

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

April 12, 2011

7:00 P.M.

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Shayla Cypress, a third-grade student at James River Elementary School

E. PRESENTATIONS

1. James City County Volunteer Appreciation Week – April 10-16, 2011
2. Public Safety Telecommunications Week – April 11-17, 2011
3. Resolution of Recognition – Emergency Medical Services (EMS) Week – May 15-21, 2011

F. PUBLIC COMMENT

G. BOARD REQUESTS AND DIRECTIVES

H. CONSENT CALENDAR

1. Minutes –
 - a. March 22, 2011, Work Session Meeting
 - b. March 22, 2011, Regular Meeting
2. Resolution of Recognition – James City County Volunteer Appreciation Week – April 10-16, 2011
Supports County's Strategic Pathway 2.i - increase volunteerism
3. Resolution of Recognition – Public Safety Telecommunications Week – April 10-16, 2011
Supports County's Strategic Pathway 5.b - maintain a well-trained and high performing workforce for normal and emergency operations
4. Resolution of Recognition – Emergency Medical Services (EMS) Week – May 15-21, 2011
Supports County's Strategic Pathway 5.b - maintain a well-trained and high performing workforce for normal and emergency operations
5. Dedication of Streets – Portions of Monticello Avenue and a Portion of Greensprings Plantation Drive
6. Dedication of Streets in Monticello Woods Phases I and II
7. Contract Award – New Police Building Furnishings – \$240,000
Supports County's Strategic Pathway 3.d - invest in the capital project needs of the community
8. Appointment of Acting Building Official

-CONTINUED-

I. PUBLIC HEARINGS

1. FY 2012 County Budget
2. Redistricting Public Hearing
3. Ordinance to Renew the Franchise Certificate for Cox Communications of Hampton Roads, LLC to June 30, 2021 (deferred from March 22, 2011)
4. Ordinance to Amend James City County Code, Chapter 15, Offenses – Miscellaneous, by Amending Section 15-20, Noise Prohibited in Residential-Zoned Areas (deferred from March 22, 2011)
5. Case No. SUP-0024-2009. Hospice House and Support Care of Williamsburg Wireless Communication Facility Tower (deferred from February 8, 2011)

J. PUBLIC COMMENT

K. REPORTS OF THE COUNTY ADMINISTRATOR

L. BOARD REQUESTS AND DIRECTIVES

M. CLOSED SESSION

1. Consideration of a personnel matter, the appointment of individuals to County boards and/or commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
 - a. Colonial Behavioral Health

N. ADJOURNMENT to 7 p.m. on April 14, 2011

041211bos_age

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF MARCH 2011, 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

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

Robert C. Middaugh, County Administrator
Leo P. Rogers, County Attorney

C. BOARD DISCUSSIONS

1. New Town Shared Parking Plan

Ms. Leanne Reidenbach, Senior Planner, stated that Mr. Larry Salzman, Mr. Gordon Chappelle, and Mr. Jack Fraley were representatives from New Town Associates, the Design Review Board, and the Planning Commission. She explained the concept of shared parking to serve businesses with different peak demands. She noted that in the mixed-use development, patrons were expected to park and walk to various locations within the development. Ms. Reidenbach highlighted the shared parking plan review period and a map of the areas in Sections 2 and 4 that were subject to the policy. She noted current shortages of parking during the peak hour of 2 p.m. and surplus during the peak hour of 8 p.m. by block based on built-out, fully-occupied parking demands. Ms. Reidenbach noted that the forthcoming update would account for more recent changes in parking supply.

The Board and staff discussed current aggregate parking shortages and the model used to evaluate the parking needs based on the retail, office, and residential uses in New Town. Ms. Reidenbach noted that public transit and pedestrian uses were not discounted in the evaluation. She gave information about time-limited parking and explained that New Town Associates and James City County Police would be responsible; however, she noted that no proposal has yet been received for time-limited parking and was subject to review.

Mr. Kennedy expressed concerns regarding the use of James City County Police officers to monitor parking in New Town due to understaffing and concerns about parking reductions at Opus 9 during construction of American Family Fitness. He noted concerns about increasing differences from the approved New Town master plan. He stated that he believed New Town should employ its own security force rather than utilizing James City County Police.

Discussion was held about the implementation and monitoring of time-limited parking and security in general. Mr. Middaugh explained that a majority of the security force at New Town are off-duty Police officers hired by New Town Associates. Mr. Salzman stated that some businesses hire additional security, but the off-duty officers were generally hired during events and holidays. Mr. Salzman stated that New Town Associates and New Town Commercial Association had no intent or desire to implement metered parking in New Town. Discussion was held about time-limited parking on the main thoroughfares to facilitate the shared parking plan. Mr. Salzman commented that enforcement was less of a goal than encouraging parking turnover. Mr. Kennedy commented that time-limited parking created the expectation of enforcement. Mr. Salzman stated that the proposal had not yet been submitted and at that time, input could be received. Discussion was held about parking issues between Opus 9 and American Family Fitness. Discussion was held about preservation of open space in the development that was part of the original plans. Discussion was held about the impact on parking on relationship to the behavior of younger patrons as well as the addition of bus ridership in the development. Discussion was held about security forces for additional services such as parking enforcement in New Town as well as elimination of greenspace due to parking additions. Mr. Salzman indicated that New Town Associates would not go below the proffered greenspace acreage and the new plan would increase the functionality of the greenspace near the gazebo.

Discussion was held about the uses of greenspace in New Town and people who live, work, and shop in the development. Discussion was held about the limitations of time-limited parking in relation to the concept of a walkable mixed-use development. Mr. Salzman noted that the busiest streets would utilize time-limited parking. Discussion was held about the success of New Town and its businesses.

At 4:56 p.m., the Board took a break.

At 5:03 p.m., the Board reconvened.

2. Location Video Coverage for Public Meetings

Mr. Middaugh gave an overview of the needs to examine video capability for public meetings, including renovations of Building D and the occasional necessity of off-site public meetings. He noted that staff has given the Board several options for location video coverage in order to receive guidance. He commented that the level of use of the service was the main consideration to determine the best option.

Discussion was held about capacity in the Board Room and accessibility to the public while observing fiscal concerns. Mr. Icenhour asked for staff to provide the historical demand for off-site video coverage and the ability to use the current equipment. Mr. Middaugh noted that some equipment would still be necessary to reduce staff time for editing.

The Board and staff discussed allowing for upgrades in Building D if video upgrades could be done in the future as well as parking needs and rest room facilities at the Community Video Center. Discussion was held about the possibility of shared services with the City of Williamsburg. The Board discussed the accessibility of information but remaining prudent financially by making incremental equipment investments to increase efficiency.

The Board and staff discussed the concept of having the public attend meetings or have the Board go to the public. Potential use of media centers at schools was discussed. The consensus of the Board was to make incremental increases in equipment that would increase location video coverage capabilities in order to get the information to the public in the most fiscally responsible way possible.

Mr. Kennedy asked about the possibilities of retrofitting Legacy Hall for video capabilities and also relocating Board meetings to New Town. Mr. Goodson expressed his disappointment that the Building D renovations would not include video capabilities.

3. Zoning Ordinance Update

Ms. Tammy Rosario, Principal Planner, stated this was a continuation of the previous work session for discussion on the Zoning Ordinance Update. She reviewed Development Standards and various issues related to these standards. Discussion was held about pedestrian accommodations and the process for allowing sidewalk exemptions. Ms. Rosario and Ms. Reidenbach explained the sidewalk program updates that were designed to help facilitate sidewalk connectivity. The Board discussed flexibility in sidewalk program funding requirements for businesses in areas without sidewalks. Mr. Goodson advocated waivers for small improvement projects and Mr. Icenhour proposed a proportional contribution for businesses in a targeted area for sidewalks. Mr. Allen Murphy, Planning Director, offered the alternative of receiving right-of-way in lieu of funds for the future sidewalk project. Discussion was held about developing a priority list for sidewalk networks and pursuing alternative funding from grants for sidewalk projects in the public right-of-way and the option of multi-use trails in place of sidewalks.

The Board and staff discussed clarification of timbering requirements and the addition of silviculture as a definition in the ordinance. Discussion was held about the expectation of timbering uses in the County and development of an application with defined criteria. Discussion was held on buffers for Community Character Corridors outside the Primary Service Area (PSA) for A-1 and R-8 properties. Mr. Kennedy and Mr. Goodson stated concern for impacting farming operations with buffer requirements. Discussion was held about considering similar but not identical buffer requirements in areas outside the PSA and the possibility of purchase of development rights for buffers. The Board noted the importance of preserving the viewshed and making sure property owners and farmers were properly compensated for the land that would be used for buffers.

Mr. Goodson asked if signage incorporated into the building design would be included into the sign ordinance. He noted circumstances where the ordinance did not work well when signs were a part of the building's design. He also expressed concern of how the sign ordinance would be updated periodically to consider new technology.

Mr. Icenhour asked about provisions for requiring maximum parking for administrative approvals rather than bringing cases before the Development Review Committee (DRC). He asked for assurance to avoid parking problems as a result of administrative judgment. Mr. Goodson noted that he believed previous problems were a result of applying a flawed ordinance. He noted that the DRC incorporated political issues. He commented that many decisions should be reviewed by professional staff. Mr. Icenhour commented that the Parking Ordinance was constantly requiring changes and waivers. Mr. Murphy stated that those cases were in the minority, but they were prominent. He stated that the finished ordinance would incorporate the newest technology. Mr. Goodson commented that the Parking Ordinance was imperfect and it was difficult to meet every need. Mr. Murphy commented that often there was too much parking and staff would like to institute a cap in the ordinance for sustainability purposes. Mr. Icenhour commented on the language about interconnectivity and that stronger language was needed. Mr. Murphy stated that he agreed, but felt that the time frame to evaluate that requirement was during the legislative review of a master plan.

Discussion was held about signage within and outside the Virginia Department of Transportation (VDOT) rights-of-way. The Board and staff discussed locations of parking lots and screening requirements and incentives. Mr. McGlennon asked to what extent parking would restrict development standards and different types of design features. Mr. Murphy stated that he believed incentives would be able to assist with addressing this matter.

Mr. Icenhour asked about the County policy on private streets in developments. Mr. Murphy stated that typically the smaller the development, the greater the liability to the area and if there was a failure of the homeowners association, an appeal could be made to the public. He stated that a resolution was passed by a previous Board which discouraged private streets. Mr. Steven Hicks, Manager of Development Management, commented that private streets also provided an opportunity for developers to provide lesser development standards than required for secondary roads.

The Board and staff discussed installation of sound walls. Mr. Hicks noted that some sound walls are developed that do not meet the community needs; he commented that VDOT and the County could coordinate the installation by VDOT to require sound wall studies, control where they are placed, and ensure that they perform as needed.

The Board and staff discussed “affordable housing” versus “workforce housing” and the intention to separate and define these terms with quantifiable measures in relation to the median income level in order to serve citizens in different ranges of incomes. Discussion was held about the proportion of workforce and affordable housing and ways to address the needs in the community for each.

Mr. Kennedy asked about the possibility of moving work session meetings up one hour to accommodate discussion on the Zoning Ordinance Update.

The majority of the Board did not advocate moving the meeting time up one hour.

D. BREAK

At 6:28 p.m., the Board took a break.

Robert C. Middaugh
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF MARCH 2011, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

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

Robert C. Middaugh, County Administrator
Leo P. Rogers, County Attorney

C. PLEDGE OF ALLEGIANCE – Kye Andress, a fourth-grade student at Clara Byrd Baker Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATION

1. Certificate of State Accreditation - Police

Police Chief Emmett Harmon explained that representatives from the Virginia Law Enforcement Accreditation Commission were in attendance.

Mr. Gary Dillon, Department of Criminal Justice Services (DCJS), explained that the State Accreditation program and requirements have been met by the James City County Police Department (JCCPD) and ensure efficient and effective law enforcement in the County. He stated that the JCCPD was again in compliance with all requirements for accreditation with a perfect assessment. He stated that JCCPD was the first department in Virginia to achieve a perfect assessment. He congratulated Chief Harmon and retired Chief Daigneault for their efforts.

Sheriff Farrar W. Howard, Jr. of New Kent County, a member of the Accreditation Commission, presented a certificate of accreditation to Chief Harmon and congratulated the JCCPD.

Ms. Jones congratulated Chief Harmon and the Police Department. She presented a Certificate of Recognition for this outstanding achievement.

Chief Harmon acknowledged the Police Department staff members that were integral to the accreditation process including Major Steve Rubino, Deputy Chief Stan Stout, Lieutenant Jeff Hicklin, Major Brad Rinehimer, and Accreditation Manager Dave Daigneault.

Mr. Middaugh congratulated the Board and highlighted the hard work of the JCCPD.

E. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on property sales in the County; political turmoil; the James Blair Middle School air conditioning unit; and proficiency of school administrators and School Board members.

F. BOARD REQUESTS AND DIRECTIVES

1. Warhill Access

Mr. Middaugh stated that Mr. Kennedy had asked for background information on service road access at the Warhill Sports Complex. He stated that the road has been opened as needed which was consistent with previous Board direction. He stated that staff was available to answer questions as needed.

Mr. Kennedy stated that he understood the Board was unwilling to make changes. He stated that he hoped the road would be opened more often as the baseball season approached.

Mr. Goodson stated that the access was convenient, but was concerned that people would be unaware of whether or not the gate was open if a regular schedule was not available.

Mr. McGlennon stated concern that the road would become a regular cut-through and that the road was not intended for that purpose. He stated that nearby neighborhoods would be impacted and that he agreed it should be opened for special events.

Mr. Icenhour stated that he believed the current policy was adequate, but additions would be acceptable. He stated that from the Warhill High School side, people could park and walk through rather than drive on the limited access road. He commented on the increased traffic that would result and impact neighborhoods and noted that the road was not up to the Virginia Department of Transportation (VDOT) standards. He stated that he agreed with flexibility for special events.

Ms. Jones stated that she agreed with additional access for special events.

Mr. Goodson stated that any road project that receives Federal funds required an environmental impact study, which included public information meetings. He stated that the meeting for the I-64 corridor citizen information meetings would be held on Wednesday, March 23, 2011, at City Center in Newport News from 5 to 8 p.m. and on Thursday, March 24, 2011, in New Kent County from 5 to 8 p.m.

Mr. Icenhour thanked Mr. Steven Hicks, Manager of Development Management, VDOT, and CSX Corporation for their work on the Lightfoot Road railroad crossing.

G. CONSENT CALENDAR

Mr. Kennedy asked to pull Item No. 4.

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

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

1. Minutes – March 8, 2011, Regular Meeting
2. Grant Award – Crime Records Information Sharing Network Expansion and Enhancements – \$56,700

RESOLUTION

GRANT AWARD – CRIME RECORDS INFORMATION SHARING NETWORK

EXPANSION AND ENHANCEMENT – \$56,700

WHEREAS, the James City County Police Department has been awarded a 2010 State Homeland Security Program (SHSP) Crime Records Information Sharing Network Expansion and Enhancement Grant through the Virginia Department of Criminal Justice Services (DCJS) for \$56,700; and

WHEREAS, the funds will be used for the purchase of tactical vests and in-car cameras; and

WHEREAS, there is no match required of this grant.

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

Revenue:

SHSP – FY 11 (FY 10 Grant Program)	<u>\$56,700</u>
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Expenditure:

SHSP – FY 11 (FY 10 Grant Program)	<u>\$56,700</u>
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3. Chesapeake Bay Preservation Ordinance – Civil Charge – Ronald Haney, 3 Joy’s Circle, Hunter’s Creek Subdivision

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION – CIVIL CHARGE –

RONALD HANEY, 3 JOY’S CIRCLE, HUNTER’S CREEK SUBDIVISION

WHEREAS, Ronald Haney of 3 Joy’s Circle, Lot 10 of Section 2 Hunter’s Creek Subdivision, is the owner of a certain parcel of land commonly known as 3 Joy’s Circle, Toano, VA, designated as Parcel No. 2220500010 within James City County’s Real Estate system, herein referred to as the (“Property”); and

WHEREAS, on or about November 8, 2010, Ronald Haney caused the installation of a structure or other encroachments within a Chesapeake Bay Preservation Area (CBPA) on the Property without prior approval; and

WHEREAS, Ronald Haney has executed a Chesapeake Bay Restoration Agreement with the County agreeing to implement, in a timely manner, the provisions of an approved restoration plan which includes the installation of native canopy trees, native understory trees, and native shrubs within Resource Protection Area (RPA) on the Property and has successfully performed the work or posted sufficient surety guaranteeing the installation of the aforementioned improvements in order to remedy a violation of the County's Chesapeake Bay Preservation Ordinance and restore RPA on the Property; and

WHEREAS, Ronald Haney has agreed to pay a total of \$250 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 \$250 civil charge from Ronald Haney, as full settlement of the Chesapeake Bay Preservation Ordinance Violations at the Property.

5. Payment of Automobile Liability Insurance Deductible

RESOLUTION

PAYMENT OF AUTOMOBILE LIABILITY INSURANCE DEDUCTIBLE

WHEREAS, James City County is a member of and has automobile liability insurance through the Virginia Association of Counties Group Self Insurance Risk Pool; and

WHEREAS, a James City County Police vehicle was involved in an automobile accident on December 25, 2009, that caused liability damages of \$211,423; and

WHEREAS, James City County carries a \$100,000 deductible on its automobile liability coverage; and

WHEREAS, the Virginia Association of Counties Group Self Insurance Risk Pool has invoiced James City County \$100,000 for the deductible payment.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the transfer from Contingency for the payment of \$100,000 to the Virginia Association of Counties Group Self Insurance Risk Pool.

Expenditures:

Non-Departmental

Insurance Deductible Payment	<u>\$100,000</u>
Contingency	<u>(\$100,000)</u>

6. JoAnn Falletta, Music Director of the Virginia Symphony Orchestra

RESOLUTION

RECOGNITION OF ACHIEVEMENT

JOANN FALLETTA, MUSIC DIRECTOR, VIRGINIA SYMPHONY ORCHESTRA

WHEREAS, JoAnn Falletta, “one of the finest conductors of her generation,” and a recognized international artist in the orchestra world, has chosen to share her unique talents with community and the Virginia Symphony Orchestra; and

WHEREAS, this season we celebrate her 20th Anniversary as Music Director of the Virginia Symphony; and

WHEREAS, under her leadership the Virginia Symphony has earned a reputation as one of the nation’s top orchestras; and

WHEREAS, she has led the Virginia Symphony to a cascade of artistic achievements including performances at Carnegie Hall, the Kennedy Center, National Public Radio and an ASCAP Award bringing national recognition to the region and to the orchestra; and

WHEREAS, she has enriched the lives of Hampton Roads audiences with her talent and uncompromising dedication to the highest artistic standards; and

WHEREAS, her artistic vision for the orchestra has led to the creation of a national discography recognized with wide critical acclaim; and

WHEREAS, she is one of Hampton Roads’ leading Ambassadors to the world every time she takes the podium to lead an international orchestra; and

WHEREAS, she is beloved by the musicians, the greater Symphony Family and the entire community; and

WHEREAS, she has created an enduring and enriched quality of life for the municipalities and the citizens of Hampton Roads; and

WHEREAS, she was prominently featured as part of America’s Anniversary of the founding of Jamestown in James City County in May 2007.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, on this 22nd day of March, 2011 hereby expresses its sincere appreciation to Ms. Falletta for her contribution to the James City County’s quality of life.

4. Donation to James City-Bruton Volunteer Fire Department Capital Fund – \$25,000

Fire Chief Tal Luton stated that in 1963 Fire Station 1 was constructed in Toano. He stated that James City-Bruton (JCB) Volunteer Fire Department Chief David Nice has identified \$400,000 in repairs to the building and a fund drive was established to make the necessary repairs. He stated that the JCB Volunteer Fire Department offsets the personnel needs of the James City County Fire Department. He stated that the James City Volunteer Rescue Squad accepted a reduced contribution and recommended transferring the excess funds to the JCB Volunteer Fire Department’s fund drive.

Mr. Kennedy noted the hard work and services provided by the JCB Volunteer Fire Department.

Chief Nice thanked the Board for its support and stated his pride in the volunteers and the community.

Mr. Kennedy made a motion to approve the resolution.

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

RESOLUTION

DONATION TO JAMES CITY-BRUTON VOLUNTEER FIRE DEPARTMENT

CAPITAL FUND - \$25,000

WHEREAS, the James City-Bruton Volunteer Fire Department has begun a Capital Fund Campaign to pay for identified extensive repair needs for its building; and

WHEREAS, the Volunteer Fire Department provides a vital emergency response service to the citizens and visitors to James City County; and

WHEREAS, the James City-Bruton Volunteer Fire Department has submitted a request for a donation to the Capital Fund Campaign.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes a donation to the James City-Bruton Volunteer Fire Department and authorizes the following budget transfer:

James City County Volunteer Rescue Squad	<u>(\$25,000)</u>
James City-Bruton Volunteer Fire Department – Capital Campaign	<u>\$25,000</u>

H. PUBLIC HEARINGS

1. Case Nos. Z-0002-2010/SUP-0029-2010/MP-0001-2010. The Williamsburg Pottery

Mr. Chris Johnson, Principal Planner, stated that Mr. Vernon Geddy has applied to rezone an 18.78-acre parcel located at 6692 Richmond Road from M-1, Limited Business/Industrial, with proffers, to M-1, Limited Business/Industrial, with amended proffers, and amend the existing Special Use Permit (SUP) and master plan applicable to this property. The purpose of the proposed amendments is to redevelop the property to incorporate new retail uses and dedicate the majority of the proposed retail and office square footage to the relocation and consolidation of the existing Williamsburg Pottery operations located on the eastern side of the CSX railroad tracks. The project proposes to increase the total amount of permitted retail and office square footage from 161,000 to 200,000, relocate one of the two signalized intersections, and reconfigure associated traffic improvements on Route 60. Other changes to the project include the relocation of one of the five pocket parks and elimination of the service drive between Buildings A and B at the north end of the site to allow the development of a larger central pedestrian plaza.

Staff finds the proposed amendments to be consistent with the Comprehensive Plan Land Use Map and surrounding zoning and development.

At its meeting on March 2, 2011, the Planning Commission recommended approval of the applications by a vote of 6-0 (Mr. Richard Krapf: absent).

Staff recommended that the Board of Supervisors approve the rezoning, master plan, and SUP applications with the conditions listed in the resolution and accept the voluntary proffers.

Ms. Jones opened the Public Hearing.

1. Mr. Vernon M. Geddy, III, on behalf of the applicant, gave a brief history of the Williamsburg Pottery business and property and the rezoning process in 2007. He reviewed the 2011 plan for the property, which consolidated the operations and office space and changed the business plan for the Pottery. He reviewed the master plan for the new development plans and the locations of the signalized entrances.

Mr. Icenhour asked if VDOT conducted a detailed traffic measurement study in order to determine that the traffic warrants were met.

Mr. Richard Costello, P.E., AES Consulting Engineers, commented that the traffic projections were incorporated into the traffic study.

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

Mr. Kennedy made a motion to approve the resolutions.

Mr. McGlennon stated his support for the application. He commented that this was a revitalization of a critical County business, and there were advantages over the previously approved plan including consolidation of existing retail space rather than incorporation of new retail space. He stated concerns about the traffic signalization, but understood that was a decision for VDOT to make.

Mr. Icenhour stated his support for the application. He stated that he believed this was a better plan than what was previously approved. He asked about the long-range plans for the buildings slated to be vacated on the east side of the property.

Mr. Geddy stated that he was unaware if there was a long-range plan, but some spaces would be used for warehousing and other uses.

Mr. Icenhour asked if the entrance to Lightfoot Road would be open.

Mr. Geddy stated that the entrance would not be open and through traffic would not be allowed.

Mr. Goodson thanked the property owners for their investment in the County.

Ms. Jones thanked the property owners and stated her support for the application.

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

RESOLUTION

CASE NOS. Z-0002-2010/MP-0001-2010. THE WILLIAMSBURG POTTERY

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case Nos. Z-0002-2010/MP-0001-2010, for rezoning 18.78 acres from M-1, Limited Business/Industrial, with proffers, to M-1, Limited Business/Industrial, with amended proffers; and

WHEREAS, the proposed project is shown on a Master Plan prepared by AES, entitled "Master Plan and Rezoning Amendment for the Williamsburg Pottery," dated November 24, 2010, and revised January 27, 2011; and

WHEREAS, the Planning Commission of James City County, following its public hearing on March 2, 2011, recommended approval, by a vote of 6 to 0; and

WHEREAS, the property is located at 6692 Richmond Road and can be further identified as James City County Real Estate Tax Map No. 2430100024.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case Nos. Z-0002-2010/MP-0001-2010 and accept the voluntary proffers.

RESOLUTION

CASE NO. SUP-0029-2010. THE WILLIAMSBURG POTTERY

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. Vernon Geddy has applied to amend the adopted condition for Case No. SUP-36-06 to allow for the development of a shopping center with commercial square footage over 10,000 square feet, as well as a traffic generation rate which is over 100 peak hour trips; and

WHEREAS, the proposed project is shown on a Master Plan prepared by AES, entitled "Master Plan and Rezoning Amendment for The Williamsburg Pottery," dated November 24, 2010, and revised January 27, 2011; and

WHEREAS, the property is located on land zoned M-1, Limited Business/Industrial, with proffers, and can be further identified as James City County Real Estate Tax Map No. 2430100024; and

WHEREAS, the Planning Commission, following its public hearing on March 2, 2011, voted 6 to 0 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP No. 0029-2010 as described herein with the following conditions:

1. Traffic Signal: The traffic signal at the Colonial Heritage east crossover shall be installed or bonded prior to the issuance of a certificate of occupancy for 182,000 square feet of buildings on the property as shown on the binding Master Plan, entitled "Master Plan and Rezoning Amendment for The Williamsburg Pottery," prepared by AES Consulting Engineers, Inc., dated November 24, 2010, and revised January 27, 2011.
2. Commencement of Construction: If construction has not commenced on this project within 36 months from the issuance of an SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundations that have passed required inspections.
3. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Expansion of James City County's Enterprise Zone

Mr. Russ Seymour, Director of Economic Development, gave background information on the County's Enterprise Zone and its incentives. He stated that the County has been allocated 3,840 acres to be incorporated into the zone. He stated that the current zone was roughly 3,400 acres, and there was an opportunity to adjust the zone each year. He stated that the current enterprise zone program was scheduled to terminate in 2015, so staff wishes to utilize it as much as possible in the time remaining. He noted that there were areas in the Enterprise Zone that were not developable for environmental reasons. He stated that the resolution would remove that property from the zone and reallocate it to another part of the County to maximize the use of the Enterprise Zone program. He described the proposed areas to be included in the Enterprise Zone, including areas around Anheuser-Busch InBev and around the Stonehouse Industrial Park. He stated that the State allows for three areas, including a main zone and two sub-zones. He stated that staff is interested in opening up areas that are slated for development to take full advantage of this program. He stated that the resolution would allow staff to make application to the State to make these changes.

Mr. Goodson thanked Mr. Seymour for taking his suggestion to include the southern area of Route 60 including parts of the Riverside property which were scheduled for development.

Ms. Jones opened the Public Hearing.

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

Mr. Goodson made a motion to adopt the resolution.

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

Ms. Jones recognized members of the Economic Development Authority in attendance.

RESOLUTION

EXPANSION OF JAMES CITY COUNTY'S ENTERPRISE ZONE

WHEREAS, James City County has a total of 3,840 acres which can be included as part of designated Enterprise Zone that will expire on December 31, 2015; and

WHEREAS, the County's existing Enterprise Zone contains approximately 3,456 acres; and

WHEREAS, approximately 1,061 acres within the existing Enterprise Zone are public lands or contain wetlands or property designated by the Chesapeake Bay Preservation Act as a Resource Protection Area (RPA); and

WHEREAS, the Commonwealth of Virginia allows for an annual 15 percent reallocation of existing Enterprise Zone acres.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests staff to submit an Enterprise Zone Amendment Application to the Virginia Department of Housing and Community Development to remove areas from the existing Enterprise Zone identified as wetlands and RPA and add additional areas in the following manner:

- Expand the County's existing Enterprise Zone to include a portion of the SR-60 Corridor in the vicinity of the Busch Corporate Center in the southern portion of the County.
- Create a sub-zone in upper James City County to include the Stonehouse Commerce Park, Jacobs and Hankins Industrial Parks, and a portion of the SR-60 and SR-30 Corridor.

3. Ordinance to Amend James City County Code, Chapter 15, Offenses – Miscellaneous, by Amending Section 15-20, Noise Prohibited in Residential-Zoned Areas

Mr. Middaugh stated this was a redrafting and expansion of the noise ordinance to clarify and strengthen the standards. He stated that the penalties were changed to civil penalties. He stated that the focus was primarily on residential properties, but this ordinance would also apply to mixed use and areas adjacent to residential properties. He stated that this warranted further discussion. He recommended continuing the public hearing.

Ms. Jones opened the Public Hearing.

1. Mr. Ed Oyer, 139 Indian Circle, asked about whether or not the noise ordinance would apply to vehicles. He stated that if the vehicle passes inspection, he did not understand how the ordinance could apply to noise emitted by the vehicle.

As no one wished to speak to this matter, Ms. Jones continued the Public Hearing until April 12, 2011.

4. Ordinance to Amend Chapter 5, Cable Communications, by Amending Section 5-1 through Section 5-30

Mr. Rogers stated that this was an update to the ordinance which has not been updated in some time. He stated that there have been many changes to the State Code which were incorporated. He stated that the Cable Advisory Committee has been removed, and a Broadband Committee would be incorporated.

Ms. Jones opened the Public Hearing.

1. Mr. Ed Oyer, 139 Indian Circle, asked about the deletion of the franchise fee in the ordinance.

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

Mr. Goodson asked if the franchise fee language was removed from the ordinance due to a change in State Code.

Mr. Rogers stated that was correct; he stated that it was being replaced by a communications tax. He stated that if the State Code changes, the franchise fee could be reincorporated.

Mr. Goodson confirmed that the franchise fee has not been collected in years.

Mr. Rogers stated that was correct.

Mr. Goodson made a motion to adopt the ordinance.

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

5. Ordinance to Renew the Franchise Certificate for Cox Communications of Hampton Roads, LLC to June 30, 2021

Mr. Rogers stated that the State had changed some of the laws for issuing a franchise. He stated that the County has not issued a franchise since 1990. He stated that this was very similar to the terms and conditions of franchise certificates of surrounding localities. He stated that staff has worked with Cox Communications for two years on the franchise to address Public, Educational, and Government (PEG) channels and customer service needs. He stated that a representative from Cox Communications was also in attendance.

Mr. Goodson asked if the franchise allows for competition.

Mr. Rogers stated that the franchise allows for competition; it was a non-exclusive franchise. He stated that if another company offered competition, it would be allowed.

Ms. Jones confirmed that the citizen committee was dissolved and a new committee would be developed for broadband. She asked how the work of the Cable Committee was recognized in the franchise process.

Mr. Rogers stated that the Cable Committee was integral in developing the customer service standards in the agreement, and they also worked on the early drafts of the franchise certificate. He stated that they were involved for a great deal of the process.

Mr. Icenhour asked about a pilot program of County PEG programming on demand.

Mr. Rogers stated that the intention was to make County programming available on demand on Cox Communications. He stated this was another way of broadcasting County programming.

Mr. Icenhour asked Mr. Rogers to explain the purpose of the PEG capital fee.

Mr. Rogers stated that in 1990, the franchise negotiations included a PEG fee. He stated that was no longer permitted by State law. He stated that the proposed PEG fee of \$0.25 was on the low end of the fee spectrum in Hampton Roads and was subject to consideration by the Board.

Mr. Icenhour asked what the fee would be used for.

Mr. Rogers stated that the fee would be used for anything used to broadcast, including technology and equipment. He stated that the costs exceed the funds received from the fee.

1. Mr. Gerry White, 4013 Killebrew, on behalf of the Cable Communications Advisory Committee, stated his concern about the cable franchise agreement. He stated that the committee had discussed the agreement with staff, but had not seen the final agreement. He commented on the insufficient customer service matters and noted that there was no prohibition of a disconnection fee. He asked the Board to defer action to allow for further review for the public. He stated his dissatisfaction about the level of transparency in the process.

2. Mr. Ed Oyer, 139 Indian Circle, commented that he was opposed to fees. He stated that there was no difference between a fee and a tax.

Mr. Rogers commented on the disconnection fee. He stated that there had been changes in State law and that if Cox Communications charges a fee that is permitted by law, the franchisee would have to submit notification that the fee would be charged.

Mr. McGlennon asked if the fee could be prohibited.

Mr. Rogers stated that it could not be prohibited, but could not be charged if not otherwise permitted by law.

Mr. McGlennon asked about the customer service standards included.

Ms. Jody Puckett, Director of Communications, stated that the Federal Communications Commission (FCC) limited the customer service standards that could be required, but what has been included was providing a customer service center, burying exposed lines, and simplifying bills to allow customers to better understand their charges.

Mr. McGlennon asked if it was necessary to act on this item at this meeting.

Mr. Rogers stated that it was necessary. He stated this item has been deferred twice and that the franchise expires on April 1, 2011.

Mr. Goodson asked if an extension would have to be negotiated.

Mr. Rogers stated that the Board could extend the franchise, but an ordinance was not prepared to do that.

Mr. McGlennon stated that he was interested in public comments and concerns. He stated that the Board needed to address how the County would pay for things that have been paid through fees. He stated his greatest concern was that people were able to review the information.

Mr. Rogers stated that there have been public hearings by staff and the Cable Committee to receive public comment and staff conducted a survey process and received overwhelming response. He stated that the majority of the recent changes were required to be done by law or were not significant substantive changes.

Mr. Goodson stated that he had not heard from citizens on this issue and knew it was publicized. He stated that he was comfortable moving forward on this item. He commented on the PEG fee; he stated that he believed it made sense to fund some of the telecommunications functions through the fee and noted that most of the citizens who benefit from that are cable customers.

Mr. McGlennon stated he understood that the majority of the funds would be used to expand the access of the programming and stated concern for everyone paying for these benefits.

Mr. Goodson stated this would only offset some of the costs of broadcasting meetings and programming.

Ms. Jones commented that citizens on a particular committee have invested time in this process and stated that she did not wish for these citizens to come away from the process feeling that their time was not well spent. She stated that she did support moving forward on this item at this time.

Mr. Icenhour stated that he agreed with Ms. Jones. He commented that citizen committees should be kept informed and stated his concern with how this process was handled. He commented on the PEG fee and noted that local government has limited means to collect funds. He commented that the Board should recognize that the citizens would have to pay to support PEG programming.

Mr. Goodson stated that a person has a choice to subscribe to cable service.

Mr. Kennedy raised a motion to eliminate the PEG fee.

Ms. Jones stated that she supported eliminating the PEG fee and that the PEG fee amounted to \$66,000. She asked for confirmation that Cox Communications was required to provide PEG channels. She stated that customers could not unsubscribe from these channels in order to opt out of the PEG fee.

Mr. Rogers stated that the franchise was going to set the PEG fee at the lowest rate. He asked if the motion was to strike the PEG fee from the franchise agreement to disallow future Boards from collecting it.

Mr. Icenhour asked if the fee could be set at zero and allow for future Boards to collect it if needed.

Mr. Kennedy stated that he could support allowing future Boards to collect it if it was equitable.

Ms. Jones stated she could support that.

Mr. McGlennon confirmed that the franchise agreement would retain the PEG fee, but the Board could eliminate the fee during the budget process.

Ms. Jones asked if there was a way to evaluate this on a regular basis.

Mr. Rogers stated that the Board could consider it annually during its budget process.

Mr. Goodson moved the franchise agreement with an amendment to change the PEG fee to zero.

Mr. McGlennon asked to consider deferring the matter to April 12, 2011, and extend the agreement until that time.

Mr. Rogers asked to continue the franchise until April 30, 2011, and have the reworded agreement available at the April 12, 2011, meeting.

Ms. Jones asked that staff include the committee members in the process.

Mr. Rogers recommended continuing the public hearing to allow for further public comment.

Ms. Jones continued the Public Hearing until April 12, 2011.

Mr. McGlennon made a motion to defer action until April 12, 2011, for further public input and to extend the franchise agreement until April 30, 2011.

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

6. Ordinance to Amend Chapter 23, Chesapeake Bay Preservation, by Amending Section 23-17, Appeals

Mr. Scott Thomas, Director of Environmental, stated that there were a few “housekeeping” amendments to the Chesapeake Bay Preservation Ordinance. He stated that the amendment to Section 23-17(c) clarifies the ability of the Chesapeake Bay Board (the “CB Board”) to impose conditions upon the granting of appeals from administrative decisions before the CB Board. The amendment to Section 23-17(d) establishes a 30-day time period for property owners to appeal decisions of the CB Board to the Circuit Court. Virginia Code Section 10.1-2109(f) permits the adoption of such an appeal period.

The amendment is consistent with State law, and staff recommends adoption of the Ordinance.

Ms. Jones opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the ordinance amendments.

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

7. Marclay Road Airport Access Grant Application Endorsement

Mr. Jason Purse, Senior Planner, stated that the Williamsburg-Jamestown Airport is applying for an Airport Access grant through VDOT to allow funds to be used to realign Marclay Road and bring the road up to VDOT design standards. These improvements will allow Marclay Road to be accepted into the public road system. Of the total \$600,000 project cost, \$150,000 is required to be matched by the applicant.

Mr. Purse explained that by endorsing this application the County would be responsible for paying the match money to VDOT. However, the Williamsburg-Jamestown Airport has funds available for this project and will provide a letter of credit to the County to ensure that no County funds will be required for the project.

Staff recommended approval of the resolution.

Mr. Icenhour asked if the realignment of the road was necessary because there was not adequate easement or right-of-way to expand the existing road without encroaching upon current property lines and houses.

Mr. Purse stated that was correct.

Mr. Icenhour stated that he understood the road expansion was a by-right project.

Mr. Purse stated that no legislative approval was required.

Ms. Jones opened the Public Hearing.

1. Mr. Larry Waltrip, applicant, thanked the Board for considering the resolution. He stated that the Williamsburg-Jamestown Airport could support the project with funding and requested approval.

Mr. McGlennon stated that this would be a nice improvement to the road. He stated it would be important to communicate with the neighbors across Lake Powell Road to ensure they were aware of the process and to minimize impacts.

Mr. Waltrip stated that the project would be done with due diligence.

2. Mr. Steve Montgomery, President of Williamsburg Landing, stated that his organization was a neighbor of the Williamsburg-Jamestown Airport. He stated that there were many reasons that Williamsburg Landing would benefit from Board support of this resolution. He stated a back entrance would allow for diversion of emergency services and commercial and construction traffic to the facility off the main road. He stated there was much public good that would result from this project.

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

Mr. Goodson made a motion to adopt the resolution.

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

RESOLUTION

MARCLAY ROAD AIRPORT ACCESS GRANT APPLICATION ENDORSEMENT

WHEREAS, Williamsburg-Jamestown Airport, Inc. owns property located at 3 Marclay Road and identified as James City County Real Estate Tax Map Parcel No. 4820100004 (the "Property") in the County of James City, Virginia and will soon enter into a firm contract to improve the access road (the "Access Road") to the airport facilities on the Property; and

WHEREAS, this Access Road improvements will involve the expenditure of approximately \$600,000; and

WHEREAS, operations are expected to begin at this Access Road on or about August 2011; and

WHEREAS, the existing public road network does not provide for adequate access to the airport and it is deemed necessary that improvements be made to Marclay Road (the "Road Project") and

WHEREAS, the County of James City (the "County") hereby guarantees that the necessary environmental analysis, mitigation, fee simple right-of-way, and utility relocations or adjustments, if necessary, for the Road Project will be provided at no cost to the Virginia Department of Transportation ("VDOT"); and

WHEREAS, the County acknowledges that no land disturbing activities may occur within the limits of the Road Project prior to appropriate notification from VDOT; and

WHEREAS, the County hereby guarantees that all ineligible Road Project costs and all costs exceeding the allocation from the Airport Access Program will be provided from sources other than those administered by VDOT; and

WHEREAS, the Board of Supervisors of the County endorses the grant application conditioned upon the Williamsburg-Jamestown Airport, Inc. entering into an agreement (the "Agreement") with the County upon terms acceptable to the County Administrator which shall, at a minimum, guarantee that Williamsburg-Jamestown Airport, Inc. will pay to the County the entire required match amount, which Agreement shall be secured by surety in a form and amount acceptable to the County Attorney.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests that the Commonwealth Transportation Board provide Airport Access Program funding to provide an improved access road to this airport facility.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County hereby authorizes the County Administrator to execute any and all documents necessary to secure the funding sought through the Airport Access Program and further authorizes the County Administrator to execute the Agreement with Williamsburg-Jamestown Airport, Inc.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County hereby agrees that the new roadway so constructed will be added to and become a part of the road system of the secondary system of highways.

I. BOARD CONSIDERATIONS

1. Metropolitan Area Network (Dark Fiber) Agreement

Mr. Tom Pennington, Director of Information Resources Management, stated that the resolution before the Board would allow the County Administrator to sign an agreement to lease dark fiber that the County has under contract from Cox Communications. He stated that this was in cooperation with the franchise agreement and was due to expire at the same time. He explained that the dark fiber was small strands of unlighted fiber optics that the County worked to incorporate into various sites in the County. He explained that this served schools, Middle Peninsula Juvenile Center, and other sites. He stated that this lease was for a broad service that was not readily available commercially or financially viable for each individual site. He stated that another part would be constructed in the future to make the services more robust and reliable.

Mr. Rogers acknowledged that representatives from Cox Communications were available.

Mr. Icenhour asked if this resolution could proceed without the franchise agreement.

Mr. Rogers stated that it would expire on June 30, 2011.

Mr. McGlennon confirmed that the Board could adopt the resolution at this time.

Mr. Rogers stated that was correct.

Mr. Icenhour made a motion to adopt the resolution.

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

RESOLUTION

LEASE AGREEMENT - METROPOLITAN AREA NETWORK DARK FIBER

LEASE AGREEMENT - COX COMMUNICATIONS HAMPTON ROADS, LLC

WHEREAS, fiber optic cabling without electronics has been under contract with Cox Communications since 1996; and

WHEREAS, the cabling is not available from any other provider; and

WHEREAS, Cox Communications Hampton Roads, LLC has agreed to continue to lease to James City County the same four strands of “unlighted” or “dark” fiber optic strands.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a Dark Fiber Agreement for fiber optic cable from Cox Communications Hampton Roads, LLC in an amount of \$5,800 per month.

At 8:40 p.m. Ms. Jones recessed the Board for a meeting of the James City Service Authority (JCSA) Board of Directors.

At 8:46 p.m., Ms. Jones reconvened the Board.

2. Master Services Agreement for Telecommunications Services – Cox Communications, Hampton Roads, LLC

Mr. Pennington reviewed the Master Services Agreement and indicated that the agreement let the County choose a mixture of services that is most economical. He indicated that in the current market condition, the selection of the County's necessary services would result in a savings of about \$50,000 per year. He stated there was a need for services with new facilities coming online. He stated that the contract was renewable each year, but the contract price was good for five years. He recommended approval of the resolution.

Mr. Rogers stated that the effective date of the contract was July 1, 2011. He stated services would need to be switched prior to that date, so it was pertinent to adopt the resolution at this time to make those changes.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

MASTER SERVICES AGREEMENT FOR TELECOMMUNICATIONS SERVICES –

COX COMMUNICATIONS HAMPTON ROADS, LLC

WHEREAS, County staff has evaluated and recommends the proposed agreement with Cox Communications for telecommunications services; and

WHEREAS, the telecommunications services offered meet our business requirements; and

WHEREAS, the Agreement provides a Service Level Agreement as well as \$30,000 annual cost savings to James City County, Williamsburg-James City County Courthouse, Williamsburg Regional Library, Virginia Peninsula Regional Jail, James City Service Authority, and the Williamsburg Area Transit Authority; and

WHEREAS, the Agreement will result in a reduction of \$14,400 per year in the lease of its dark fiber network.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the Agreement with Cox Communications Hampton Roads, LLC.

3. Revenue Sharing Program Fiscal Year 2012 – Tewning Road Improvements – \$200,000

Mr. Steven Hicks, Manager of Development Management, stated that funds were available in the VDOT Revenue Sharing program for 2012. He stated that JCSA has agreed to match the funds to make improvements to Tewning Road. Staff recommended approval of the resolution.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

REVENUE SHARING PROGRAM FISCAL YEAR 2012 –

TEWNING ROAD IMPROVEMENTS – \$200,000

WHEREAS, the Board of Supervisors of James City County desires to submit an application requesting \$100,000 of Revenue Sharing Funds through the Virginia Department of Transportation (VDOT) Fiscal Year 2012 Revenue Sharing Program; and

WHEREAS, the County will allocate \$100,000 to match Revenue Sharing Program funds; and

WHEREAS, the James City Service Authority (JCSA) has agreed to give \$100,000 to the County for the required match; and

WHEREAS, the combined County and State funding totaling \$200,000 is requested to fund improvements to Tewning Road to shore up the existing roadway and improve drainage to ensure access to the facilities and businesses located along Tewning Road.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby supports this application for an allocation of \$100,000 through the VDOT Revenue Sharing Program and the County will contribute \$100,000.

BE IT FURTHER RESOLVED THAT the Board of Supervisors of James City County, Virginia, hereby grants authority for the County Administrator to execute project administration agreements for any approved revenue sharing projects.

4. **Revenue Sharing Program Fiscal Year 2012 – Turn Lane Improvements – Richmond Road from Lightfoot Road to Centerville Road – \$1,000,000**

Mr. Hicks explained that this was a similar request with a County match of \$500,000. He stated that the turn lane improvements would be made on Centerville Road and requested approval of the resolution.

Mr. Goodson made a motion to adopt the resolution.

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

RESOLUTION

REVENUE SHARING PROGRAM FISCAL YEAR 2012 – TURN LANE IMPROVEMENTS –

RICHMOND ROAD FROM LIGHTFOOT ROAD TO CENTERVILLE ROAD – \$1,000,000

WHEREAS, the Board of Supervisors of James City County desires to submit an application requesting \$500,000 of Revenue Sharing Funds through the Virginia Department of Transportation (VDOT) Fiscal Year 2012 Revenue Sharing Program; and

WHEREAS, the County will allocate \$500,000 to match Revenue Sharing Program funds; and

WHEREAS, the combined County and State funding totaling \$1,000,000 is requested to fund turn lane improvements along Richmond Road (Route 60) between Lightfoot Road (Route 646) and Centerville Road (Route 614) to improve traffic flow and accessibility to the Warhill Tract and to provide for further economic development of the area.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby supports this application for an allocation of \$500,000 through the VDOT Revenue Sharing Program and the County will contribute \$500,000.

BE IT FURTHER RESOLVED THAT the Board of Supervisors of James City County, Virginia, hereby grants authority for the County Administrator to execute project administration agreements for any approved revenue sharing projects.

Ms. Jones recognized Planning Commissioner Tim O'Connor in attendance.

5. **2011 Redistricting Standards and Criteria and Procedural Guidelines – Revised**

Mr. Middaugh stated that a revised resolution was provided regarding the Redistricting Standards and Procedures. He stated that he understood the Board wished to appoint a citizen committee.

Ms. Jones stated that the citizen committee would be comprised of two citizens per Board member as in the last redistricting process. She stated that those appointments would be done this evening. She requested that when the meetings were held by the citizen committee, staff be present from the Planning Office, Voter Registrar's Office, and the County Attorney's Office.

Mr. Rogers stated that a staff team had been established.

Mr. McGlennon stated that an aggressive deadline was established. He stated that he would hope the advisory committee would be given time to review plans submitted. He stated that the committee should be able to give the Board advice prior to the date the final plans are scheduled to be submitted. He stated he wanted the committee's deadline to be April 12, 2011.

Mr. Icenhour commented on the Standards and Criteria and Procedures for submittal of plans. He asked if any of the background information and legal requirements would be given to the citizen committee.

Mr. Rogers stated that it would be and that he would be available to advise the committee.

Mr. Goodson made a motion to adopt the resolutions with an amendment of April 12, 2011, as a deadline for the advisory committee to report its findings.

RESOLUTION

2011 REDISTRICTING STANDARDS AND CRITERIA

AND PROCEDURAL GUIDELINES

WHEREAS, the Board of Supervisors feels it would be appropriate to express its position on the adoption of standards and criteria to evaluate redistricting plans and adopt procedural guidelines to be followed for submittals of redistricting plans.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the standards and criteria to evaluate redistricting plans and adopts the following guidelines for submittal of such plans:

Standards and Criteria

Basic standards and factors important to the Board should be clearly stated. These standards and factors should be used to evaluate each redistricting plan considered. The following are suggested:

All the criteria are stated by Federal, State, or the County's Charter.

1. Five election districts shall be maintained. (James City County Charter)
2. Each election district shall be as nearly of equal population as practicable. The deviation from district to district shall be less than five percent (plus or minus five percent deviation). (VA Code Section 24.2- 304.1B)
3. Each election district and each precinct shall be composed as nearly as practicable of compact and contiguous territory. (VA Code Section 24.2-304.1B)
4. Each election district and precinct shall have clearly defined and clearly observable boundaries. Historic lines which appear as a block boundary in the United States Bureau of the Census map for the 2000 Census may be considered as an appropriate boundary. (VA Code Section 24.2-305)
5. The redistricting shall not dilute the voting opportunities of any racial or language minority group. Voting Rights Act Section 2
6. Known communities of interest shall not be divided into separate election districts if reasonably possible. (See Guide to Local Redistricting for 2011, Page 32)

Procedure for Submittal and Review of Plans

The Department of Justice has requested that the preclearance submittal include:

- (a) All plans submitted to the Board of Supervisors;

- (b) All plans considered by the Board of Supervisors;
- (c) The action taken by the Board of Supervisors on each plan specifying the reason for rejecting or approving the plans; and
- (d) Transcripts or minutes of all meetings considering the plans.

To meet this submittal objective, we recommend:

- 1) All plans shall be submitted to the County Administrator.
- 2) Each plan shall consider and include the entire County.
- 3) The County Administrator shall assign a number to each plan for purposes of record keeping.
- 4) Any plans initiated by Board members shall be prepared with staff assistance so that they can be drawn on appropriate maps.
- 5) A clear deadline for the submittal of plans should be established to allow the Board reasonable time to consider plans in advance of the deadline for adoption.
- 6) Each plan received by the County Administrator for Board consideration shall be available for public inspection.
- 7) The Board shall consider each plan submitted for consideration.
- 8) The Board, at a public meeting, may adjust, amend, or modify any plan before it or create a new plan. Such plan shall be assigned a number and shall be considered by the Board as a separate plan for purposes of review, approval, or denial.

RESOLUTION

REDISTRICTING CALENDAR

WHEREAS, the Board of Supervisors of James City County, Virginia, deems it appropriate to adopt a calendar setting forth a redistricting schedule; and

WHEREAS, in February 2011 the County received its census data from United States Bureau of the Census.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the following calendar setting forth a redistricting schedule.

- | | |
|----------------|---|
| March 22, 2011 | Citizen Redistricting Committee appointed by Board |
| April 12, 2011 | Deadline for Redistricting Advisory Committee to report its finding to Board and receive any additional assignments |
| April 12, 2011 | Deadline for redistricting plans to be submitted to the County Administrator for consideration by the Board |

April 12, 2011	Public hearing to receive comment prior to consideration of redistricting plan by the Board (7:00 p.m. regular Board meeting)
April 26, 2011	7:00 p.m. public hearing for Redistricting Ordinance
April 26, 2011	Adoption of Redistricting Ordinance (7:00 p.m. regular Board meeting)
April 29, 2011	Deadline for submitting preclearance to the Department of Justice

The Board made its citizen appointments:

Mr. Kennedy:	Mr. Joshua Mayes Ms. Amanda Johnston
Mr. Goodson:	Mr. Paul Gerhardt Mr. Jeff Ryer
Mr. Icenhour:	Mr. Dave Jarman Ms. Debra Kratter
Mr. McGlennon:	Ms. Jennifer Tierney Mr. Anthony Conyers
Ms. Jones	Mr. Heather Cordasco Mr. Jay Everson

J. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on the I-64 environmental impact statement pamphlet and encouraged people to submit comments. He commented on the importance of military connectivity and traffic concerns during military mobilization.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh stated that Mr. Hicks would provide a briefing on Highway Matters. He stated that the Board could make appointments to the Stormwater Program Advisory Committee in open session.

1. Highway Matters

Mr. Hicks reviewed traffic concerns in the County. He reported on speed bumps that would be installed on Casey Boulevard in New Town as a speed calming measure; signage at Route 5 to alert motorists of the traffic signal; wedges, ditching, and shoulder strengthening on Rochambeau Drive; slurry sill surface on Ponder Court; Route 60 pavement near Neighbors Drive that was scheduled to be completed the next day; Olde Towne Road ditches, cross pipes, and erosion to be completed in April; Lightfoot Road CSX railroad crossing completion; Airport Road railroad crossing work to begin shortly; Fire Station 2 installation of emergency traffic signals through revenue sharing funds; restriping of the right-turn lane and removal of the delineating poles at Rochambeau Drive and Old Stage Road; reconstruction of Endwood Road and Ware's

Manor Road due to potholes; completion of Route 199 and Route 5; Ironbound Road was on schedule; News Road project starting in June; and Longhill Road/Centerville Road to be completed by the end of the summer. He commented that grass mowing in VDOT rights-of-way for primary routes would be mowed three times and secondary roads would be mowed twice over the summer. He noted that there were virtually no subdivision overlay projects in the upcoming maintenance schedule; he noted that VDOT was changing the process to overlay these surfaces with liquid asphalt and small stones. He stated there was limited funding which would be applied to Federal routes. He stated the list of work and a map would be on the website for the public's reference.

Mr. Middaugh explained that the liquid asphalt method was a legitimate form of preventative maintenance, but it has downsides of being messy and being broadcast on cars.

Mr. Hicks explained that the Planning Office would have the I-64 corridor feedback brochures available for the public.

Mr. Middaugh stated that staff has been asked to compile a list of road projects and requested guidance from the Board on the projects. He stated that the budget included funding to identify priority intersections improvements.

Mr. Icenhour asked about traffic calming measures and speed bumps in New Town. He noted that this has been requested for communities and it was not feasible.

Mr. Hicks stated that the road in New Town was not accepted into the VDOT system and the developer was installing the speed bumps.

Mr. Goodson stated that the I-64 corridor study included the area from I-664 to I-95 in Richmond.

Mr. Hicks stated that the County Administrator had made formal comments about construction.

Mr. Goodson stated that the County's stance was to maintain the median and add any additional lanes to the outside of the road.

L. BOARD REQUESTS AND DIRECTIVES

1. Board Expense Policy

Mr. Middaugh stated that staff has prepared, at the Board's request, an expense policy for Board of Supervisors members. He stated that most of the policies are identical to the expense policy that applies to employees. He stated that the changes incorporated included a provision to help new supervisors establish a home office including equipment needs. He reviewed the policy's provision for a County cell phone and payment of half the cost of a home internet connection. He stated that the Board may wish to revise the travel provisions as needed.

Mr. Goodson commented on the in-state guidelines on hotel costs in relation to the Virginia Association of Counties (VACo) Annual Conference at the Homestead.

Mr. Middaugh indicated that the employee policy allows for the lowest cost room on-site.

Mr. Goodson stated that the policy could be clarified that the rate could be changed if it includes meals, such as in the case of the VACo Annual Conference.

Ms. Jones stated that she felt this would be good for future Board members.

Mr. McGlennon made a motion to adopt the resolution with an amendment to revise the policy's hotel rate when meals are included.

RESOLUTION

LEGISLATIVE SPENDING POLICY

WHEREAS, the Board of Supervisors desires to establish a legislative spending policy.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the Legislative Spending Policy.

Mr. McGlennon stated that in order to allow for continuity of membership on the committee, he recommended that the new members appointed to the Stormwater Program Advisory Committee have half their terms expire in 2013 and half expire in 2014.

Mr. McGlennon made a motion to remove Ms. Kathleen Lindsay due to lack of attendance and to appoint Mr. Allen Ayers, Mr. Louis J. Bott, Jr., Mr. Charles Brewster, Mr. Nitant N. Desai, Mr. Phillip Doggett, Mr. Reed Johnson, Mr. Malcolm E. Martin, Ms. Mary Delaney Smallwood, Mr. Roger Schmidt, and Mr. Richard Strenkowski to staggered terms set to expire in 2013 and 2014.

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

Mr. Goodson stated that the Board approved a resolution as part of its Consent Calendar in recognition of Ms. JoAnn Falletta, Music Director of Virginia Symphony Orchestra for her 20 years of service. He noted that a benefit would be held on April 10, 2011, and stated that if a member of the Board was attending the reception the resolution could be presented at that time.

Mr. Middaugh stated that he believed members of the Williamsburg Area Arts Commission would be in attendance and be able to present the resolution.

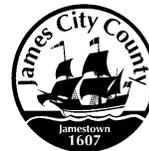
M. ADJOURNMENT to 7 p.m. on April 12, 2011.

Mr. McGlennon made a motion to adjourn.

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

At 9:20 p.m. Ms. Jones adjourned the Board until 7 p.m. on April 12, 2011.

Robert C. Middaugh
Clerk to the Board



MEMORANDUM COVER

Subject: Resolution of Recognition - James City County Volunteer Appreciation Week - April 10-16, 2011

Strategic Management Plan Pathway: 2.i – increase volunteerism

Action Requested: Shall the Board adopt the resolution designating April 10-16, 2011, as Volunteer Appreciation Week?

Summary: The attached resolution highlights the importance of volunteers and expresses appreciation for the time and resources they have donated to James City County.

As done previously, staff recommends adoption of the resolution that designates April 10-16, 2011, as Volunteer Appreciation Week.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: H-2
Date: April 12, 2011

MEMORANDUM

DATE: April 12, 2011
TO: The Board of Supervisors
FROM: Carol M. Luckam, Human Resource Manager
SUBJECT: Resolution of Recognition – James City County Volunteer Appreciation Week – April 10-16, 2011

As we approach National Volunteer Appreciation Week, to be held April 10-16, 2011, we ask you to honor James City County's volunteers who tirelessly share their time and talents with those in need. Your support can challenge and encourage the people you represent to commit to sustained and future volunteer service.

National Volunteer Appreciation Week is about honoring and recognizing individuals who have made a difference in our communities and calling the public's attention to all that they do to improve our communities.

During 2010, over 294 people volunteered their time and talents to the County. Together they contributed more than 88,405 hours of service which represents an added value of \$1,814,955.

Staff recommends adoption of the attached resolution, designating April 10-16, 2011, as Volunteer Appreciation Week.

Carol M. Luckam

CML/nb
VolunteerAW11_mem

Attachment

RESOLUTION

RESOLUTION OF RECOGNITION – JAMES CITY COUNTY

VOLUNTEER APPRECIATION WEEK – APRIL 10-16, 2011

WHEREAS, during this week all over the nation, service projects will be performed and volunteers will be recognized for their commitment to service; and

WHEREAS, last year, volunteers worked in partnership with James City County staff and contributed 88,405 hours, valued at \$1,814,955; and

WHEREAS, volunteers make a real difference in the lives of their fellow citizens and help make this a special place to live; and

WHEREAS, while volunteers demonstrate their generosity and dedication every day of the year, it is fitting to recognize their commitment to service during the week that has been set aside.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, hereby designates the week of April 10-16, 2011, as Volunteer Appreciation Week and calls its significance to all of our citizens.

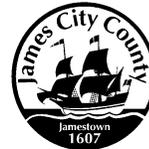
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of April, 2011.

VolunteerAW11_res



MEMORANDUM COVER

Subject: Resolution of Recognition – Public Safety Telecommunications Week – April 10-16, 2011

Strategic Management Plan Pathway: 5.b – maintain a well-trained and high performing workforce for normal and emergency operations

Action Requested: Shall the Board approve the resolution that the week of April 10-16, 2011, be proclaimed as National Public Safety Telecommunications Week?

Summary: Introduced to Congress in 1991 as National Telecommunications Week, the second full week in April has been set aside and dedicated to the men and women who make a difference working as Public Safety Telecommunicators. Their commitment and devotion to public safety is immeasurable. Law Enforcement, Fire, and EMS cannot respond to callers in need unless the call is answered.

The Emergency Communication Officer is what links the emergency responders to our citizens and visitors in distress. Thousands of individuals depend on their knowledge, skills, and ability to safely navigate them through life changing events until help arrives.

Staff recommends approval of the resolution proclaiming the week of April 10-16, 2011, as Public Safety Telecommunications Week.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum
2. Resolution

Agenda Item No.: H-3

Date: April 12, 2011

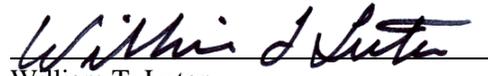
MEMORANDUM

DATE: April 12, 2011
TO: The Board of Supervisors
FROM: William T. Luton, Fire Chief
Emmett H. Harmon, Chief of Police
SUBJECT: Resolution of Recognition – Public Safety Telecommunications Week – April 10-16, 2011

Across the nation in times of intense personal crisis and community-wide disasters, the first access point for those seeking all classes of emergency services and homeland security information is 9-1-1. The local and County public safety communications centers that receive these calls have emerged as the first and single point of contact for persons seeking immediate relief during an emergency.

Every year, the second week of April is set aside as National Public Safety Telecommunications Week recognizing the efforts of our Emergency Communication Officers. During this week, the James City Emergency Communications Center will be coordinating media activities and sponsoring events to recognize the services by our Emergency Communication Officers every day in our community.

Staff recommends approval of the resolution proclaiming the week of April 10-16, 2011, as Public Safety Telecommunications Week.


William T. Luton,


Emmett H. Harmon

CONCUR:

Robert C. Middaugh

WTL/nb
TelcoWk_mem

Attachment

RESOLUTION

RESOLUTION OF RECOGNITION – PUBLIC SAFETY TELECOMMUNICATIONS

WEEK – APRIL 10-16, 2011

WHEREAS, emergency communications is a vital public service; and

WHEREAS, when an emergency occurs the prompt response of law enforcement officers, firefighters, and paramedics is critical to the protection of life and preservation of property; and

WHEREAS, Public Safety Communication Officers are the first critical contact our citizens have with emergency services; and

WHEREAS, the safety of our law enforcement officers, firefighters, and paramedics is dependent upon the quality and accuracy of information obtained from citizens who telephone the James City County Emergency Communications Center; and

WHEREAS, Public Safety Communication Officers of James City County have contributed to the apprehension of criminals, suppression of fires, and treatment of patients; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of public safety communication officers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby recognizes this event and proclaims the week of April 10-16, 2011, as Public Safety Telecommunications Week.

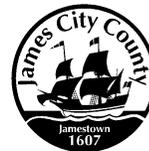
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of April, 2011.

TelcoWk_res



MEMORANDUM COVER

Subject: Resolution of Recognition – Emergency Medical Services (EMS) Week – May 15-21, 2011

Strategic Management Plan Pathway: 5.b – maintain a well-trained and high performing workforce for normal and emergency operations

Action Requested: Shall the Board approve the resolution that the week of May 15-21, 2011, be proclaimed as Emergency Medical Services (EMS) Week?

Summary: Every year, the third week of May is set aside as National Emergency Medical Services (EMS) Week. Over the past five years, we have seen an average seven percent annual increase in EMS incident responses which impact and challenge our department every day, and in 2010, more than 500 calls per month were received on average. EMS Week helps recognize the value and accomplishments of EMS providers.

Staff recommends adoption of the resolution that designates May 15-21, 2011, as Emergency Medical Services (EMS) Week.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: H-4

Date: April 12, 2011

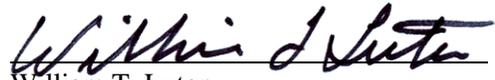
MEMORANDUM

DATE: April 12, 2011
TO: The Board of Supervisors
FROM: William T. Luton, Fire Chief
SUBJECT: Resolution of Recognition - Emergency Medical Services (EMS) Week - May 15-21, 2011

Every year, the third week of May is set aside as National Emergency Medical Services (EMS) Week. The President and Virginia's Governor generally issue proclamations recognizing this week and the efforts of our emergency medical responders within the community.

Over the past five years, we have seen an average seven percent annual increase in EMS incident responses which impact and challenge our department every day. This equates to an increase from an average of 380 calls per month in 2006 to over 500 calls per month in 2010. During this year's EMS Week celebration, the department will sponsor a special breakfast in recognition of the exemplary efforts provided by these personnel every day.

Staff recommends approval of the attached resolution proclaiming the week of May 15-21, 2011, as Emergency Medical Services Week.


William T. Luton

CONCUR:

Robert C. Middaugh

WTL/nb
EmMedSrvWk_mem

Attachment

RESOLUTION

EMERGENCY MEDICAL SERVICES (EMS) WEEK - MAY 15-21, 2011

- WHEREAS, Emergency Medical Services (EMS) is a vital public service; and
- WHEREAS, the members of EMS teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and
- WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and
- WHEREAS, the EMS system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, emergency dispatchers, educators, administrators, and others; and
- WHEREAS, the members of the EMS teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and
- WHEREAS, it is appropriate to recognize the value and the accomplishments of EMS providers by designating Emergency Medical Services Week.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, in recognition of this event does hereby proclaim the week of May 15-21, 2011, as

EMERGENCY MEDICAL SERVICES WEEK

With the theme, **EMS: Everyday Heroes**, we encourage the community to observe this week with appropriate programs, ceremonies, and activities.

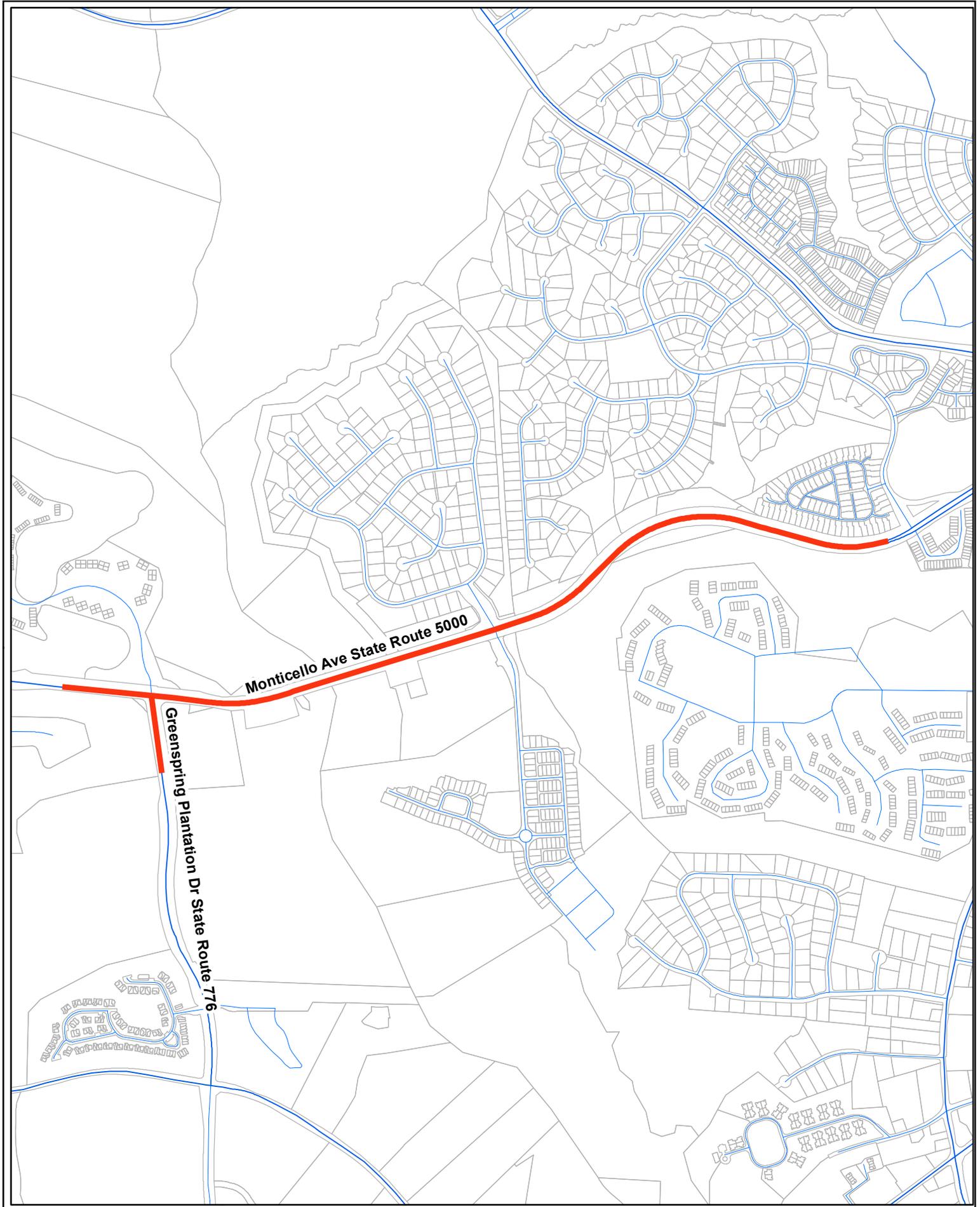
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of April, 2011.

EmMedSrvWk_res



Monticello Ave State Route 5000

Greenspring Plantation Dr State Route 776



**DEDICATION OF A PORTION OF MONTICELLO AVE.
AND GREENSPRING PLANTATION DR**

 ROW to be Dedicated

1 inch = 1,026 feet



In the County of James City

By resolution of the governing body adopted April 12, 2011

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

A Copy Testee Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision 5000-047-166, C501

Type Change to the Secondary System of State Highways: Addition

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

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: §33.1-229

Street Name and/or Route Number

◆ Greenspring Plantation Drive, State Route Number 776

Old Route Number: 0

● From: Route 5000

To: 0.14 South Route 5000, a distance of: 0.14 miles.

Recordation Reference: N/A

Right of Way width (feet) = 0

Street Name and/or Route Number

◆ Monticello Ave., State Route Number 5000

Old Route Number: 0

● From: Route 776 Greenspring Plantation Drive

To: 1.30 Mi. East Route 766, a distance of: 1.30 miles.

Recordation Reference: N/A

Right of Way width (feet) = 0

Street Name and/or Route Number

◆ Monticello Ave., State Route Number 5000

Old Route Number: 0

● From: 1.10 Mi. East Route 614

To: 1.24 Mi. East Route 614, a distance of: 0.14 miles.

Recordation Reference: N/A

Right of Way width (feet) = 0

VDOT Form AM-4.3 (4/20/2007) Maintenance Division

Date of Resolution: April 12, 2011 Page 1 of 1

M E M O R A N D U M

DATE: April 12, 2011

TO: The Board of Supervisors

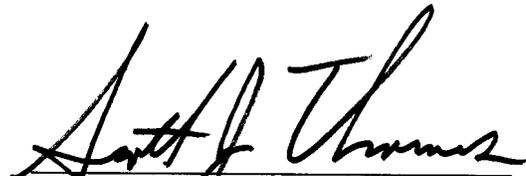
FROM: Scott J. Thomas, Environmental Director

SUBJECT: Dedication of Streets of Portions of Monticello Avenue and Greensprings Plantation Drive

Attached is a resolution requesting acceptance of streets into the State Secondary Highway System. The streets proposed for acceptance are portions of Monticello Avenue between Powhatan Secondary Road and .14 miles west of the intersection of Greensprings Plantation Drive and Monticello Avenue. The resolution also includes a portion of Greensprings Plantation Drive from the intersection of Monticello Avenue and Greensprings Plantation Drive south for a distance of .14 miles. These streets have been inspected and approved by representatives of the Virginia Department of Transportation (VDOT) as meeting the minimum requirements for secondary roadways. This sectional road dedication is a result of design improvements to and construction of a "T" intersection perpendicular to Monticello Avenue.

VDOT's Secondary Street Acceptance Requirements (SSAR), effective March 2009, outline processes on how streets are designed, constructed, and officially accepted for maintenance as part of the secondary system of State highways. Upon the satisfactory completion of construction of streets, VDOT advises and coordinates with the local governing body of the street's readiness for acceptance through the use of VDOT's Form AM-4.3. As part of the initial acceptance process, the County Board of Supervisors must request, by resolution, that VDOT accept the street for maintenance as part of the secondary system of State highways. Administrative procedures are outlined in the SSAR/24VAC30-92-70 that lists criteria for street acceptance and what information is required on the local resolution. Once the resolution is approved, the signed Form AM-4.3 with the resolution is then returned to VDOT. VDOT then officially notifies the locality of the street's acceptance into the secondary system of State highways and the effective date of such action. This notification serves as the start of VDOT maintenance responsibility. As part of the process, the County will hold an appropriate amount of subdivision or public improvement surety for the roadway, as required by local ordinances, until the acceptance process is complete. Also, within 30-days of the local governing body's request (resolution), VDOT requires a maintenance surety to be posted by the developer to guarantee performance of the street for one year from the date of acceptance.

Staff recommends adoption of the attached resolution.



Scott J. Thomas

CONCUR:



Steven W. Hicks

SJT/gb
GrnspringStsDed_mem

Attachments

RESOLUTION

DEDICATION OF STREETS OF PORTIONS OF MONTICELLO AVENUE AND

GREENSPRINGS PLANTATION DRIVE

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

WHEREAS, the Residency Administrator for the Virginia Department of Transportation advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on July 1, 1994, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described in the attached Additions Form AM-4.3 to the secondary system of State highways, pursuant to §33.1-229 of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described and any necessary easements for cuts, fills, and drainage.

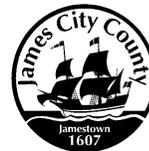
BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of April, 2011.



MEMORANDUM COVER

Subject: Dedication of Streets of Portions of Monticello Avenue and Greensprings Plantation Drive

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board approve the resolution that dedicates the streets and associated rights-of-way for portions of Monticello Avenue and Greensprings Plantation Drive to the Virginia Department of Transportation (VDOT)?

Summary: The following submittal contains the necessary documents for the street dedication process. Included are the Board memorandum, Board resolution, a location map of the proposed roads, and the VDOT Form AM-4.3.

Staff recommends approval of the attached resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

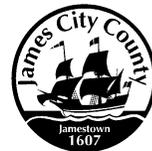
County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution
3. Location map
4. VDOT Form AM-4.3

Agenda Item No.: H-5

Date: April 12, 2011



MEMORANDUM COVER

Subject: Dedication of Streets in Monticello Woods Phases 1 and 2

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board approve the resolution that dedicates the streets and associated right-of-way for Monticello Woods Phases 1 and 2 to the Virginia Department of Transportation (VDOT)?

Summary: The following submittal contains the necessary documents for the street dedication process. Included are the Board memorandum, Board resolution, a location map of the proposed roads, and the VDOT Form AM-4.3.

Staff recommends approval of the attached resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution
3. Location map
4. VDOT Form AM-4.3

Agenda Item No.: H-6
Date: April 12, 2011

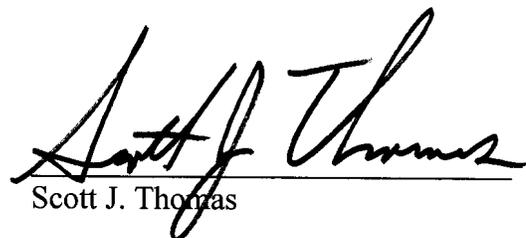
M E M O R A N D U M

DATE: April 12, 2011
TO: The Board of Supervisors
FROM: Scott J. Thomas, Environmental Director
SUBJECT: Dedication of Streets in Monticello Woods Phases I and II

Attached is a resolution requesting acceptance of streets within Monticello Woods Phases I and II, into the State Secondary Highway System. These streets have been inspected and approved by representatives of the Virginia Department of Transportation (VDOT) as meeting the minimum requirements for secondary roadways.

VDOT's Secondary Street Acceptance Requirements (SSAR), effective March 2009, outline processes on how streets are designed, constructed, and officially accepted for maintenance as part of the secondary system of State highways. Upon the satisfactory completion of construction of streets, VDOT advises and coordinates with the local governing body of the street's readiness for acceptance through the use of VDOT's Form AM-4.3. As part of the initial acceptance process, the County Board of Supervisors must request, by resolution, that VDOT accept the street for maintenance as part of the secondary system of State highways. Administrative procedures are outlined in the SSAR/24VAC30-92-70 that lists criteria for street acceptance and what information is required on the local resolution. Once the resolution is approved, the signed Form AM-4.3 with the resolution is then returned to VDOT. VDOT then officially notifies the locality of the street's acceptance into the secondary system of State highways and the effective date of such action. This notification serves as the start of VDOT maintenance responsibility. As part of the process, the County will hold an appropriate amount of subdivision or public improvement surety for the roadway, as required by local ordinances, until the acceptance process is complete. Also, within 30 days of the local governing body's request (resolution), VDOT requires a maintenance surety to be posted by the developer to guarantee performance of the street for one year from the date of acceptance.

Staff recommends the adoption of the attached resolution.



Scott J. Thomas

CONCUR:



Steven W. Hicks

SJT/gb
MontiStsDed_mem

Attachments

RESOLUTION

DEDICATION OF STREETS IN MONTICELLO WOODS PHASES I AND II

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

WHEREAS, the Residency Administrator for the Virginia Department of Transportation advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on July 1, 1994, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described in the attached Additions Form AM-4.3 to the secondary system of State highways, pursuant to §33.1-229 of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described and any necessary easements for cuts, fills, and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

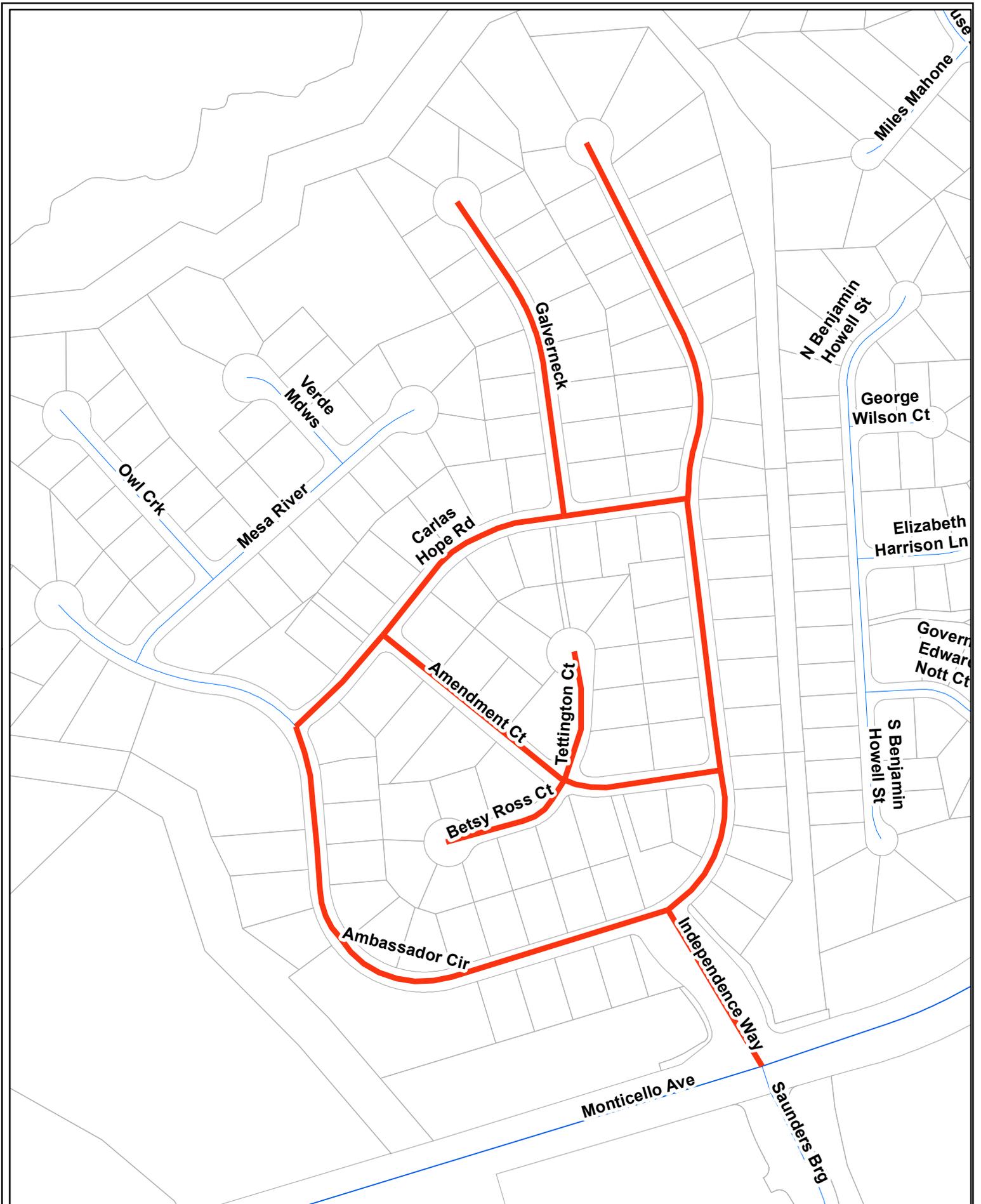
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of April, 2011.

MontiStsDed_res



**DEDICATION OF STREETS IN MONTICELLO WOODS
PHASE I AND PHASE II**

Legend

 Streets to be Dedicated

1 inch = 300 feet



In the County of James City

By resolution of the governing body adopted April 12, 2011

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

A Copy Testee Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision Monticello Woods Phases 1 and 2

Type Change to the Secondary System of State Highways: Addition

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

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: §33.1-229

Street Name and/or Route Number

◆ **Ambassador Circle , State Route Number 1736**

Old Route Number: 0

- From: Route 1735 Independence Way
- To: Route 1737 Amendment Court, a distance of: 0.07 miles.
- Recordation Reference: Document #020014537 P.B. 86, PG 64

Right of Way width (feet) = 50

Street Name and/or Route Number

◆ **Betsy Ross Court, State Route Number 1739**

Old Route Number: 0

- From: Route 1737 Amendment Court
- To: Cul de sac, a distance of: 0.06 miles.
- Recordation Reference: Document #030039970

Right of Way width (feet) = 50

Street Name and/or Route Number

◆ **Galverneck , State Route Number 1741**

Old Route Number: 0

- From: Route 1740 Carlas Hope Road
- To: Cul de sac, a distance of: 0.11 miles.
- Recordation Reference: Document #030039970, and Doc. 030009335

Right of Way width (feet) = 50

Street Name and/or Route Number

◆ **Independence Way, State Route Number 1735**

Old Route Number: 0

-
- From: Route 5000
To: Route 1736 Ambassador Circle, a distance of: 0.08 miles.
Recordation Reference: Document #020014537, P.B. 86, PG. 64 - 67

Right of Way width (feet) = 110-127 ft

Street Name and/or Route Number

- ◆ Ambassador Circle , State Route Number 1736
Old Route Number: 0

-
- From: Route 1740 Carlas Hope Road
To: Cul de sac, a distance of: 0.18 miles.
Recordation Reference: Insl. 040029651

Right of Way width (feet) = 50

VDOT Form AM-4.3 (4/20/2007) Maintenance Division

Date of Resolution: April 12, 2011 Page 1 of 3

Street Name and/or Route Number

◆ Tettington Court, State Route Number 1738

Old Route Number: 0

- From: Route 1737 Amendment Court
- To: Cul de sac, a distance of: 0.07 miles.

Recordation Reference: Document #03009335, P.B. 90, PG. 3 - 4

Right of Way width (feet) = 50

Street Name and/or Route Number

◆ Carlas Hope Road, State Route Number 1740

Old Route Number: 0

- From: Route 1737 Amendment Court
- To: Route 1738 Ambassador Circle , a distance of: 0.62 miles.

Recordation Reference: Document #03009335, and Doc. 020014537

Right of Way width (feet) = 50

Street Name and/or Route Number

◆ Carlas Hope Road, State Route Number 1740

Old Route Number: 0

- From: Route 1741 Galverneck
- To: Route 1737 Amendment Court, a distance of: 0.11 miles.

Recordation Reference: Document #030039970, and Doc. 030009335

Right of Way width (feet) = 50

Street Name and/or Route Number

◆ Ambassador Circle North, State Route Number 1736

Old Route Number: 0

- From: Route 1737 Amendment Court
- To: Route 1740 Carlas Hope Road, a distance of: 0.13 miles.

Recordation Reference: Document #030039970

Right of Way width (feet) = 50

Street Name and/or Route Number

◆ Ambassador Circle , State Route Number 1736

Old Route Number: 0

- From: Route 1735 Independence Way
- To: Route 1740 Carlas Hope Road, a distance of: 0.26 miles.

Recordation Reference: Document #020014537 P.B. 86, PG 64 - 67

Right of Way width (feet) = 50

Street Name and/or Route Number

◆ Amendment Court, State Route Number 1737

Old Route Number: 0

-
- From: Route 1736 Ambassador Circle
To: Route 1738 Tetlington Court, a distance of: 0.08 miles.
Recordation Reference: Document #03009335, P.B. 90, PG. 3 - 4

Right of Way width (feet) = 50

Street Name and/or Route Number

- ◆ Amendment Court, State Route Number 1737

Old Route Number: 0

-
- From: Route 1738 Tetlington Court
To: Route 1740 Carlos Hope Road, a distance of: 0.11 miles.
Recordation Reference: Document #03009335, P.B. 90, PG. 3 - 4

Right of Way width (feet) = 50

VDOT Form AM-4.3 (4/20/2007) Maintenance Division

Date of Resolution: Page 2 of 3

Street Name and/or Route Number

◆ **Carlas Hope Road, State Route Number 1740**

Old Route Number: 0

● From: Route 1736 Ambassador Circle

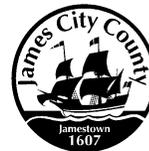
To: Route 1741 Galverneck, a distance of: 0.06 miles.

Recordation Reference: Document #030039970

Right of Way width (feet) = 50

VDOT Form AM-4.3 (4/20/2007) Maintenance Division

Date of Resolution: Page 3 of 3



MEMORANDUM COVER

Subject: Contract Award – New Police Building Furnishings – \$240,000

Strategic Management Plan Pathway: 3. d – invest in the capital project needs of the community

Action Requested: Shall the Board approve the contract to FSI Office in the amount not to exceed \$240,000 for the new Police building furnishings?

Summary: The Police Department solicited competitive proposals for new Police building furnishings. The Request for Proposals (RFP) was publicly advertised and 11 proposals were received.

The Evaluation Committee composed of staff members from the Police Department and the Purchasing Office reviewed the proposals and interviewed FSI Office, JMJ Corporation, OM WorkSpace, Tactical Solutions, and Spacesaver Storage Solutions. Based on the evaluation criteria listed in the RFP, the Evaluation Committee determined that FSI Office and Spacesaver Storage Solutions were the most fully qualified firms and their proposals best suited the County’s needs as defined in the RFP.

Staff negotiated a price not to exceed \$240,000 with FSI Office for an evidence room storage system and freestanding furnishings for offices, training rooms, conference rooms, and the community room. Staff negotiated a price not to exceed \$30,000 with Spacesaver Storage Solutions for a records room high density file system and storage shelving for the uniform and equipment room. Per Chapter 2, Section 5 of the County Purchasing Policy, the Spacesaver Storage Solutions contract does not require Board of Supervisors authorization because it is less than \$100,000 and is not included in the resolution.

Staff recommends adoption of the attached resolution.

Fiscal Impact: Funded through the Capital Improvements Program budget

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: H-7

Date: April 12, 2011

MEMORANDUM

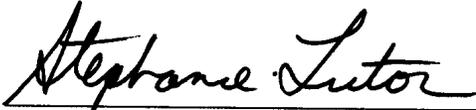
DATE: April 12, 2011
TO: The Board of Supervisors
FROM: Stephanie Luton, Purchasing/Management Services Director
SUBJECT: Contract Award – New Police Building Furnishings – \$240,000

The Police Department solicited competitive proposals for new Police building furnishings. The Request for Proposals (RFP) was publicly advertised and 11 proposals were received from American Office, Casilano Designs, Coastal Office, David Nice Builder, FSI Office, Hampton Stationery, JMJ Corporation, Mega Office Furniture, OM Workspace, Spacesaver Storage Solutions, and Tactical Office Solutions.

The Evaluation Committee composed of staff members from the Police Department and the Purchasing Office reviewed the proposals and interviewed FSI Office, JMJ Corporation, OM Workspace, Spacesaver Storage Solutions, and Tactical Solutions. The RFP terms and conditions allowed for multiple contract awards. Based on the evaluation criteria listed in the RFP (the firm's understanding of the project; ability to provide satisfactory customer service and quality control as demonstrated by past experience; project approach; experience of proposed supervisory staff, and price), the Evaluation Committee determined that FSI Office and Spacesaver Storage Solutions were the most fully qualified firms and their proposals best suited the County's needs as defined in the RFP. Staff negotiated a price not to exceed \$240,000 with FSI Office for an evidence room storage system and freestanding furnishings for offices, training rooms, conference rooms, and the community room. Staff negotiated a price not to exceed \$30,000 with Spacesaver Storage Solutions for a records room high density file system and storage shelving for the uniform and equipment room. Per Chapter 2, Section 5 of the County Purchasing Policy, the Spacesaver Storage Solutions contract does not require the Board of Supervisors authorization because it is less than \$100,000 and is not included in the resolution.

Funds are available in the Capital Improvements Program for the award.

Staff recommends adoption of the attached resolution authorizing the award of the contract for new Police building furnishings to FSI Office in an amount not to exceed \$240,000.


Stephanie Luton

CONCUR:

John E. McDonald

SL/nb
CA_PDFurn_mem

Attachment

RESOLUTION

CONTRACT AWARD – FURNISHINGS FOR NEW JAMES CITY SERVICE AUTHORITY

(JCSA) OPERATIONS CENTER – \$143,825

WHEREAS, funds are available in the FY 2011 Capital Improvement Program budget for purchase of furnishings for the new James City Service Authority (JCSA) Operations Center; and

WHEREAS, cooperative purchasing action is authorized by Chapter 1, Section 5, of the James City County Purchasing Policy and the Virginia Public Procurement Act and The Cooperative Purchasing Network (TCPN) issued a cooperative purchasing contract to Smarter Interiors as a result of a competitive sealed Request for Proposals; and

WHEREAS, JCSA and Purchasing staff determined the contract specifications met the Authority's requirements for furniture in the amount of \$143,825 with Smarter Interiors.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority, James City County, Virginia, hereby authorizes the Secretary to the Board to execute a contract with Smarter Interiors for furnishings in the amount of \$143,825.

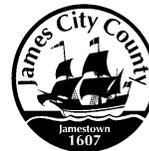
James G. Kennedy
Chairman, Board of Directors

ATTEST:

Robert C. Middaugh
Secretary to the Board

Adopted by the Board of Directors of the James City Service Authority, James City County, Virginia, this 12th day of April, 2011.

CA_Furnish_res



MEMORANDUM COVER

Subject: Appointment of Acting Building Official

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board adopt a resolution appointing an acting building official to the Code Compliance Division?

Summary: The Virginia Uniform Statewide Building Code (USBC) requires that every local building division have a building official, appointed by the local governing body, as the executive official in charge of the division. The County's Director of Code Compliance has resigned effective April 8, 2011, and it is necessary that the Board of Supervisors appoint an acting building official to fulfill the requirements of the USBC.

It is proposed that Mr. Steven W. Hicks be appointed as Acting Building Official. As Manager of Development Management, Mr. Hicks oversees the Code Compliance Division and is familiar with the Division's processes as well as the requirements of the USBC. Appointing Mr. Hicks for this administrative function will eliminate the need to further tax the time and resources of the inspection staff with additional duties which would impact efficiency and customer service.

Staff recommends approval of the attached resolution.

Fiscal Impact: None.

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: H-8

Date: April 12, 2011

MEMORANDUM

DATE: April 12, 2011
TO: The Board of Supervisors
FROM: Robert C. Middaugh, County Administrator
SUBJECT: Appointment of Acting Building Official

The Virginia Uniform Statewide Building Code (USBC) requires that every local building division have a building official, appointed by the local governing body, as the executive official in charge of the division.

The County's Director of Code Compliance, Mr. Douglas H. Murrow, has resigned effective April 8, 2011, and it is necessary that the Board of Supervisors appoint an acting building official to fulfill the requirements of the USBC and the Code of the County of James City.

Attached for your consideration is a resolution appointing Mr. Steven W. Hicks as Acting Building Official. As Manager of Development Management, Mr. Hicks oversees the Code Compliance Division and is familiar with the Division's processes as well as the requirements of the USBC. Appointing Mr. Hicks to this administrative function will eliminate the need to further tax the time and resources of the inspection staff with additional duties which would impact efficiency and customer service.

Robert C. Middaugh

RCM/nb
ActBldgAppt_mem

Attachment

RESOLUTION

APPOINTMENT OF ACTING BUILDING OFFICIAL

WHEREAS, the Virginia Uniform Statewide Building Code (USBC) requires that every local building division have a building official, appointed by the local governing body, as the executive official in charge of the division; and

WHEREAS, Mr. Douglas H. Murrow has resigned from his position as Director of Code Compliance effective April 8, 2011; and

WHEREAS, Mr. Steven W. Hicks is the Manager of Development Management and oversees the Code Compliance Division and is qualified to temporarily fulfill the duties of building official for the purposes of the Virginia USBC and the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Mr. Steven W. Hicks as Acting Building Official until the position of Director of Code Compliance is filled.

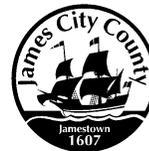
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of April, 2011.

ActBldgAppt_res



MEMORANDUM COVER

Subject: FY 2012 James City County and James City Service Authority Budget

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board adopt the budget, as amended during the Budget Work Sessions at its meeting on April 26, 2011?

Summary: The purpose of the Public Hearing is to invite public comment on any aspect of the proposed FY 2012 Budget. Any public comments received could become part of the agenda for the upcoming budget work sessions at the direction of the Board of Supervisors.

Staff expects to ask the Board to adopt the budget, as amended during the Budget Work Sessions at its meeting on April 26, 2011.

Fiscal Impact: _____

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachment:
1. Memorandum

Agenda Item No.: I-1

Date: April 12, 2011

MEMORANDUM

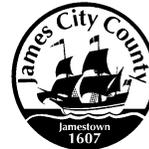
DATE: April 12, 2011
TO: The Board of Supervisors
FROM: Suzanne R. Mellen, Assistant Manager, Financial and Management Services
SUBJECT: FY 2012 James City County and James City Service Authority Budget

The purpose of the Public Hearing is to invite public comment on any aspect of the proposed FY 2012 Budget. Any public comments received could become part of the agenda for the upcoming budget work sessions at the direction of the Board of Supervisors.

No action is expected of the Board at this meeting, but any questions would be helpful as we prepare for the budget work sessions. The budget work sessions are scheduled for Thursday, April 14; Monday, April 18; and Wednesday, April 20. Staff expects to ask the Board to adopt the budget, as amended during the Budget Work Sessions at its meeting on April 26, 2011.

Suzanne R. Mellen

SRM/nb
Fy11budg_mem



MEMORANDUM COVER

Subject: Case No. SUP-0024-2009. Hospice House and Support Care of Williamsburg Wireless Communication Facility Tower

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board defer the Special Use Permit (SUP) for the Hospice House and Support Care of Williamsburg Wireless Communication Facility Tower until the July 12, 2011, Board meeting?

Summary: Ms. Gloria Freye of McGuire Woods, on behalf of Hospice House and Support Care of Williamsburg, has applied for an SUP to allow a 124-foot Wireless Communication Facility on the Hospice House site located at 4445 Powhatan Parkway. The Board previously deferred this case at the applicant's request. The applicant is meeting with various land owners to evaluate alternative sites. These meetings are scheduled to occur over the next 60 days, and the applicant may be prepared to report on these alternatives to the Board of Supervisors in July.

Staff concurs with this request and recommends that the Board defer this case until the first meeting in July 2011.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachment:
1. Staff Report

Agenda Item No.: I-2

Date: April 12, 2011

SPECIAL USE PERMIT-0024-2009. Hospice House and Support Care of Williamsburg Wireless Communication Facility Tower

Staff Report for the April 12, 2011, 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

December 2, 2009, 7:00 p.m.

January 12, 2010 (applicant deferral), 7:00 p.m.

February 9, 2010 (applicant deferral), 7:00 p.m.

March 9, 2010 (applicant deferral), 7:00 p.m.

June 8, 2010 (applicant deferral), 7:00 p.m.

July 13, 2010 (applicant deferral), 7:00 p.m.

November 9, 2010 (applicant deferral), 7:00 p.m.

December 14, 2010 (applicant deferral) 7:00 p.m.

February 8, 2011, (applicant deferral) 7:00 p.m.

April 12, 2011, 7:00 p.m.

SUMMARY FACTS

Applicant:

Gloria Freye, McGuire Woods

Land Owner:

Hospice House and Support Care of Williamsburg

Proposal:

To allow for the construction of a 124-foot-tall (120-foot tower with 4-foot lightning rod) monopole wireless communications facility "WCF" on the subject property. WCFs are specially permitted uses in the R-8, Rural Residential, zoning district.

Location:

4445 Powhatan Parkway

Tax Map Parcel No.:

3830100001a

Parcel Size:

.48 acres out of 11.182 acres

Zoning:

R-8, Rural Residential

Comprehensive Plan:

Low Density Residential and Conservation Area

Primary Service Area:

Inside

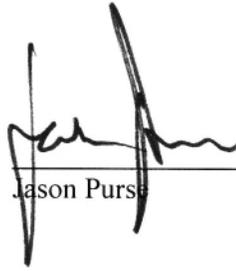
STAFF RECOMMENDATION

The applicant has requested that this case be deferred until the July 12, 2011, Board meeting. The Board previously deferred this case at the applicant's request. The applicant is meeting with various land owners to evaluate alternative sites. These meetings are scheduled to occur over the next 60 days, and the applicant may be prepared to report on these alternatives to the Board of Supervisors in July. Planning staff concurs with this request and recommends that the Board of Supervisors defer this case until the first meeting in July 2011.

Staff Contact:

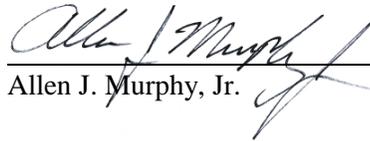
Jason Purse, Senior Planner

Phone: 253-6685



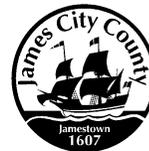
Jason Purs

CONCUR:



Allen J. Murphy, Jr.

JP/nb
sup24-09HHwcf_v10.doc



MEMORANDUM COVER

Subject: Ordinance to Amend and Reordain Chapter 15, Offenses - Miscellaneous, Section 15-20, Noises prohibited in residential areas

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board adopt the Ordinance amending Chapter 15, Offenses - Miscellaneous, Section 15-20, Noises prohibited in residential areas?

Summary: Section 15-20 is the County’s Noise Ordinance. These amendments stem from the Virginia Supreme Court decision, *Tanner v. City of Virginia Beach*, 277 Va. 432 (2009). In *Tanner*, the Virginia Supreme Court found the Virginia Beach Noise Ordinance unconstitutionally vague due to the use of subjective enforcement standards associated with criminal penalties.

Numerous amendments have been made to Section 15-20. These amendments include findings and definition provisions; the inclusion of temporary permit provisions; the use of objective standards for specifically enumerated prohibitions and general prohibitions for residential, mixed use, and residential adjacent areas; a detailed enforcement procedure for warnings and violations; and a civil penalty schedule for violations.

The amendment is consistent with state law, and staff recommends adoption of the attached ordinance.

Fiscal Impact: Little or no fiscal impact is anticipated from the amendments.

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Ordinance

Agenda Item No.: I-3

Date: April 12, 2011

M E M O R A N D U M

DATE: April 12, 2011

TO: The Board of Supervisors

FROM: Adam R. Kinsman, Deputy County Attorney
Leo P. Rogers, County Attorney

SUBJECT: Ordinance to Amend and Reordain Chapter 15, Offenses - Miscellaneous, Section 15-20, Noises Prohibited in Residential Areas

Attached for Board consideration is an ordinance which amends Section 15-20 of the County Code.

Section 15-20 is the County's Noise Ordinance. These amendments stem from the Virginia Supreme Court decision, *Tanner v. City of Virginia Beach*, 277 Va. 432 (2009). In *Tanner*, the Virginia Supreme Court found the Virginia Beach Noise Ordinance unconstitutionally vague due to the use of subjective enforcement standards associated with criminal penalties.

Numerous amendments have been made to Section 15-20. These amendments include findings and definition provisions; the inclusion of temporary permit provisions; the use of objective standards for specifically enumerated prohibitions and general prohibitions for residential, mixed use, and residential adjacent areas; a detailed enforcement procedure for warnings and violations; and a civil penalty schedule for violations.

- The inclusion of findings and definition provisions clarifies the purpose behind the Noise Ordinance, as well as the terms and phrases used within the Noise Ordinance.
- The inclusion of temporary permit provisions enables flexibility in the administration and enforcement of the proposed Noise Ordinance.
- The use of objective standards to definite prohibitions is meant to address the *Tanner* decision. By substituting subjective terms such as "unnecessary," "loud," and "disturbing" with objective time and distance measurements, the proposed Noise Ordinance should withstand a vagueness challenge. The inclusion of both specifically enumerated prohibitions and general prohibitions in residential, mixed use, and residential adjacent uses changes the overall applicability of the proposed Noise Ordinance. The County's current Noise Ordinance is applicable only in residential zoned areas. While the main focus of the proposed Noise Ordinance continues to be on residential areas, some specific and general prohibitions are noted for mixed use and residential adjacent areas.
- The proposed Noise Ordinance would be administered and enforced by the County Administrator, with the assistance of designated officers. The proposed enforcement procedure details steps to follow for the issuance of both warnings and violations, which provides officers with more flexibility when responding to noise complaints.
- The use of civil penalties, rather than criminal penalties, is another possible response to the *Tanner* decision. Virginia Code Section 15.2-980 permits localities to adopt a uniform schedule of civil penalties for violations of noise ordinances.

Changes since the March 22, 2011, Memorandum to the Board:

Following the Board's deferral of this proposed Ordinance, staff has made two changes to clarify and strengthen it:

1. A definition for the term "permit" has been added. Activities for which a permit has been granted are exempted from the Ordinance, but the only "permit" to which the Ordinance referred was a temporary noise permit. The new definition clarifies what permits are included in this exemption. Including all permits which regulate or permit noise eliminates the need for two permits (e.g., a fireworks permit will satisfy the requirement rather than the need for a fireworks permit *and* a temporary noise permit). Additionally, the definition includes those special use permits granted by the Board which include a condition specifically related to noise.
2. The proposed Ordinance has also been clarified to ensure that certain existing and approved uses in the County would not now be required to obtain another permit. Specifically, theme parks and outdoor amusement centers have been exempted from the Ordinance, as is all noise "necessarily or directly related to a use or activity approved by the County." The former exemption includes Busch Gardens and Go-Karts Plus and the latter exemption includes "necessary noise" or "noise directly related" to approved uses. For example, patrons talking at an outside restaurant would be considered "necessary" noise, whereas amplified music may not.

Little or no fiscal impact is anticipated from the amendments.

The amendment is consistent with State law, and staff recommends adoption of the attached ordinance.



Adam R. Kinsman



Leo P. Rogers

ARK/nb

Chp15NoiseReg_mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, OFFENSES - MISCELLANEOUS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 15-20, NOISES PROHIBITED IN RESIDENTIAL AREAS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 15, Offenses - Miscellaneous, is hereby amended and reordained by amending Section 15-20, Noise regulations.

Chapter 15. Offenses - Miscellaneous

Section 15-20. Noises ~~prohibited in residential areas~~ regulations.

~~It shall be unlawful for any person to, within the limits of the county, make, continue or cause to be made or continued any excessive, unnecessary or unusually loud noise or any noise on any premises of such a character as to either disturb, injure or endanger the quiet, comfort, repose, health, peace or safety of others; provided, that this section shall apply only to residential zoned areas and all uses provided for in such a zoning classification.~~

~~The following acts, among others, are declared to be loud, disturbing and unnecessary noise in violation of this section, but such enumeration shall not be deemed to be exclusive:~~

~~(a) *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, bicycle or other vehicle on any street or public place of the county, except as a danger warning; the creation by means of any signaling device of any unreasonable loud or harsh sound; and the sounding of any signaling device for an unnecessary and unreasonable period of time.~~

~~(b) *Radios, phonographs, etc.* The using, operating or permitting to be played, used or operated, any radio receiving set, tape recorder, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument,~~

~~phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.~~

- ~~(c) *Loudspeakers, amplifiers for advertising.*—The using, operating or permitting the playing, using or operating of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building, structure or vehicle.~~
- ~~(d) *Animals.*—The keeping of any animal which, by causing frequent or continued noise, shall disturb the comfort or repose of any person in the vicinity.~~
- ~~(e) *Exhausts.*—The discharge into open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.~~
- ~~(f) *Defects in vehicle.*—The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.~~
- ~~(g) *Hawkers.*—The shouting and crying of peddlers, hawkers and vendors, which disturbs the peace and quiet of the neighborhood.~~
- ~~(h) *Musical instruments.*—The use of any drums or other musical instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.~~

~~Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding \$100.00, or be imprisoned in jail for a period not exceeding ten days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.~~

(A) Title. *This section shall be known and may be cited as the “James City County, Virginia, Noise Ordinance” or simply the “Noise Ordinance.”*

(B) Findings. *The board of supervisors hereby finds and declares that excessive noise is a serious hazard to the public health, welfare, peace and safety and the quality of life. It is, therefore, the policy of the county and the purpose of this section to prevent such excessive noise.*

(C) Definitions. *The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where context clearly indicates a different meaning:*

Consecutive means following one after another without interruption.

Dwelling unit means one or more rooms in a dwelling designed for living or sleeping purposes, and having at least one kitchen.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency work means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Instrument, machine or device means and refers to any musical instrument, radio, phonograph, compact disc player, cassette tape player, amplifier, loudspeaker, bullhorn, or any other machine or device, including a motor vehicle, for producing, reproducing or amplification of sound.

Motor vehicle means every vehicle defined as a motor vehicle by section 46.2-100 of the Code of Virginia (1950), as amended.

Noise means any sound which may cause or tend to cause an adverse psychological or physiological effect on humans.

Officer means any employee or agent designated by the county administrator to enforce the provisions of this section.

Permit means any permit issued or approved by the board of supervisors or county staff which regulates or permits noise, including but not limited to a temporary noise permit, fireworks permit, or outdoor gathering permit.

Plainly audible means any sound that can be detected by a person using his or her unaided hearing faculties. Specific words or phrases need not be discernable. The detection of bass reverberations is sufficient to constitute a plainly audible sound.

Sound means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristics of such sound, including duration, intensity and frequency.

(D) Temporary permits.

(1) Requirements and procedures. *The county administrator is authorized to issue a temporary permit to allow noise when produced by a temporary use or activity. The county administrator may prescribe any reasonable conditions necessary to minimize any adverse effect upon the community. A permit granted under this subsection shall contain all conditions upon which the permit has been granted, including the period of time for which the permit has been granted.*

(2) Violation of temporary permit. *Failure to comply with any condition of a temporary permit issued pursuant to this subsection shall constitute a violation and shall result in enforcement procedures and penalties as set forth in this section.*

(3) Revocation of temporary permit. *Any temporary permit may be immediately revoked if the county administrator finds that an emergency condition exists involving serious danger to the public health, safety, or welfare; if the permit holder failed to disclose or misrepresented material information in the permit application or in the permit application process; or that there was a failure to comply with any condition of a particular temporary permit.*

(E) Specific prohibitions.

(1) Residential zoned districts and areas, and/or structures designated as residential on master plans and in mixed use zoned districts. *The following acts, among others, are declared to be plainly audible noise in violation of this section, but such enumeration shall not be deemed to be exclusive:*

(a) Animals. *The keeping of any animal, which shall be the source of any noise or sound which is plainly audible across a residential property line or through the partitions common to two dwelling units between the hours of 11:00 p.m. and 7:00 a.m.*

(b) Construction and landscaping activities. *The operation of any bulldozer, crane, backhoe, front loader, pile driver, jackhammer, pneumatic drill, or other construction equipment between the hours of 9:00 p.m. and 6:30 a.m. except when operated in the course of emergency work or as authorized by the county administrator.*

(c) Defects in motor vehicles. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such a manner as to create excessive grating, grinding, rattling or other noise which is plainly audible at a distance of 50 feet from its source.

(d) Exhausts. The discharge into open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive excessive noises therefrom.

(e) Horns, signaling devices, etc. The sounding of any horn or signaling device on any motor vehicle, motorcycle, bicycle, or other vehicle on any street or public place of the county, continuously or intermittently for more than ten consecutive seconds, except as a danger warning or as permitted by state code.

(f) Instruments, machines, or devices. The using, operating or permitting to be played, used or operated, any instrument, machine, or device for the producing or reproducing of sound in such a manner-where the sound is plainly audible to any person other than the player(s) or operator(s) of the instrument, machine, or device and those who are voluntarily listening to the sound and is plainly audible and discernable at a distance of 50 feet or more from the source of the sound or through partitions common to two dwelling units; provided, however that the provisions of this subsection shall not apply to any event sponsored by the county, state, or federal government, or for which the county has granted a permit. The operation of any such instrument, machine, or device between the hours of 11:00 p.m. and 7:00 a.m., in such a manner as to be plainly audible at a distance of 50 feet from the source of the sound or through partitions common to two dwelling units shall be prima facie evidence of a violation of this section.

(g) Loudspeakers, amplifiers for advertising. The using operating or permitting the playing, using or operating of any instrument, machine, or device for the producing or reproducing of sound upon the public streets for the purpose of advertising or attracting the attention of the public to any building, structure or vehicle.

(h) Peddlers. The shouting and crying of peddlers and vendors, shall be prohibited if the sound is reproduced continuously or intermittently for more than ten consecutive seconds and is plainly audible at a distance of 50 feet from its source.

(2) Mixed use zoned districts. *The following act, among others, is declared to be plainly audible noise in violation of this section, but such enumeration shall not be deemed to be exclusive:*

(a) Amplified sound at restaurants, bars, coffee shops, cafes, etc. The using, operating, or permitting the playing, using, or operating of any instrument, machine, or device for the producing or reproducing of sound which is plainly audible at a distance of 50 feet from its source between the hours of 12:00a.m. and 7:00a.m.

(F) General prohibitions. *In addition to, and not in limitation of the Specific Prohibitions above, the following is declared to be plainly audible noise in violation of this section:*

(1) Residential zoned districts and areas, and/or structures designated as residential on master plans and in mixed use zoned districts. *No person shall cause or permit to be caused any noise which is plainly audible across a residential property line or through the partitions common to two dwelling units between the hours of 11:00 p.m. and 7:00 a.m.*

(2) Uses adjacent to residential zoned districts and areas, and/or structures designated as residential on master plans and in mixed use zoned districts. *No person shall cause or permit to be caused any noise which is plainly audible at a distance of 100 feet from its source between the hours of 9:00 p.m. and 7:00 a.m.*

(G) Exceptions. *No provisions of this article shall apply to (1) the emission of sound for the purpose of alerting persons to the existence of an emergency; (2) the emission of sound in the performance of emergency work; (3) activities sponsored by the county, state, or federal government; (4) activities authorized by permit; (5) theme parks and/or outdoor centers of amusement; (6) noise necessarily or directly related to a use or activity approved by the county; or (7) activities for which the regulation of noise has been preempted by county, state, or federal law.*

(H) Administration and enforcement. *This section shall be administered and enforced by the county administrator.*

(I) Procedures.

(1) Warnings.

(a) Oral warnings. If an officer observes a violation of this section without a complaint having been made, the officer may first issue one oral courtesy warning per day and inform the violator that the violator will be subject to penalties if the violation continues.

(b) Written warnings. An officer shall first issue a written warning to immediately cease the violation prior to issuing a notice of violation unless one written warning has been issued within 180 days preceding the date of violation. The written warning shall be substantially in the same form as the notice of violation. Failure to correct the violation within 15 minutes of the issuance of a written or oral warning shall result in the issuance of a notice of violation pursuant to this section.

(2) Notice of violation.

(a) If an officer determines that a violation of this chapter has occurred, the officer may cause a notice of the violation to be served on any or all persons committing, permitting, assisting in or attempting such violation.

(b) The notice shall provide that the person charged with a violation may elect to make an appearance in person, or in writing by mail, to the treasurer of the county, and admit liability for or plead no contest to the violation, abate the violation, and pay the civil penalty established for the violation, all within the time period fixed in the notice.

(c) If a person charged with a violation does not elect to admit liability or plead no contest, and abate the violation, within the time period fixed in the notice, the violation shall be tried in general district court upon a warrant in debt or motion for judgment, with the same right of appeal as provided for civil actions at law. In the event the violation exceeds the jurisdictional limits of the general district court, the violation shall be tried in circuit court.

(d) A finding of admission of liability or a plea of no contest to a civil violation shall not be deemed a criminal violation for any purpose.

(J) Civil Penalties. *Any person who commits, permits, assists in or attempts any violation of this section, whether by act or omission, shall be liable for a civil penalty. All payments of these civil penalties are to be paid to the treasurer of the county. The penalties are as follows:*

First violation. The first violation of this section shall be punished by a civil penalty in the amount of \$50.00.

Second violation. The second violation of this section by the same person, property, or set of operative facts within 180 days of the first violation of this section shall be punished by a civil penalty in the amount of \$100.00.

Third violation. The third violation of this section by the same person, property, or set of operative facts within 180 days of the second violation of this section shall be punished by a civil penalty in the amount of \$500.00.

Additional violations. The fourth, or subsequent, violation of this section by the same person, property, or set of operative facts within 180 days of the third, or previous, violation of this section shall be guilty of a Class 4 misdemeanor. Additionally, the county may apply to the circuit court to enjoin continuing violations of this section.

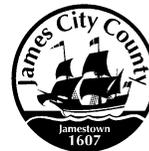
Mary K. Jones, Chairman
Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of April, 2011.

Chp15NoiseReg_ord2



MEMORANDUM COVER

Subject: Cox Communications of Hampton Roads, LLC's Franchise Certificate Renewal

Strategic Management Plan Pathway: 5.e – share information with citizens

Action Requested: Shall the Board approve an ordinance to renew the Cox Communications Franchise Certificate and Agreement?

Summary: At the March 22, 2011, Board of Supervisors meeting, the Board deferred to April 12, 2011, adoption of the ordinance that grants the Cox Communications ("Cox") Franchise Certificate (the "Certificate") and approves the Franchise Agreement (the "Agreement"). The Board's decision to set the public, educational, government ("PEG") access channel fee at \$0.00 initially has been added to the ordinance. The negotiated terms of the Agreement have not changed from the Agreement found in the March 22, 2011, agenda packet.

Staff recommends adoption of the ordinance.

Fiscal Impact: Capital expenses of \$65,000 for PEG channel equipment is included in the County Administrator's proposed FY 12 budget rather than adding a PEG Capital fee to subscribers bills.

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Ordinance
3. Franchise Agreement
4. Cox Letter Dated March 22, 2011

Agenda Item No.: I-4

Date: April 12, 2011

M E M O R A N D U M

DATE: April 12, 2011

TO: The Board of Supervisors

FROM: Leo P. Rogers, County Attorney
Jody Puckett, Director of Communications

SUBJECT: An Ordinance to Renew the Cox Communications of Hampton Roads, LLC's Franchise Certificate

At the March 22, 2011, Board of Supervisors meeting, the Board deferred to April 12, 2011, adoption of the Ordinance that grants the Cox Communications ("Cox") Franchise Certificate (the "Certificate") and approves the Franchise Agreement (the "Agreement"). The Board's decision to set the public, educational, government ("PEG") access channel fee at \$0.00 initially has been added to the ordinance. The negotiated terms of the Agreement have not changed from the Agreement found in the March 22, 2011, agenda packet.

James City County (the "County") was notified on July 17, 2007, by Cox ("Cox") of their intent to renew their cable television Franchise with the County. Staff has negotiated a ten year, three month Franchise Agreement that allows Cox to continue offering cable television services to County residents. The non-exclusive ordinance granting the Certificate is attached and the Agreement may be found in the Board's March 22, 2011, agenda packet.

The newly negotiated Agreement reflects some significant changes from the Franchise Agreement approved in 1990. It includes citizen input from the 2010 Community Needs Assessment survey plus feedback provided by the Cable Communications Committee. It is important to note that cable Franchise agreements are limited by Federal Communications Commission ("FCC") regulations and Virginia Code Sections 15.2-2109.9 et seq.

Knowing that the County cannot regulate cable rates, staff focused on customer service items identified by subscribers and regulated by the FCC. Of note, the Agreement includes a condition to bury all exposed cables within 45 days per the National Electrical Code. Cox will maintain a convenient customer service and payment location plus a 24 hour toll-free courtesy number to receive subscriber inquiries with answer times, including transfers, not to exceed 30 seconds.

Another important aspect of the Agreement is the operation, quality, and accessibility of PEG access channels. If PEG channels move to different channel numbers on the digital tier, Cox will provide monies for County use to market channel changes to citizens. PEG channels will continue to be available to all County customers no matter what Cox service tier they subscribe to. And, as a pilot program, Cox has agreed to offer up to five hours of County PEG programming On Demand in their "Freezone" area. The County is the first Virginia locality to be offered this service.

PEG capital expenditures will be supported through the County's Capital Improvements Program in lieu of a PEG Capital fee added to customer's bills. PEG channel video and broadcast operations include Building F Board and Work Session rooms and the Community Video Center. Those facilities combined include 14 fixed studio cameras, studio lights, on-air graphics generators, two audio mixing boards that handle over 10-12 microphones at a time, digital editing, broadcast equipment needed for the City of Williamsburg, WJCC Schools and the County's PEG channels, three field cameras, field lights, six wireless microphones, digital channel playback, and recording equipment. The capital investment is estimated at \$750,000.

Cox Communications of Hampton Roads, LLC's Franchise Certificate Renewal

April 12, 2011

Page 2

Cable franchise monitoring and customer complaints will continue to be resolved by Communications staff. A Broadband Technology Advisory citizen committee as recommended by the 2010 Comprehensive Plan is projected to oversee customer service standards and service complaints of the Cox Agreement.

As an added community benefit, the County will explore a new partnership with Cox called the Broadband Adoption Program which provides internet service and computers to low-income middle school students at a cost of \$15 to the student's family. Fairfax County is the only other Virginia locality to initiate this program.

We recommend adoption of the Ordinance granting the Franchise Certificate and approving the Franchise Agreement.


Leo P. Rogers

Jody Puckett

LPR/JP/gb
RenewCoxCb_mem2

Attachments

ORDINANCE NO. _____

AN ORDINANCE TO RENEW THE COX COMMUNICATIONS OF

HAMPTON ROADS, LLC'S FRANCHISE CERTIFICATE

WHEREAS, Cox Communications of Hampton Roads, LLC, ("Cox"), is the grantee of a nonexclusive franchise to construct and operate a cable communications system in the County under a Franchise Certificate effective until April 1, 2011; and

WHEREAS, the County and Cox agree to extend the Franchise Certificate by ten years and three months as per Federal, State, and local law and the terms and conditions of the Franchise Agreement by and between James City County, Virginia and Cox Communications of Hampton Roads, LLC, dated April 12, 2011; and

WHEREAS, the County desires to extend the term of the existing franchise for an additional ten years and three months.

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

1. The County's Franchise Certificate, as amended, with Cox Communications of Hampton Roads, LLC, is hereby renewed for ten years and three months, commencing April 12, 2011, and ending June 30, 2021.
2. The County Administrator is hereby authorized and directed to execute the Franchise Agreement by and between James City County, Virginia and Cox Communications of Hampton Roads, LLC, dated April 12, 2011.
3. The PEG Capital Fee set forth in Paragraph 5.3. of the Franchise Agreement shall be initially set at zero (\$0.00).

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

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of April, 2011.

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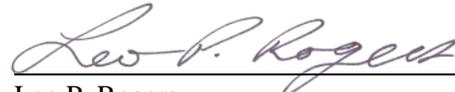
MEMORANDUM

DATE: April 12, 2011
TO: The Board of Supervisors
FROM: Leo P. Rogers, County Attorney
Robert C. Middaugh, County Administrator
SUBJECT: Redistricting Public Hearing

According to the redistricting calendar approved by the Board at your March 22 meeting, April 12 is the deadline for redistricting plans to be submitted to the County Administrator for consideration by the Board. In addition, April 12 is scheduled as a public hearing for the purpose of receiving comments on redistricting. Prior to your April 12 meeting, the Citizens Redistricting Committee will meet to recommend a proposed redistricting plan.

Any plans received will be forwarded to the Board electronically or hand delivered to the Board as soon as practical.

No action is required by the Board at this meeting.


Leo P. Rogers

Robert C. Middaugh

LPR/RCM/gb
RedistrictPH_mem