of the amendments that the Board had agreed upon.

Ms. Jones stated that she supported the adoption of the Comprehensive Plan. She stated there was extensive participation input and numerous meetings held to develop the Comprehensive Plan. She stated she served on the Steering Committee for nine months and felt this Plan had made extraordinary strides to address citizen concerns, including growth management. She commented on the addition of the EO zone as a result of citizens' requests for economic vitality and diversification. She commented on the recommendation to assess cumulative impacts of development and provisions for affordable and workforce housing. She commented on recommendations to address flooding issues as well. She stated the process has been open, inclusive, and commended. She thanked the citizens, staff, and officials who participated in the process.

Mr. Icenhour commented that based on citizen input, he considered whether the Comprehensive Plan reduced the long-term growth rate to an acceptable level. He stated the current growth rate was not sustainable. He asked if the plan would account for cumulative impact of previously approved growth. He stated his overall impression was that there was excellent citizen involvement, Steering Committee was too large, and there was a lack of Board discussion on policy matters related to the plan. He stated his satisfaction that the plan preserved the primary service area (PSA), strengthens growth control for rural lands, and implements an affordable housing policy. He stated the weaknesses resulted from not assessing cumulative impact of previously approved development or the effects on the environment and the plan was inconsistent on growth due to the EO zone designation. He commented on what he would like to see. He indicated that he did not like the amendment process and felt that the EO zone should be applied only to land inside the PSA. He stated he wanted the Board to recognize that the Comprehensive Plan was a policy document and to recognize that past efforts to control growth have not met expectations. He stated he wanted the plan to assess the cumulative impact of previously-approved growth before continuing growth.

Mr. McGlennon acknowledged the citizen involvement in the process. He stated he understood that citizens felt that the pace of growth was too high. He stated there were negative consequences on the quality of life. He stated concern that there was not adequate recognition that there should be more done to decrease the rate of growth. He stated that it has been reflected that there is no consensus on the way to handle growth in the County. He stated there was a great deal of good initiatives in the plan, but he felt that underlying is the expectation of excessive growth in the County. He commented on fundamental issues that should be addressed, such as whether or not additional affordable housing would benefit some employees in the County. He stated that it was important to think about how the County would sustain itself economically. He said the plan reflects many good ideas, but he will work with the Board to accomplish the best strategies for accomplishing what he feels would be in the best interest of the community. He commented that he felt that the plan did not fully reflect how the community would like to go forward in the next 20 years.

Mr. Goodson stated that he supported the process because it removed politics from the equation. He commented that citizen involvement was reflected in the plan rather than political goals. He stated that he did not wish to incorporate many changes beyond those of consensus that were recommended. He stated support for the development of the plan and the plan itself.

Mr. Kennedy stated that he began the Comprehensive Plan process as part of the Planning Commission, and the process took over two years. He stated he was disappointed with the turnout of the community meetings and that various organizations were encouraged to come to meetings and give their feedback. He stated he felt the process was inclusive and provided opportunities for community input. He stated he felt the Steering Committee was well-represented and of a good size and the process resulted in a good plan. He stated that meetings were held on the draft plan and what was expected, but he would have welcomed additional individual discussions to work together more collaboratively. He stated concerns about the rural lands, including issues of the Taylor Farm and Hill Pleasant Farm. He commented on the Purchase of Development Rights Program, but the funding was not there to sustain these properties. He stated the rural land owners did not have options. He commented that the farm owners have resisted development and should not be punished for preserving the rural lands. He stated the Economic Development Authority (EDA) was working on ways to make farming more viable in the County, but there were still difficulties. He commented that the EO zone would be an option for the future. He stated that this could be discussed in more depth along with exploration of Transfer of Development Rights (TDR) and changing the PSA for environmentally sensitive areas. He stated there were options and it was important to compromise. He stated he could support the plan regardless of its flaws with the amendments. He stated that there should be significant discussion on ordinances and rural lands.

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

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.

J. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on shortfalls in the Virginia State budget over the next two years; upside-down mortgages in Virginia; voting records of Board of Supervisors members; and problems with school redistricting.

2. Mr. Robert Richardson, 2786 Lake Powell Road, displayed a video clip of the Board of Supervisors work session on November 17, 2009.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner announced that County, State, and Federal offices would be closed in observance of the Thanksgiving holiday on Thursday, November 26, 2009, and Friday, November 27, 2009. He noted this weekend was the grand opening of Christmas Town at Busch Gardens. Mr. Wanner stated that when the Board completed its business, it should adjourn to 7 p.m. on December 8, 2009, which would be the last Board meeting of the year. He noted that following adjournment, there was a scheduled meeting of the James City Service Authority Board of Directors.

L. BOARD REQUESTS AND DIRECTIVES

Mr. Icenhour commented that he recently attended a meeting of Peninsula Council for Workforce Development regarding the development of a Youth Career Café. He stated that due to financial constraints and an anticipated grant application, the lease is being postponed until early 2010.

Mr. McGlennon commented on the passing of A.G. Bradshaw who served for 39 years on the Planning Commission. He extended condolences to the Bradshaw family and stated his appreciation for the contributions of Mr. Bradshaw. He commended Ms. Kira Allmann, the newest Rhodes Scholar from the College of William and Mary. He noted that only 32 Americans were selected and she was the 6th in the history of the College.

Ms. Jones commented that she attended a home dedication in Ironbound Square through Habitat for Humanity with contributions from the Wal-Mart Distribution Center. She commented on Black Friday at Prime Outlets and asked citizens to educate themselves and others on the parking and public safety measures being taken in order to respect those who live near the shopping center.

Mr. Kennedy stated that he participated in the groundbreaking of the new Police facility. He commented that the building was well-deserved, and a local firm was doing the construction. He also noted that the James City-Bruton Volunteer Fire Department and the James City County Volunteer Rescue Squad installed new officers.

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

Mr. McGlennon made a motion to adjourn to 7 p.m. on December 8, 2009.

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

At 8:43 p.m. Mr. Kennedy adjourned the Board to 7 p.m. on December 8, 2009.

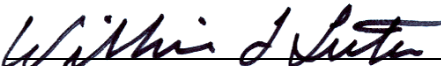
Sanford B. Wanner
Clerk to the Board

MEMORANDUM

DATE: December 8, 2009
TO: The Board of Supervisors
FROM: William T. Luton, Fire Chief
SUBJECT: Declaration of a Local Emergency Rescinded

On November 12, 2009, the County's Director of Emergency Management, Sanford B. Wanner, declared a local emergency due to the threat from approaching the 2009-11 Rain Event. The local effects of the storm resulted in minor damage and reports of power outages in the County. On November 17, 2009, the James City County Board of Supervisors confirmed that declaration of local emergency.

The Director's declaration of a local emergency was necessary to provide for a coordinated local government response for the public safety of citizens and visitors of James City County. Conditions requiring the declaration have been mitigated. A resolution declaring an end to the local emergency is attached.


William T. Luton

CONCUR:


Sanford B. Wanner

WTL/nb
DecLoEmer_mem

Attachment

RESOLUTION

DECLARATION OF A LOCAL EMERGENCY RESCINDED

WHEREAS, the Board of Supervisors of James City County, Virginia, does hereby find that due to the predicted effects of the 2009-11 Rain Event, the County faced dangerous conditions of sufficient severity and magnitude to warrant coordinated local government action to mitigate the damage, loss, hardship, or suffering threatened or caused thereby; and

WHEREAS, a condition of extreme peril of life and property necessitated the declaration of the existence of an emergency; and

WHEREAS, the effects of the 2009-11 Rain Event have been mitigated by James City County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, pursuant to Section 44-146.21 of the Code of Virginia, 1950, as amended, that the Declaration of a Local Emergency dated November 12, 2009, by Sanford B. Wanner, Director of Emergency Management for James City County, is rescinded.

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 8th day of
December, 2009.

DecLoEmer_res

MEMORANDUM

DATE: December 8, 2009

TO: The Board of Supervisors

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

SUBJECT: Chesapeake Bay Preservation Ordinance Violation – Civil Charge – Scott and Brandi Brand,
3657 Bridgewater Drive, Mill Creek Landing

Attached is a resolution for consideration by the Board of Supervisors involving a violation of the County's Chesapeake Bay Preservation ordinance. The case involved the unauthorized removal of vegetation from a Chesapeake Bay Preservation Area (CBPA) located on the above referenced property. The impact area was approximately 5,000 square feet within a defined Resource Protection Area (RPA).

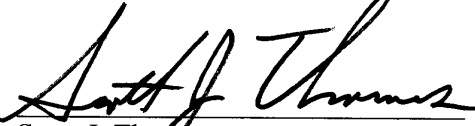
A Notice of Violation (NOV) was issued by County staff on July 28, 2009. Following issuance of the NOV, the case was appealed to the County's Chesapeake Bay Board in accordance with procedures outlined in Section 23-17 of the County's Chesapeake Bay Preservation ordinance. Following a public hearing on October 14, 2009, the County's Chesapeake Bay Board denied the appeal. A copy of the Chesapeake Bay Board resolution is attached for reference.

In accordance with provisions of the ordinance, replanting of native vegetation and a civil charge are proposed to remedy the violation. The Owners have voluntarily entered into a Chesapeake Bay Restoration Agreement with the County, submitted a restoration plan, and provided surety to guarantee implementation of the approved restoration plan to restore impacted RPA area on the property.

The resolution and attachments present specific details of the violation and recommended civil charges. Under the provisions of the ordinance, the Board may accept civil charges for each violation of up to \$10,000. Staff and the owners have agreed to the recommended civil charges of \$1,000 for violation of Sections 23-9 and 23-10 of the County's Chesapeake Bay Preservation Ordinance.

The Chesapeake Bay Ordinance Civil Penalty Procedures Policy endorsed by the Board in August 1999, was used by staff as guidance in determining the civil charge amount. The Policy considers the water quality impact and the degree of noncompliance involved in the case. For the violation of Sections 23-9 and 23-10 of the ordinance, the water quality impact, and the violation intent have been assessed as moderate and minor by staff.

Staff recommends adoption of the attached resolution establishing the civil charges for the Chesapeake Bay ordinance violation presented.



Scott J. Thomas

CONCUR:



Leo P. Rogers

SJT/nb
OrdViolation_mem

Attachment

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATIONS – CIVIL CHARGE –

SCOTT AND BRANDI BRAND, 3657 BRIDGEWATER DRIVE, MILL CREEK LANDING

WHEREAS, Scott and Brandi Brand of 3657 Bridgewater Drive, Settlers Mill, are the owners of a certain parcel of land commonly known as 3657 Bridgewater Drive, Williamsburg, Virginia, designated as Parcel No. 3841760010, within James City County’s Real Estate system, herein referred to as the (“Property”); and

WHEREAS, on or about June 22, 2009, Scott and Brandi Brand caused the removal of vegetation from within a Chesapeake Bay Preservation Area (CBPA) on the Property; and

WHEREAS, Scott and Brandi Brand have executed a Chesapeake Bay Restoration Agreement with the County agreeing to install native canopy trees, native understory trees and native shrubs within Resource Protection Area (RPA) on the Property in order to remedy a violation of the County’s Chesapeake Bay Preservation Ordinance and have posted sufficient surety guaranteeing the installation of the aforementioned improvements and the restoration of the RPA on the Property; and

WHEREAS, Scott and Brandi Brand have agreed to pay a total of \$1,000 to the County as a civil charge under the County’s Chesapeake Bay Preservation Ordinance; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$1,000 civil charge from Scott and Brandi Brand, as full settlement of the Chesapeake Bay Preservation Ordinance Violations at the Property.

James G. Kennedy
Chairman, Board of Supervisors

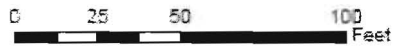
ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of December, 2009.



**CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION –
3657 BRIDGEWATER DRIVE. MILL CREEK LANDING**



RESOURCE PROTECTION AREA IMPACTED (approx.)



RESOLUTION

DENYING AN APPEAL ON JCC RE TAX PARCEL NO. 3841760010

WHEREAS, *Jeffery A. Hines*, (the "Applicant") and *Brandi Brand*, (the "Owner") have appeared before the Chesapeake Bay Board of James City County (the "Board") on *October 14, 2009* appealing a Notice of Violation (*CBV-09-013*) dated *July 28, 2009*, ordering restoration of the Resource Protection Area (RPA) on the property identified as JCC RE Tax Parcel No. *3841760010* and further identified as *3657 Bridgewater Drive, in the Mill Creek Landing Subdivision* (the "Property") and

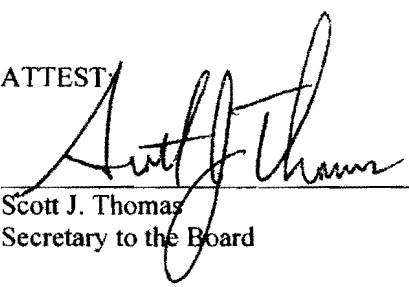
WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, following a public hearing, the Chesapeake Bay Board of James City County by a majority vote of its members FINDS that all of the following conditions have **NOT** been met:

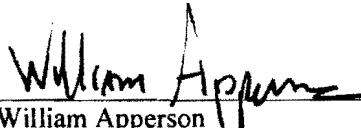
1. The hardship is not generally shared by other properties in the vicinity;
2. The Chesapeake Bay, its tributaries and other properties in the vicinity will not be adversely affected: and
3. The appellant acquired the property in good faith and the hardship is not self-inflicted.

THEREFORE, the Chesapeake Bay Board of James City County is denying the appeal filed by *Jeffery A. Hines* on *August 7, 2009*, and upholds the *July 28, 2009* Notice of Violation issued by Patrick T. Menichino, James City County Environmental Division.

ATTEST



Scott J. Thomas
Secretary to the Board



William Apperson
Chair, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of October, 2009.

OCT 14 2009

MEMORANDUM

DATE: December 8, 2009
TO: The Board of Supervisors
FROM: Craig Nordeman, Grounds Superintendent
SUBJECT: Contract Award – James City County/Williamsburg Community Center Parking Lot Asphalt Repairs – \$118,786

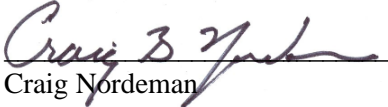
An Invitation for Bids for the repair of the asphalt parking lot at the James City County/Williamsburg Community Center was publicly advertised. The current parking lot is approximately 22 years old and requires extensive resurfacing to prevent accelerated deterioration and hazardous conditions for public use. The attached maps show the areas to be paved, which are labeled Lots A-F and Loop Roads A and B.

Six firms submitted bids on October 29, 2009, and one bid was declared non-responsive. The following bids were considered for award:


<u>Firm</u>	<u>Amount</u>
E. W. Muller Contractor, Inc.	\$118,786
Pembroke Construction Company, Inc.	130,997
Peninsula Paving	136,000
Johnny R. Rogers, t/a Ace Contractors	234,000
Walter C. Via Enterprises, Inc.	234,550

E. W. Muller Contractor, Inc. was the lowest responsive and responsible bidder. The bid amount of \$118,786 is consistent with the project estimate and funds are available in the Capital Improvements Program (CIP) budget for this award.

Staff recommends adoption of the attached resolution authorizing the County Administrator to execute a contract in the amount of \$118,786 with E. W. Muller Contractor, Inc. for repair of the asphalt parking lot at the James City County/Williamsburg Community Center.


Craig Nordeman

CONCUR:


John T.P. Horne

CN/nb
CAParkLot_mem

Attachments

RESOLUTION

CONTRACT AWARD – JAMES CITY COUNTY/WILLIAMSBURG COMMUNITY CENTER

PARKING LOT ASPHALT REPAIRS – \$118,786

WHEREAS, bids were advertised for the repair of the asphalt parking lot at the James City County/Williamsburg Community Center; and

WHEREAS, five bids were considered for award and E. W. Muller Contractor, Inc. was the lowest responsive and responsible bidder with a bid of \$118,786; and

WHEREAS, funds are available in the current Capital Improvements Program (CIP) budget for this project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract in the amount of \$118,786 with E. W. Muller Contractor, Inc., for the repair of the asphalt parking lot at the James City County/Williamsburg Community Center.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

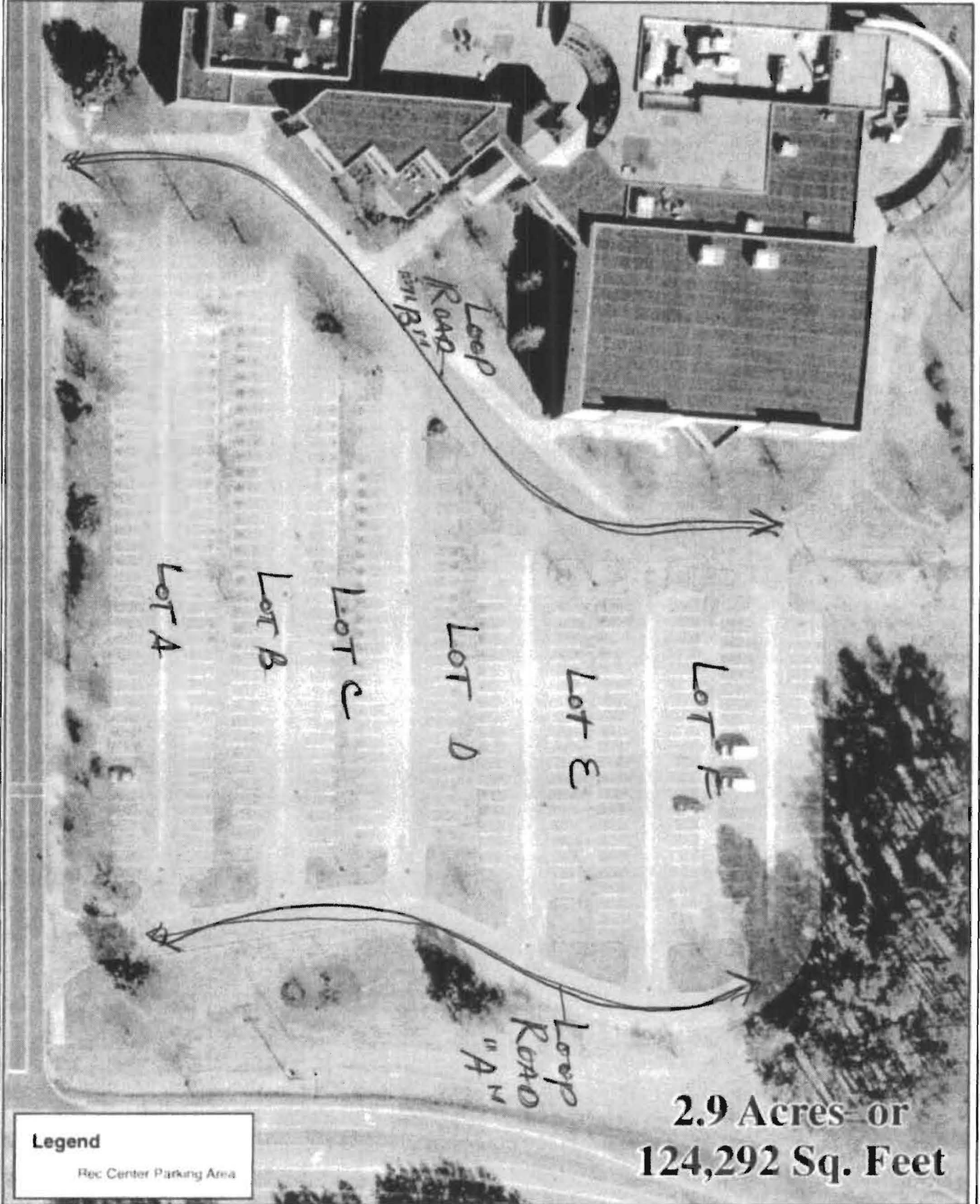
Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of December, 2009.

CAParkLot_res

Designated Areas for Asphalt Repair

James City County - Real Estate Assessment Division - Mapping/GIS Section



Legend

Rec Center Parking Area

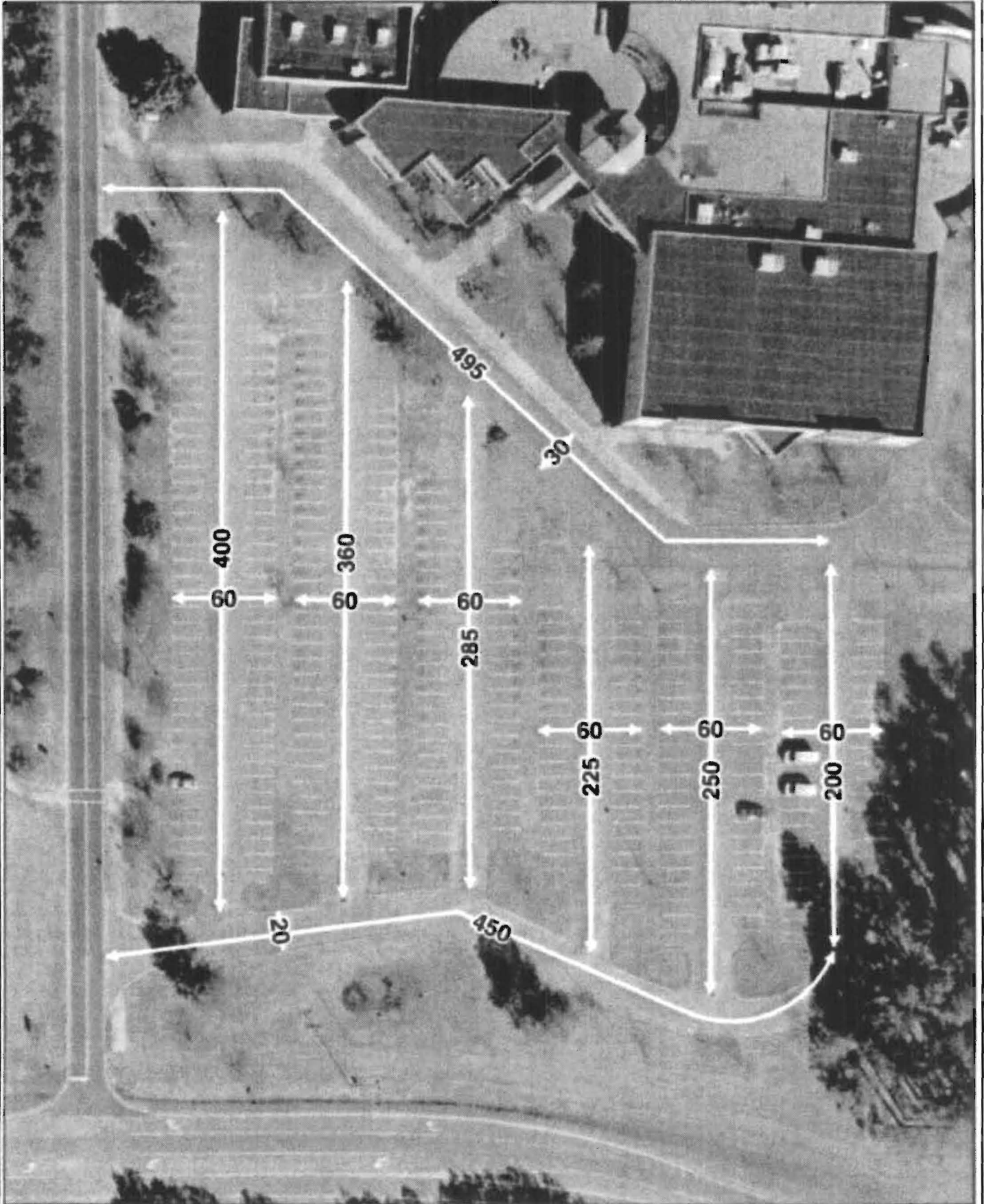
2.9 Acres or
124,292 Sq. Feet

This document is a map and is not intended to be used as a legal document. It is the responsibility of the user to verify the accuracy of the information shown on this map. The information shown on this map is for informational purposes only and does not constitute a warranty of any kind. The user should consult with a professional before using this map for any purpose.

1 inch = 70 feet



James City County - Real Estate Assessment Division - Mapping/GIS Section



This map is a digital representation of the information shown on the ground. It is not intended to be used as a legal document. The information shown on this map is for informational purposes only and should not be used to make any legal or financial decisions. The information shown on this map is subject to change without notice. The information shown on this map is not a guarantee of accuracy. The information shown on this map is not a warranty of any kind. The information shown on this map is not a representation of any kind. The information shown on this map is not a statement of any kind. The information shown on this map is not a contract of any kind. The information shown on this map is not a promise of any kind. The information shown on this map is not a covenant of any kind. The information shown on this map is not a deed of any kind. The information shown on this map is not a mortgage of any kind. The information shown on this map is not a lease of any kind. The information shown on this map is not a license of any kind. The information shown on this map is not a power of attorney of any kind. The information shown on this map is not a will of any kind. The information shown on this map is not a trust of any kind. The information shown on this map is not a partnership of any kind. The information shown on this map is not a joint tenancy of any kind. The information shown on this map is not a tenancy in common of any kind. The information shown on this map is not a co-ownership of any kind. The information shown on this map is not a joint ownership of any kind. The information shown on this map is not a shared ownership of any kind. The information shown on this map is not a community property of any kind. The information shown on this map is not a marital property of any kind. The information shown on this map is not a separate property of any kind. The information shown on this map is not a community asset of any kind. The information shown on this map is not a marital asset of any kind. The information shown on this map is not a separate asset of any kind. The information shown on this map is not a community liability of any kind. The information shown on this map is not a marital liability of any kind. The information shown on this map is not a separate liability of any kind. The information shown on this map is not a community debt of any kind. The information shown on this map is not a marital debt of any kind. The information shown on this map is not a separate debt of any kind. The information shown on this map is not a community obligation of any kind. The information shown on this map is not a marital obligation of any kind. The information shown on this map is not a separate obligation of any kind. The information shown on this map is not a community responsibility of any kind. The information shown on this map is not a marital responsibility of any kind. The information shown on this map is not a separate responsibility of any kind. The information shown on this map is not a community duty of any kind. The information shown on this map is not a marital duty of any kind. The information shown on this map is not a separate duty of any kind. The information shown on this map is not a community obligation of any kind. The information shown on this map is not a marital obligation of any kind. The information shown on this map is not a separate obligation of any kind. The information shown on this map is not a community liability of any kind. The information shown on this map is not a marital liability of any kind. The information shown on this map is not a separate liability of any kind. The information shown on this map is not a community debt of any kind. The information shown on this map is not a marital debt of any kind. The information shown on this map is not a separate debt of any kind. The information shown on this map is not a community obligation of any kind. The information shown on this map is not a marital obligation of any kind. The information shown on this map is not a separate obligation of any kind. The information shown on this map is not a community responsibility of any kind. The information shown on this map is not a marital responsibility of any kind. The information shown on this map is not a separate responsibility of any kind. The information shown on this map is not a community duty of any kind. The information shown on this map is not a marital duty of any kind. The information shown on this map is not a separate duty of any kind.

1 inch = 70 feet



MEMORANDUM

DATE: December 8, 2009
TO: The Board of Supervisors
FROM: Stephanie Luton, Purchasing/Management Services Director
SUBJECT: Contract Award – Two Rigid Hull Inflatable Boats and Trailers

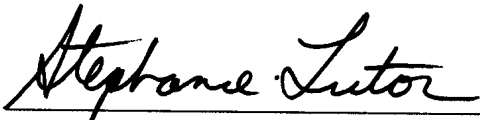
An Invitation for Bids for two Rigid Hull Inflatable Boats and Trailers for Police Department use was publicly advertised. These boats will be used for port security and tactical operations deployment.

Six firms submitted bids on November 10, 2009, and one bid was declared non-responsive. The following bids were considered for award:

<u>Firm</u>	<u>Amount</u>
Ribcraft	\$109,892.00
Brunswick	\$118,645.00
Airtime	\$131,458.00
Northwind Marine	\$246,246.00
Naiad	\$297,656.80

Ribcraft was the lowest responsive and responsible bidder. The bid amount of \$109,892 is consistent with the project estimate and funds are available through the Port Security Grant Program of the Virginia Department of Emergency Management for this award.

Staff recommends adoption of the attached resolution authorizing the County Administrator to execute a contract in the amount of \$109,892 with Ribcraft for two Rigid Hull Inflatable Boats and Trailers.


Stephanie Luton

SL/gb
BoatTrailerAward_mem

Attachment

RESOLUTION

CONTRACT AWARD – TWO RIGID HULL INFLATABLE BOATS AND TRAILERS –

POLICE DEPARTMENT

WHEREAS, bids were advertised for two Rigid Hull Inflatable Boats and Trailers for Police Department use; and

WHEREAS, five bids were considered for award and Ribcraft was the lowest responsive and responsible bidder with a bid of \$109,892; and

WHEREAS, funds are available through the Port Security Grant Program of the Virginia Department of Emergency Management for this award.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract in the amount of \$109,892 with Ribcraft for two Rigid Hull Inflatable Boats and Trailers.

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 8th day of December, 2009.

BoatTrailerAward_res

MEMORANDUM

DATE: December 8, 2009

TO: The Board of Supervisors

FROM: Luke Vinciguerra, Planner
Alan Robertson, WJCC Schools Facilities Manager

SUBJECT: Williamsburg-James City County (WJCC) Schools "Safe Routes to School" Grant Application

The Virginia Department of Transportation's (VDOT) Safe Routes to School Program (SRTS) is a grant program that assists interested schools in developing plans, activities, and infrastructure improvements to make bicycling and walking to school a safe and appealing transportation option for students in kindergarten through eighth grade. In consultation with school principals, the Parent Teacher Association, and other community leaders, Williamsburg-James City County (WJCC) Schools staff has drafted a grant application requesting funds for priority infrastructure and program projects to aid in the safe transport of children to and from school. The guidelines for the grant application require the locality to endorse any grant application submitted. The grant provides 100 percent funding; no match will be required of the locality.

The proposed projects can be found in the attached WJCC School Travel Plan. Many of the proposed projects are program-based; however, there are traffic-calming and pedestrian projects proposed for James River, Rawls Byrd, and Matoaka elementary schools. Should VDOT award grant money to WJCC schools, nearly all infrastructure-related projects would be built to VDOT standards and placed in the rights-of-way for State maintenance. The exception would be neighborhood trails. WJCC Schools staff has been in negotiation with the affected Homeowner Associations (HOAs) regarding the proposed paths. These paths would only be built if the HOAs accept them for perpetual maintenance after they are built. Should VDOT provide any infrastructure monies for roadway upgrades, modifications would require State and County approval.

Staff and VDOT would work closely with WJCC Schools to ensure any infrastructure project is executed properly. Depending on the complexity of the final plans and availability of resources, VDOT may agree to administer projects in their entirety. WJCC Schools staff is responsible for the execution of all projects. Please note that actual numbers may be adjusted prior to submittal based on feedback from the State.

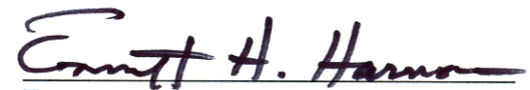
Staff recommends the Board endorse the School Travel Plan and subsequent grant application per the attached resolution.

Luke Vinciguerra



Alan Robertson

CONCUR:



Emmett H. Harmon

LV/AR/nb
SRTS_mem

Attachment

RESOLUTION

WILLIAMSBURG-JAMES CITY COUNTY (WJCC) SCHOOLS “SAFE ROUTES TO

SCHOOL” GRANT APPLICATION

WHEREAS, the James City County Board of Supervisors recognizes that there is a significant need for pedestrian safety improvements, especially concerning school children; and

WHEREAS, the James City County Board of Supervisors supports pedestrian safety programs and infrastructure improvements; and

WHEREAS, the Williamsburg-James City County (WJCC) Schools has proposed the undertaking of a variety of projects designed to increase the number of children who walk and bike safely to and from school.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby supports the WJCC Schools submission of the School Travel Plan and subsequent grant application to the Virginia Department of Transportation (VDOT) and will provide support during the execution of proposed infrastructure projects.

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 8th day of December, 2009.

SRTS_res

MEMORANDUM

DATE: December 8, 2009
TO: The Board of Supervisors
FROM: John E. McDonald, Manager, Financial and Management Services
SUBJECT: Eastern State Hospital Downsizing

Section 37.2-316 of the Code of Virginia states, in part, that “for the purpose of considering any restructuring of the system of mental health services involving an existing state hospital, the Commissioner shall establish a State and community consensus and planning team consisting of Department staff and representatives of the localities served by the State hospital, including local government officials, consumers, family members of consumers, advocates, State hospital employees, community services boards, behavioral health authorities, public and private service providers, licensed hospitals, local health department staff, local social services department staff, sheriffs' office staff, area agencies on aging, and other interested persons.”

Included in the above-mentioned Virginia Code section is a requirement that the team “. . . shall develop a plan that addresses (i) the types, amounts, and locations of new and expanded community services that would be needed to successfully implement the closure or conversion of the State hospital to any use other than the provision of mental health services, including a six-year projection of the need for inpatient psychiatric beds and related community mental health services; (ii) the development of a detailed implementation plan designed to build community mental health infrastructure for current and future capacity needs; (iii) the creation of new and enhanced community services prior to the closure of the State hospital or its conversion to any use other than the provision of mental health services; (iv) the transition of State hospital consumers to community services in the locality of their residence prior to admission or the locality of their choice after discharge; (v) the resolution of issues relating to the restructuring implementation process, including employment issues involving State hospital employee transition planning and appropriate transitional benefits; and (vi) a six-year projection comparing the cost of the current structure and the proposed structure.”

The attached resolution has been initiated by the Colonial Services Board (CSB) to protest the current downsizing of Eastern State Hospital without a community team and without a plan as required by State law. This particular Code section was part of HB995, sponsored by Delegate Bob McDonnell in 2002 and passed by the General Assembly.

The governing bodies of York County and the cities of Williamsburg and Poquoson will each consider a similar resolution this month. If the Board approves the attachment, the CSB will provide a copy to each Senator and Delegate representing the County and will forward it to the Governor-elect and those officials, when appointed, who oversee mental health facilities.

Approval of the attached resolution is requested.

John E. McDonald

JEM/nb
ESHDownsize_mem

Attachment

RESOLUTION

EASTERN STATE HOSPITAL DOWNSIZING

- WHEREAS, the Colonial Services Board (CSB) has been created by the counties of James City and York, and by the cities of Poquoson and Williamsburg as a Community Services Board under the authority provided to each by Chapters 10 and 11 of the Code of Virginia; and
- WHEREAS, Chapter 37 of the Code of Virginia defines the responsibility for designating facilities to provide safety net services in the civil commitment process to the Commissioner of the Department of Behavioral Health and Developmental Services (DBHDS); and
- WHEREAS, Eastern State Hospital has long served as the primary safety net for consumers through provision of acute and long-term psychiatric inpatient for individuals with mental disabilities; and
- WHEREAS, Eastern State Hospital is building a new Adult Mental Health Facility that will reduce current non-geriatric adult inpatient bed capacity from in excess of 200 to 145 prior to August 2010 and civil admission capacity at Eastern State Hospital will virtually be eliminated as a result of this process; and
- WHEREAS, the CSB requested in 2008 that a moratorium be placed on Eastern State Hospital downsizing until a reasonable process that included adequate and sustainable State-administered funding, and a reasonable time frame for building community service capacity to meet the needs of persons previously institutionalized; and
- WHEREAS, the 2008 request has not been honored by the Commonwealth of Virginia, despite the requirements for a community consensus and planning team as defined under §37.1-48.2 of the Code of Virginia; and
- WHEREAS, adequate community mental health capacity or funding does not exist today, nor can it now be developed by August 2010; and
- WHEREAS, State-administered funds for Community Services Boards are being reduced at the same time these additional responsibilities are being imposed upon them; and
- WHEREAS, the Code-defined safety net function of the DBHDS Commissioner is being administratively altered in a manner that will create unnecessary risk for individuals, families, agencies, and communities.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby opposes this unfunded and inadequately-planned downsizing of Eastern State Hospital.
- BE IT FURTHER RESOLVED that the Board of Supervisors calls upon the Governor-Elect and General Assembly members representing Hampton Roads to convene discussions immediately to develop a responsible plan for Eastern State Hospital downsizing that focuses on the

development of sufficiently-funded community-based services, including practical time frames for development of these services.

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 8th day of December, 2009.

ESHDownsize_res

MEMORANDUM

DATE: December 8, 2009
TO: The Board of Supervisors
FROM: Steven W. Hicks, Manager of Development Management
SUBJECT: American Reinvestment and Recovery Act Project (ARRA) Overlay/Resurfacing Various Routes County Wide (UPC # 95044) - \$518,394

To fully obligate the stimulus funding by March 1, 2010, Project # 0060-047-598, P101, C501 (UPC # 94542), Route 60 Shoulder and Drainage Improvements, was reallocated in the amount of \$518,394 to the UPC # 95044 project to resurface the Virginia Department of Transportation's roads at various routes County wide.

On October 27, 2009, the Board of Supervisors authorized the County Administrator to execute the UPC # 95044 Overlay/Resurfacing County/State Project Administration Agreement. As a result, staff is requesting that funds previously allocated to the UPC # 94542 project be transferred to the UPC # 95044 Overlay/Resurfacing project funded by the American Reinvestment and Recovery Act (ARRA).

The total cost of the contract is \$518,394. These ARRA funds are eligible for a 100 percent reimbursement to James City County. To move forward with administering the Overlay/Resurfacing project, staff requests that the Board appropriate \$518,394 to allow the award of the contract.

Staff recommends approval of the attached resolution.



Steven W. Hicks

CONCUR:



Sanford B. Wanner

SWH/gb
ResurfRtes_mem

Attachment

RESOLUTION

AMERICAN REINVESTMENT AND RECOVERY ACT PROJECT (ARRA)

OVERLAY/RESURFACING VARIOUS ROUTES COUNTY WIDE (UPC # 95044) - \$518,394

WHEREAS, on October 27, 2009, the County/State Project Administration Agreement for Federal Aid Projects was adopted to authorize the County Administrator to execute the Project Administration Agreement for the Overlay/Resurfacing contract (UPC # 95044); and

WHEREAS, the appropriation of these funds will allow the award of contract for the UPC # 95044 project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the FY 2010 Special Projects/Grant Fund for the purpose indicated:

Overlay/Resurfacing (UPC # 95044)	\$518,394
Route 60 East Improvements	(\$518,394)

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 8th day of December, 2009.

ResurfRtes_res

**SPECIAL USE PERMIT-0022-2009. King of Glory Lutheran Church SUP Amendment
Staff Report for the December 8, 2009, Board of Supervisors Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

November 4, 2009, 7:00 p.m.
December 8, 2009, 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant: Mr. Matthew Connolly of LandTech Resources, Inc.

Land Owner: King of Glory Lutheran Church

Proposal: To amend the adopted SUP conditions to allow the placement of two modular buildings and accessory uses at 4881 and 4897 Longhill Road.

Location: 4881 and 4897 Longhill Road, Berkley District

Tax Map/Parcel Nos.: 3240100032 and 3240100033

Parcel Size: Parcels Combined Acreage-12.95 acres

Zoning: R-2, General Residential

Comprehensive Plan: Low Density Residential

Primary Service Area: Parcels are located inside the Primary Service Area (PSA)

STAFF RECOMMENDATION

Staff finds the proposed additions consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommends the James City County Board of Supervisors approve this application with the conditions listed in the attached resolution.

Staff Contact: Jose Ribeiro, Senior Planner Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

On November 4, 2009, the Planning Commission recommended approval of this SUP amendment request by a vote of 5-0 (Billups, Peck-absent).

Proposed Changes Made Since Planning Commission Meeting

During the Planning Commission meeting, Mr. Henderson asked staff to revisit the closing of the entrance to 4881 Longhill Road, as suggested by Virginia Department of Transportation (VDOT), and to explore alternatives such as maintaining the entrance as a right-in/right-out configuration or as an exclusive access for emergency vehicles.

Staff met with Mr. Bradley Weidenhammer of VDOT and the applicant to discuss alternatives to closing the entrance. Mr. Weidenhammer expressed no concerns with the existing left turn-in movement (Attachment

No.3) or with a right turn-in movement onto the entrance to 4881 Longhill Road. However, an egress movement is not supported by VDOT due to limited sight distance available on Longhill Road (Attachment No.5).

Staff also discussed this matter with the County's Fire Department to determine if the entrance should remain open for the benefit of emergency vehicles access. Mr. Joe Davis, James City County Deputy Fire Chief, did not oppose either the continuance of the entrance or its removal but stated that in certain situations, the additional access to the property could be beneficial. Mr. Davis also stated that the Fire Department was comfortable with accessing the expanded church facilities through the connection from the church parking lot, should the entrance be eliminated.

A Virginia Dominion Power (VEPCO) easement runs along the entire length of the internal driveway leading to the entrance to 4881 Longhill Road (Attachment No. 4). Staff met with Mrs. Joan Cravens, Virginia Dominion Power Electric Delivery Design Supervisor, who expressed a preference for the existing entrance to remain open to facilitate access to the easement area. Mrs. Cravens was not opposed, however, to the placement of a gate or cable/chain barrier along the driveway as means to allow Virginia Dominion Power access to the property while restricting all other vehicular movements through the entrance to 4881 Longhill Road.

Because of the challenges related to limiting egress movements and the comments received from the Fire Department and Virginia Dominion Power, staff proposes a revised condition which limits, but does not eliminate, the existing entrance at 4881 Longhill Road. Staff envisions the use of bollards and chain or a gate as means of limiting access to the property. The previous condition discussing access to the entrance to 4881 Longhill Road read:

- Access: The existing vehicular entrance at 4881 Longhill Road shall be eliminated per VDOT requirements and landscaped in accordance with Section 24-96, landscape area(s) along right(s)-of-way. No Certificate of Occupancy for the proposed modular buildings shall be issued until the existing northbound left-turn lane striping allowing access to 4881 Longhill Road has been removed.

The proposed revised condition discussing access to the entrance to 4881 Longhill Road now reads:

- Entrance Plan: Prior to final site plan approval, an entrance plan addressing limited vehicular ingress and egress at the entrance to 4881 Longhill Road shall be submitted to the County for review and approval of the Planning Director and Virginia Department of Transportation (VDOT). The plan shall address signage and physical measures that will be installed to restrict access to and from the property and Longhill Road.

Additionally, SUP condition pertaining to landscaping has been adjusted to accommodate the request to maintain the entrance open (deleted language in *italics*):

- Landscaping: A landscaping plan shall be submitted and approved by the Planning Director or his designee prior to final site plan approval. The landscaping plan shall, at a minimum, address the requirements found in Zoning Ordinance Section 24-95, Landscape Areas Adjacent to Buildings. *and show a 50-foot-wide landscape buffer, in accordance with Section 24-96, Landscape Areas along Right-of-Ways, in the vehicular access area slated for removal.*

PROJECT DESCRIPTION

Mr. Matthew Connolly has applied for a special use permit to amend the adopted SUP conditions for King of Glory Lutheran Church (SUP-0019-2007) to allow the placement of two modular buildings and expand the church's accessory uses onto recently acquired 4881 Longhill Road, previously the site for Crossroads Youth Home. This site will be incorporated into the existing church property and allow the church to utilize the existing buildings for office use, group meetings space and Sunday school activities. Houses of worship are a specially permitted use in the R-2 district. A special use permit is required since the changes in use represent an expansion to a specially permitted use.

As shown on the attached master plan, existing buildings "A" and "E" are proposed to be used as office/meeting space for youth group and for Sunday school classes. Buildings "B", "C", "D", and "F" are currently being used as storage space and this use will continue. The two proposed temporary trailer/modular buildings, labeled on the master plan as buildings "G" and "H" will also be used for youth group meetings and Sunday school classes.

The proposed change to the existing King of Glory church property at 4897 Longhill Road is an internal connection from its northernmost parking area to an existing driveway leading to buildings "A" through "H". The purpose of this driveway is to ensure vehicular and pedestrian connectivity between the properties and to allow patrons to park their vehicles in the parking lot area and walk to buildings "A" through "H". A site plan addressing issues related to the placement of new structures, internal driveway connectivity, and landscaping will be required. Since both properties are now owned by King of Glory church, staff has proposed a condition requiring a boundary line extinguishment between both parcels prior to final site plan approval (SUP Condition No. 2).

Both properties are zoned R-2, General Residential, and front on Longhill Road, a Community Character Road according to the 2003 Comprehensive Plan. Wellspring United Methodist Church, located to the north is also zoned R-2. A portion of Ford's Colony, zoned R-4, Residential Planned Community, is located to the west of the site. South of the site is Bazzle's Apartments, zoned R-2. Williamsburg Plantation, zoned R-2, and Regency at Longhill Apartments, zoned R-5, Multi-family Residential, are located across Longhill Road east of the site. Staff finds that the proposed modular building addition is compatible with the surrounding zoning and development.

PUBLIC IMPACTS

Archaeology Impacts

Staff Comments: The subject properties are not located within an area identified as a highly sensitive area in the James City County archaeological assessment. Given the redevelopment and change in use proposed by this application, an archaeological assessment is not required.

Public Utilities

Staff Comments: The properties are located within the Primary Service Area (PSA) and served by public water and sewer. At the time of site plan submittal, the James City Service Authority (JCSA) will require calculations to be submitted showing the adequacy of the water meter and capacity of the grinder pump station serving the site. Further, the applicant will be required to submit water conservation standards which will be approved by the JCSA. Staff has added conditions (SUP Condition Nos. 3 and 4) requiring the approval of these items prior to final site plan approval.

Transportation

2007 Traffic Counts-Longhill Road (Route 612): Olde Town Road (Route 658) to Route 199 - 20,055 average daily trips.

2026 Volume Projected-Longhill Road (Route 612): Olde Town Road (Route 658) to Route 199 is projected at 21,000 average daily trips. This segment of Longhill Road is not under the “watch” category listed in the 2003 Comprehensive Plan.

VDOT comments: VDOT does not recommend vehicular egress at the entrance to 4881 Longhill Road (secondary entrance) as it does not meet sight distances requirements. VDOT has also reviewed the average vehicular trip generation data submitted with this application and concurs with information provided by the applicant.

Staff Comments: Staff concurs with VDOT’s finding and proposes a revised SUP condition (Condition No. 6) requiring the applicant to provide an entrance plan addressing limited ingress and egress movements onto 4881 Longhill Road. According to information provided by the applicant, the proposed modular buildings will generate one peak hour trip to and from the site, a minor increase to the 35 peak hour traffic generated by the current conditions found on the site. A traffic study is not necessary since more additional trips to and from the site during the peak hour of the operation is not generated by the proposed changes. The entire site currently provides a total of 166 parking spaces (i.e. 161 spaces located at 4897 Longhill Road and five spaces (including two handicap parking) located at 4881 Longhill Road). Only 107 parking spaces are required per the Zoning Ordinance. The proposed modular buildings will not trigger the need for additional parking spaces on the site.

Environmental

Watershed: Powhatan Creek

Environmental Comments: The majority of stormwater runoff from the existing church property and from the developed area of the former Youth Home property (4881 Longhill Road) is captured by an existing stormwater pond located at the southern tip of the church parcel. Stormwater runoff from undeveloped areas of the former Youth Home property is captured by a receiving channel located west of this parcel. The Environmental Division has reviewed this SUP application and finds that the amount of new impervious surface proposed will have a minimum impact on existing stormwater receiving channels/ponds. Further, the Environmental Division has requested that the applicant submit a conceptual stormwater plan for the combined parcels.

Staff Comments: Staff concurs with the Environmental Division and has proposed a condition (SUP Condition No. 5) addressing the need for a stormwater plan for the combined parcels.

COMPREHENSIVE PLAN

Land Use Map

Designation	<p><i>Low Density Residential (Page 120):</i> Low density areas are residential developments or land suitable for such developments with gross densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwellings in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan. Examples of acceptable land uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments.</p> <p>Staff Comment: The proposed modular building addition to the church site is consistent with the Comprehensive Plan land use designation.</p>
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Transportation

General	<p><i>Longhill Road-Page 78:</i> It is recommended that Longhill Road from Seasons Trace to Olde Towne Road not be improved to four lanes despite its projected 2026 volume of 22,000. Despite the opening of the Route 199 expansion, existing volumes remain well above the capacity of a standard two-lane road. Although classified as a two-lane facility, Longhill Road acts like a three-lane facility because of numerous turn lanes. However, it will be important to monitor the actual delay in this segment. Additional residential or commercial development along this corridor beyond that currently planned should be allowed only if acceptable levels of service can be maintained.</p>
	<p>Staff Comment: The proposed modular building additions will not require work within VDOT's right-of-way and no improvements will be necessary to accommodate the addition. Further, the proposed new uses to the property will have a minor impact on traffic generation, from 35 peak hour trips to 36 peak hour trips. The closing of the driveway accessing buildings "A" through "H" will ensure only one vehicular access point onto Longhill Road from the combined properties.</p>

Community Character Corridor

Goals, Strategies and Actions	<p><i>Goal # 1-Page 95:</i> Improve the overall appearance of the County's urban and rural environment.</p> <p><i>Strategy # 2-Page 95:</i> Ensure that development is compatible in scale, size, and location to surrounding existing and planned development.</p>
	<p>Staff Comment: The proposed addition to the site will not negatively impact Longhill Road, a Community Character Road according to the 2003 Comprehensive Plan, as the site is well buffered by natural vegetation. Further, staff finds that this is a small addition to the site and compatible in scale, size, and location with the church site and adjacent properties.</p>

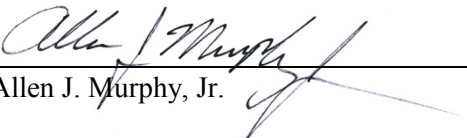
Staff Comments: Staff finds that the proposed modular buildings and expansion of accessory church uses are minor additions to the church site and that impacts to traffic and to the environment will be minimal. Further, staff notes that the proposed addition will not disturb any of the natural wooded buffers (except for clearing related with utility connections and footer placement) which surround the site and protects nearby residential uses and the character of the surrounding area.

RECOMMENDATION:

Staff finds the proposed addition consistent with surrounding zoning and development and generally consistent with the Comprehensive Plan. Staff recommends the James City County Board of Supervisors to approve this application with the conditions listed in the attached resolution.

Jose Ribeiro

CONCUR:


Allen J. Murphy, Jr.

JR/gb
Sup0022-09Church.doc

ATTACHMENTS:

1. Master Plan (under separate cover)
2. Location Map
3. Location Map-Entrance to King of Glory Church site
4. Map showing VEPCO easement
5. Letter from VDOT
6. Unapproved Minutes from the November 4, 2009, Planning Commission meeting
7. Resolution

RESOLUTION

CASE NO. SUP-0022-2009. KING OF GLORY LUTHERAN CHURCH SUP AMENDMENT

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. Matthew Connolly has requested an SUP amendment to allow the placement of two modular buildings and accessory uses at parcels located at 4881 and 4897 Longhill Road, zoned R-2, General Residential, and further identified as James City County (JCC) Real Estate Tax Map Parcel Nos. 3240100032 and 3240100033; and

WHEREAS, the proposed development is shown on a plan prepared by LandTech Resources, Inc, dated September 23, 2009, revised on October 27, 2009 (the "Master Plan"), and entitled "Master Plan of Property Situated at 4881 and 4897 Longhill Road JCC-SUP-0022-2009 King of Glory Lutheran Church SUP Amendment"; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing held on Case No. SUP-0022-2009; and

WHEREAS, the Planning Commission, following its public hearing on November 4, 2009, voted 5-0 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 Special Use Permit No. 0022-2009 as described herein with the following conditions:

1. Master Plan: This SUP amends the adopted SUP conditions for JCC Case No. SUP-0019-2007 and allow the placement of two modular units and accessory uses on properties located on JCC Real Estate Tax Parcel Nos. 3240100032 and 3240100033, more commonly known as 4881 and 4897 Longhill Road (the "Properties"). Development of the Properties shall be generally in accordance with the Master Plan entitled "Master Plan of Property Situated at 4881 and 4897 Longhill Road JCC-SUP-0022-2009 King of Glory Lutheran Church SUP Amendment," prepared by Land Tech Resources, Inc., dated September 23, 2009, and revised on October 27, 2009 (the "Master Plan"), with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
2. Boundary Line Extinguishment (BLE): Prior to final site plan approval, a plat showing the extinguishment of the common property line between parcels located at 4881 and 4897 Longhill Road must be submitted and approved by the County.
3. Water Conservation: The Owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (JCSA) prior to final site plan approval. The standards may

include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

4. Irrigation: In the design phase, the developer and designing engineer shall include the design of stormwater systems that can be used to collect stormwater for outdoor water use for the entire development. In no circumstances shall well water or water supplied by the JCSA be used for irrigation, except as otherwise provided in the 2007 Water Conservation Guidelines approved by the Board of Supervisors.
5. Conceptual Stormwater Plan: Prior to submission of a site plan for the Property, a conceptual stormwater plan depicting how stormwater will be treated in the entire site (i.e., parcels located at 4881 and 4897 Longhill Road) shall be submitted to the Environmental Division for review and approval.
6. Entrance Plan: Prior to final site plan approval, an entrance plan addressing limited vehicular ingress and egress at the entrance to 4881 Longhill Road shall be submitted to the County for review and approval of the Planning Director and Virginia Department of Transportation (VDOT). The plan shall address signage and physical measures that will be installed to restrict access to and from the property and Longhill Road.
7. Landscaping: A landscaping plan shall be submitted and approved by the Planning Director or his designee prior to final site plan approval. The landscaping plan shall, at a minimum, address the requirements found in Zoning Ordinance Section 24-95, *Landscape Areas Adjacent to Buildings*.
8. Lighting: All new exterior light fixtures, including building lighting, on the Property, shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Planning Director prior to final site plan approval. "Glare" shall be defined as more than 0.1 footcandle at the boundary of the Property or any direct view of the lighting source from the adjoining properties.
9. Dumpsters/HVAC Units: All dumpsters and heating and cooling units visible from any public street or adjoining property shall be screened from view with landscaping or fencing approved by the Planning Director, or his designee, prior to final site plan approval.
10. Commencement of Construction: Construction on this project shall commence within 36 months from the date of approval of this SUP or this permit shall be void. Construction shall be defined as obtaining all the permits necessary for the construction of the modular units and the placement of the modular units on a foundation.
11. Severance Clause: 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 8th day of
December, 2009.

Sup0022-09Church_res

JCC-SUP-0022-2009

King of Glory Lutheran Church

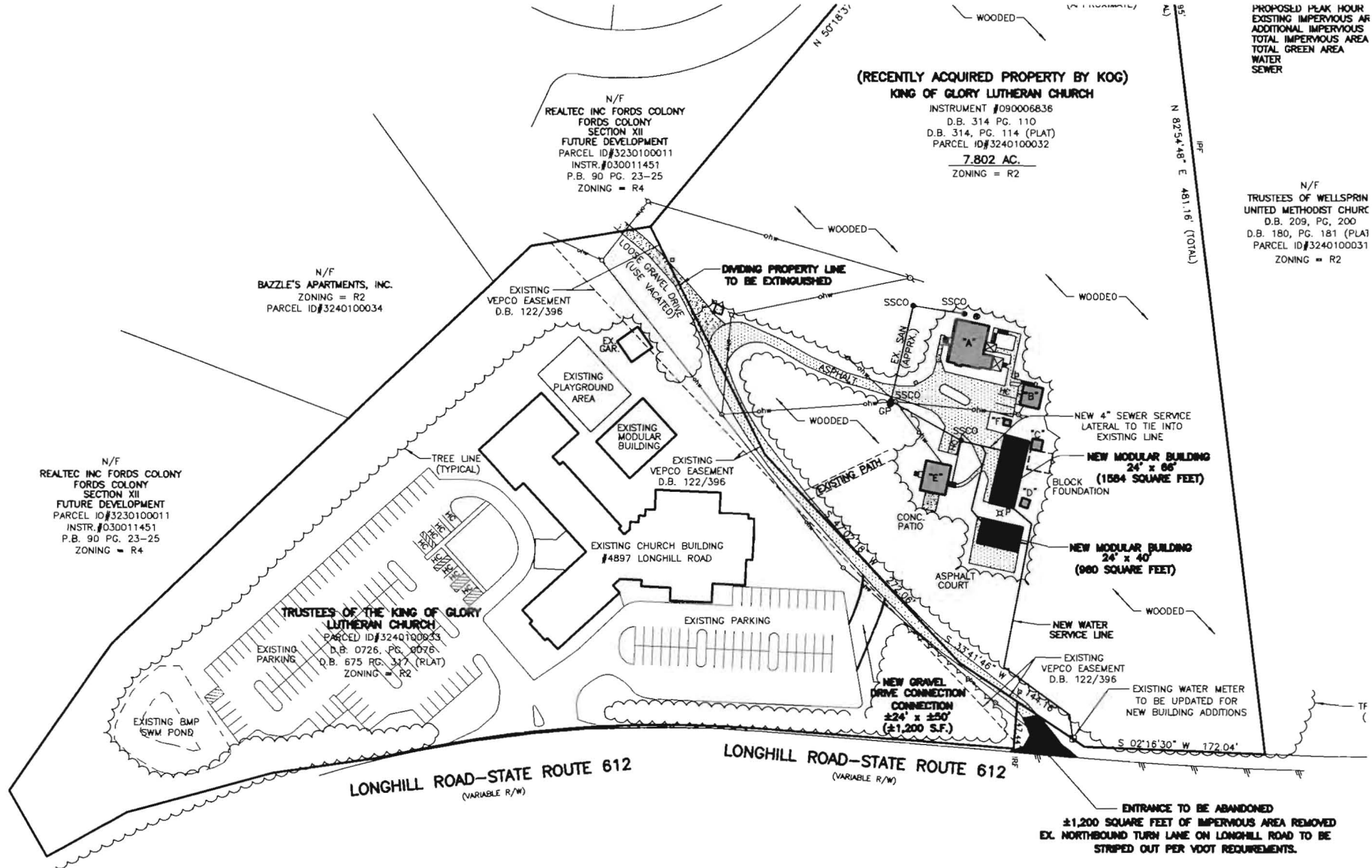


JCC-SUP-0022-2009

King of Glory-Secondary Entrance



	N/A
	N/A
	N/A
31 TH 0 -2	30 MAXIMUM (SEE NOTE 9)
2	2
	N/A
31 TH 0 -2	79 MAXIMUM (SEE NOTE 9)
31 TH 0 -2	48 MAXIMUM (SEE NOTE 9)



PROPOSED PEAK HOUR
 EXISTING IMPERVIOUS AF
 ADDITIONAL IMPERVIOUS AREA
 TOTAL IMPERVIOUS AREA
 WATER
 SEWER

N/F
 TRUSTEES OF WELLSPRIN
 UNITED METHODIST CHURCH
 D.B. 209, PG. 200
 D.B. 180, PG. 181 (PLAT)
 PARCEL ID#3240100031
 ZONING = R2



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1700 North Main Street
SUFFOLK, VIRGINIA 23434

DAVID S. EKERN, P.E.
COMMISSIONER

November 20, 2009

MEMORANDUM

**TO: Jose Ribeiro, Senior Planner
James City County Planning**

**FROM: Bradley A. Weidenhammer, PE
Staff Engineer, Williamsburg Residency**

**RE: King of Glory Expansion
County Plan SUP-22-09
Longhill Road (Route 612), James City County**

In ongoing discussions regarding this case, the church has expressed interest in maintaining access to Longhill Road from the secondary entrance.

Due to limited sight distance available on Longhill Road, egress from this entrance is not supported by the Department. While internal signage restricting egress at this location may deter these movements, enforcement of this is not practical.

The existing entrance serves the existing power easement, and it would be feasible for the access to remain to serve this easement. It is recommended that some form of gate or cable/chain barrier control this access. If the access remains for emergency or easement access, the previous requirement to restripe the existing left-turn lane on Longhill Road is no longer applicable.

If you have any questions, please contact me at the Williamsburg Residency at (757) 253-7267.

UNAPPROVED MINUTES FROM THE NOVEMBER 4, 2009
PLANNING COMMISSION MEETING

SUP-0022-2009 King of Glory SUP Amendment

Mr. Jose Ribeiro stated that staff revised SUP condition #4 regarding irrigation. He said the intent of the revision is to improve readability and create greater consistency with the 2007 Water Conservation Guidelines approved by the Board of Supervisors.

Mr. Ribeiro stated that Mr. Matthew Connolly has applied for a Special Use Permit to amend adopted SUP conditions for King of Glory Lutheran Church to allow placement of two modular buildings and expand the church's accessory uses onto a recently acquired property at 4881 Longhill Road. The newly acquired parcel was formerly operated as Crossroads Youth Home and the church plans to use the existing buildings for office space, meeting space, and Sunday school activities. The parcels are zoned R-2, where houses of worship are a specially permitted use. The SUP is triggered by the change and expansion of the church use. Longhill Road is a Community Character Corridor. Two modular buildings will be placed on existing impervious cover. A gravel drive will connect existing parking at the church to 4881 Longhill Road. The access from 4881 Longhill Road to Longhill Road will be closed. Staff recommends landscaping in place of the closed entrance in accordance with guidelines for the 50 foot Community Character Corridor buffer. A northbound left turn lane will also be eliminated. All agencies and staff recommend approval with conditions listed.

Mr. Ribeiro stated that no adjacent property owners had commented on the proposal.

Mr. Henderson stated that traffic queues on the property after church services. He asked if another entrance would be allowed by Virginia Department of Transportation (VDOT) 527 Ordinances, due to parking and spacing.

Mr. Ribeiro stated that VDOT has recommended closing the 4881 Longhill entrance due to lack of sight distance and to consolidate to only one entrance to the entire church property.

Mr. Henderson stated that vehicle stacking on the church property was an issue. He said the proposal would create additional traffic problems that could have been addressed. He asked if County emergency services wanted to retain use of the entrance.

Mr. Ribeiro stated the Fire Department's only comments were that the cut-through gravel road should be designed to support the weight of emergency vehicles.

Mr. Henderson stated that when gravel drives connect to asphalt, gravel tracks across asphalt, which degrades both surfaces. He asked who required the gravel drive.

Mr. Ribeiro stated that the applicant has proposed the gravel drive. He said the church master plan uses the gravel drive and a footpath for internal traffic.

Mr. Henderson stated his main concern was a lack of vehicular access to the property.

Mr. Fraley asked if the revised irrigation SUP condition was for outdoor irrigation and Mr. Ribeiro concurred.

Mr. Fraley stated that the DRC discussed irrigation for the Police building, but the applicant stated there were no irrigation plans for the project.

Mr. Krapf stated that as part of its LEED certification, the Police building received points for not having an irrigation system.

Mr. Fraley stated that the Police building applicant did not have to exclude an irrigation system to earn LEED points. He said the applicant stated they would not be watering. He did not want two irrigation standards for applicants. He asked if staff would require the irrigation condition if the applicant did not intend to water landscaping.

Mr. Ribeiro stated the watering condition was recommended by the James City Service Authority (JCSA). He said the JCSA wants conditions for SUPs and rezonings. Irrigation is a commonly used condition that is modified on a case-by-case basis.

Mr. Fraley stated he did not want two different standards for public and private irrigation.

Mr. Murphy stated that due to the modular buildings and wooded lot, if the applicant did not intend to irrigate, it would be acceptable. The intent of the SUP condition is to prevent connection to the JCSA system for irrigation purposes.

Mr. Krapf stated that the Crossroads property's stormwater runoff is captured by a receiving channel on the west of the property, which runs into Powhatan Creek. He asked Mr. Ribeiro to address the nature of the channel.

Mr. Ribeiro stated that all of the undeveloped land at 4881 Longhill Road drains into a natural channel contained within a Resource Protection Area. Developed land on these parcels drains to a stormwater pond. There will be no drainage issues from the proposal.

Mr. Henderson asked if the church had an irrigation system.

Mr. Matthew Connolly, the applicant, stated that he did not believe the church had an irrigation system.

Mr. Henderson asked if the church would be prevented from tying into JCSA if the irrigation system was already in place.

Mr. Murphy stated that the church would be precluded from expanding any existing irrigation system.

Mr. Krapf opened the public hearing.

Mr. Connolly stated that the gravel drive was temporary and was only added to the proposal when VDOT decided to close the entrance. The Crossroads buildings would eventually be demolished. The church had three distinct areas of expansion it was considering. One or two church staffers currently use the entrance each day. Twenty children attend Sunday school and walk to the Crossroads property from the existing church. The church may decide it is more economical to refurbish the existing buildings on the Crossroads property rather than adding the modulars.

Mr. Henderson asked Mr. Murphy if the placement of the temporary trailers in the property is triggering the SUP requirement.

Mr. Murphy stated that not only the placement of the temporary trailers but also the changing of use of 4881 Longhill Road property to a church use is triggering the SUP.

Mr. Connolly stated that parents dropping their children off for Sunday school create 40 trips in an hour from the entrance to be closed. He said that the two entrances are 170 feet apart and that the exit was dangerous.

Mr. Murphy stated that VDOT recognized a safety issue with the existing entrance. He said internal church stacking is common throughout the County and that safety on public roads is a main concern.

Mr. Connolly stated there has been no recent major increase in church attendance. Mr. Connolly also stated that the church may expand in the near future.

Mr. Murphy stated that additional future expansions would require a SUP.

Mr. Poole asked if the applicant was comfortable with all the eleven SUP conditions proposed by staff.

Mr. Connolly stated he was comfortable with the eleven SUP conditions, including the irrigation limitations.

Mr. Krapf closed the public hearing.

Ms. Kratter moved for approval as amended, with a second from Mr. Poole.

Mr. Henderson stated that if the church has an existing irrigation system, the SUP should not prohibit its future expansion. He said the applicant should have the same privileges as the Police building, with no irrigation required. He suggested striking the irrigation provision.

Mr. Murphy stated the County has Board-adopted irrigation guidelines. He stated the guidelines include a relief clause, allowing the General Manager of the JCSA to grant exceptions for shallow wells where surface water is lacking.

Mr. Fraley stated he did not recall similar language in previous proposals requiring

inclusion of stormwater system designs for outdoor uses for an entire development.

Mr. Ribeiro stated that the condition has been used in previous projects. He stated the language for the condition comes almost directly from 2007 Water Conservation Guidelines. The requirement was changed in this instance due to a restrictive SUP already in existence.

Mr. Fraley stated there were public concerns about dying plants at the Police building. He stated he did not recall other site plans with the same requirements.

Mr. Murphy stated the irrigation condition was being added due to its being a SUP.

Mr. Adam Kinsman stated the original King of Glory SUP pre-dated his time at the County. He said the irrigation condition was now relatively common and had been included on a number of SUPs and rezonings.

Mr. Murphy stated the most recent language change was a reference to the 2007 Water Conservation Guidelines.

Mr. Fraley stated the irrigation condition should be more uniform.

Mr. Kinsman stated the only opportunity to impose the condition is during the legislative process. He said he would consider it more of a JCSA regulation than County ordinance.

Mr. Murphy stated the irrigation conditions could be reviewed along with the Zoning Ordinance updates.

Mr. Johnson stated that the JCSA recommended the irrigation condition language.

Mr. Henderson asked if staff had considered the possibility of a right-in or a right-in right-out movement at the entrance to the Crossroads property.

Mr. Ribeiro stated that staff did not investigate a possible right-in/right-out only entrance from the Crossroads property.

Mr. Murphy stated that staff relied on the VDOT recommendations and did not research an additional entrance.

Mr. Henderson stated that there is also a stacking issue for churchgoers turning left into the church from Longhill Road. He stated he would like an additional entrance and exit.

Ms. Kratter asked if the County provided police officers directing traffic after church services. She stated a police officer might be a safer alternative during church times.

Mr. Johnson stated that it is not unprecedented for local churches to pay for traffic control on Sundays, citing St. Bede as an example. He said the Crossroads entrance is much closer to the Wellspring church entrance than to the King of Glory entrance. He said the applicant had not

requested a second entrance. Had one been proposed, VDOT would have made a recommendation in their review comments. Staff will consult with VDOT on the issue of a second entrance prior to the case going before the Board of Supervisors.

Mr. Poole stated that the applicant agreed with the eleven conditions and did not request a new entrance.

Mr. Henderson stated Commissioners should take into consideration and discuss their personal experience with certain properties and uses.

Mr. Connolly stated it would be less expensive to keep the Crossroads entrance intact, but blocked. He stated VDOT wanted the entrance completely removed.

In a unanimous voice vote, the Commission recommended approval of the SUP, with additional staff research on a right-in/right-out entrance for the Crossroads property. (5-0; Absent: Billups, Peck).

Mr. Fraley stated his earlier questions were in regards to specific language he had not previously seen.

Mr. Poole stated that Commissioner experiences are not always relevant to proposals.

M E M O R A N D U M

DATE: December 8, 2009

TO: The Board of Supervisors


FROM: Adam R. Kinsman, Deputy County Attorney

SUBJECT: Vacation of a Portion of the Subdivision Plat for Fenwick Hills, Section Two, Right-of-Way for Colony Mill Road

Mr. Kent A. Edwards of DJG, Inc., has applied on behalf of Fenwick Hills, LLC, to vacate approximately 6,338 square feet of right-of-way for Colony Mill Road at its intersection with Frederick Drive (see Exhibit plat attached). The right-of-way was recorded with the subdivision plat for Fenwick Hills, Section Two, for an extension of Colony Mill Road across Frederick Drive to serve future development. It has been discovered that the recently updated County Resource Protection Area (RPA) buffer was encroaching into the previously approved layout for Section Four. Adjustments were made to keep the RPA buffer outside of proposed lots and the originally planned extension of Colony Mill Road had to be eliminated. Vacation of this portion of right-of-way is required prior to recording the subdivision plat for Section Four which is currently under review by the Planning Department.

County staff has reviewed the request and has no objection to the vacation. There is no functional use of the right-of-way for streets or utilities.

After the required public hearing, staff recommends adoption of the attached vacation ordinance.


Adam R. Kinsman

CONCUR:


Leo P. Rogers

ARK/nb
ROWColMill_mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO VACATE A PORTION OF THAT CERTAIN SUBDIVISION PLAT ENTITLED "PLAT SHOWING LOTS 76-85, 147-158, 160-170, AND 175-181 SECTION TWO 'FENWICK HILLS' LOCATED IN THE STONEHOUSE DISTRICT OF JAMES CITY COUNTY, VIRGINIA, JANUARY 9, 2004" AND MORE PARTICULARLY DESCRIBED AS THAT 6,338 SQUARE FOOT RIGHT-OF-WAY AT THE INTERSECTION OF COLONY MILL ROAD AND FREDERICK DRIVE

WHEREAS, application has been made by DJG, Inc., on behalf of Fenwick Hills, LLC, owners of the property, to vacate certain lines, words, numbers and symbols on a plat more particularly described below; and

WHEREAS, notice that the Board of Supervisors of James City County would consider such application has been given pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended; and

WHEREAS, the Board of Supervisors held a public meeting and did consider such application on the 8th day of December 2009, pursuant to such notice and the Board of Supervisors was of the opinion that such vacation would not result in any inconvenience and is in the interest of the public welfare.

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

1. That a portion of that certain subdivision plat entitled "Plat Showing Lots 76-85, 147-158, 160-170, and 175-181 Section Two 'Fenwick Hills' Located in The Stonehouse District of James City County Virginia January 9, 2004" be so vacated as to permit the recordation of a new plat that will serve to remove certain lines, words, numbers, and symbols as more specifically set forth in the above-mentioned plat and thereby vacating that portion of right-of-way for Colony Mill Road at its intersection with Frederick Drive.
2. That a new plat entitled "Plat Showing Boundary Line Adjustment and Conservation Easement Area Adjustment Located in Fenwick Hills Subdivision," prepared by LandTech Resources, Inc., dated July 25, 2008, and approved by James City County, be put to record in the Clerk's Office of the Circuit Court for the City of Williamsburg and the County of James City, Virginia.

This ordinance shall be in full force and effect from the date of its adoption.

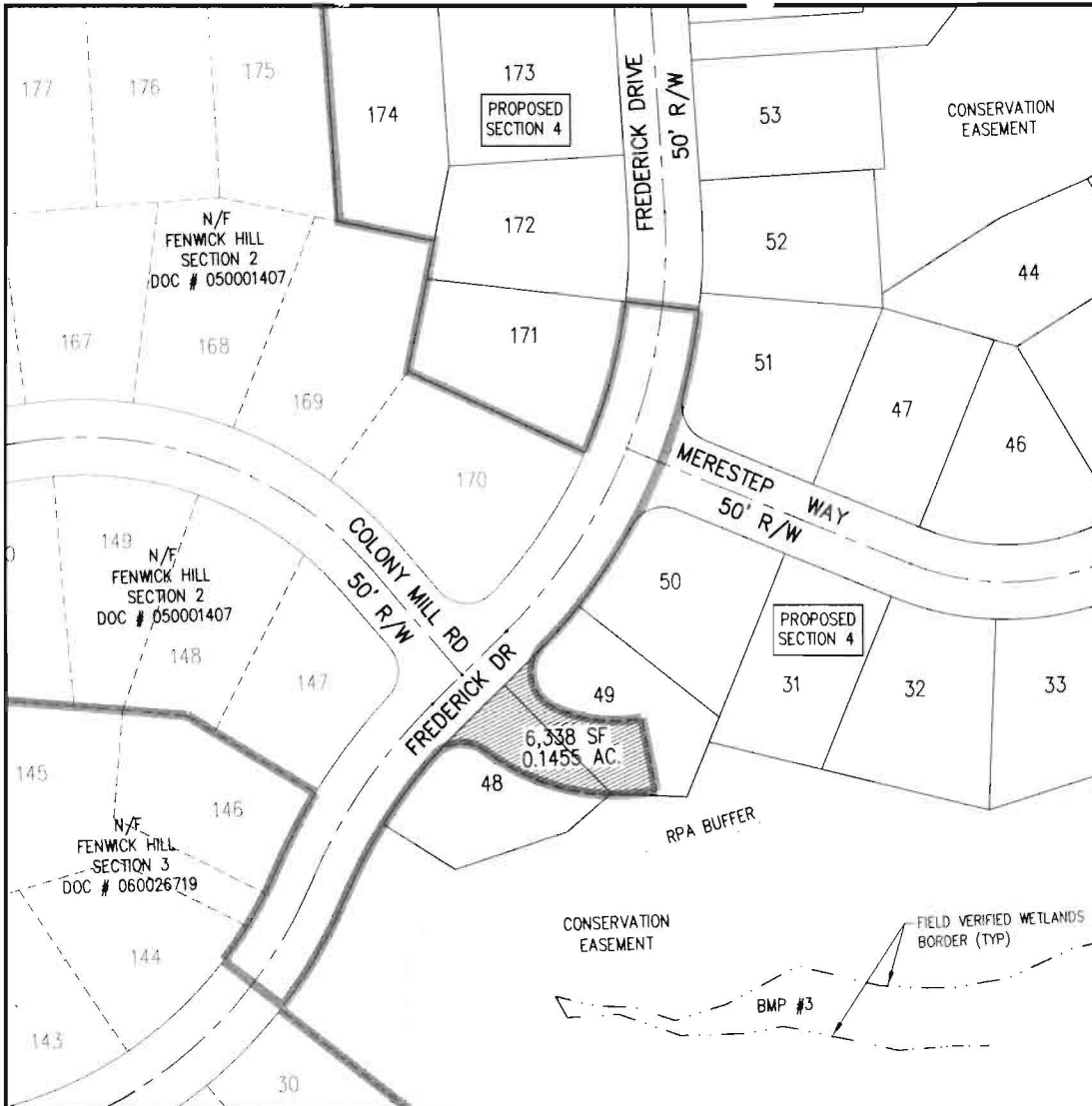
James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, on this 8th day of
December, 2009.

ROWColMill_res



PROPERTY INFORMATION

1. PROPERTY ADDRESS: 3376 OLD STAGE ROAD, WILLIAMSBURG, VIRGINIA 23188
2. DEVELOPED SITE ACREAGE: 13.1154 ACRES
3. NEIGHBORHOOD: FENWICK HILLS SUBDIVISION
4. PROPERTY OWNER: FENWICK HILLS, L.L.C.
5. PARCEL ID# 1220100004
6. PROPERTY ZONING: R-2, GENERAL RESIDENTIAL, WITH PROFFERS
7. PROPERTY LEGAL REFERENCE: DOCUMENT #020010128 PLAT BOOK 85, PAGE 92-96

LEGEND

RIGHT OF WAY TO BE VACATED



GRID NORTH
NAD '83

GRAPHIC SCALE



SCALE: 1" = 100'

NOTE:

THIS PROJECT RECEIVED PRELIMINARY APPROVAL UNDER S-090-06.

REF:

PB 85, PG. 92-96
#020010128
#050001407
#060026719

RIGHT OF WAY VACATION EXHIBIT

JAMES CITY COUNTY

VIRGINIA

DATE : OCTOBER 15, 2009

SCALE: 1" = 100'

DRAWN: BMB
CHECKED: KAE



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(757)253-0673 FAX (757)253-2319 E-MAIL djginc@vsn.net
NORFOLK - VIRGINIA BEACH AREA (757)874-5015

JOB NO.

2060400