

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

June 14, 2011

7:00 P.M.

-
- A. CALL TO ORDER
 - B. ROLL CALL
 - C. MOMENT OF SILENCE
 - D. PLEDGE OF ALLEGIANCE - Kasiah Grant, a sixth-grade student at Hornsby Middle School
 - E. PRESENTATION – Disabled Veterans Real Estate Exemption
 - F. PUBLIC COMMENT
 - G. BOARD REQUESTS AND DIRECTIVES
 - H. CONSENT CALENDAR
 - 1. Minutes –
 - a. May 24, 2011, Work Session Meeting
 - b. May 24, 2011, Regular Meeting
 - 2. Grant Award – Hampton Roads Planning District Commission – \$137,000
Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes
 - 3. Grant Award – Commonwealth Attorney – Victim's Witness Grant Program – \$107,067
Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes
 - 4. Grant Award – Colonial Community Corrections (CCC) Better Ways Program – \$6,670
Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes
 - 5. Colonial Community Corrections (CCC) Supervision/Intervention Fee Collection Appropriation – \$15,000
Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes
 - 6. Contingency Transfer – Motor Fuel Costs – \$39,000
Supports County's Strategic Pathway 3.b - ensure ongoing operational costs are funded
 - 7. Change to Chapter 4, Compensation, of the Personnel Policies and Procedures Manual
 - 8. Amending the Employment Agreement between Robert C. Middaugh and James City County
 - 9. Appointment to Colonial Group Home Commission
 - 10. Appointment to Williamsburg Regional Library Board of Trustees
 - 11. Zoning Administrator Appointment
 - 12. Grant Award – Hampton Roads Planning District Commission (HRPDC) - \$66,816
 - 13. Appropriation of Grant Award – Junior Woman's Club of Williamsburg - \$500
 - 14. Appointment of Building Official

-CONTINUED-

I. PUBLIC HEARING

1. Ordinance to Amend Chapter 13, Motor Vehicles and Traffic, Adoption of State Law, Generally

J. BOARD CONSIDERATIONS

1. Virginia Retirement System (VRS) Plan 2 Employees Begin Paying the Five Percent Employee Share of their Retirement Contribution
2. Fund Balance Policy
Supports County's Strategic Pathway 3.b - ensure ongoing operational costs are funded
3. Self-Fund Line of Duty Act Claims
Supports County's Strategic Pathway 1.a - evaluate service delivery costs
4. Urban Development Areas (UDAs)
5. Purchase of Development Rights (PDR) Program – Offer to Sell a Conservation Easement – \$300,000

K. PUBLIC COMMENT

L. REPORTS OF THE COUNTY ADMINISTRATOR

M. BOARD REQUESTS AND DIRECTIVES

N. 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. Economic Development Authority
 - b. Williamsburg Area Arts Commission
2. Consideration of the acquisition of parcel(s) of property for public use pursuant to Section 2.2-3711(A)(3) of the Code of Virginia

O. ADJOURNMENT to 4 p.m. on June 28, 2011

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

Mr. Rogers introduced the new Assistant County Attorney, Ms. Lola Rodriguez Perkins.

The Board took a break for a work session of the James City Service Authority Board of Directors.

At 4:45 p.m., Ms. Jones reconvened the Board.

1. Greenspace

Mr. John Horne, General Services Manager, gave a brief overview and background of the Greenspace program operating in the County. He discussed the funding available including bond issues for property that could be acquired for Greenspace and conservation areas designated by the County. Mr. Horne discussed various methods of acquiring and preserving Greenspace. He discussed areas which drive priorities including the status of the parcel's ownership, significance of the parcel and its location, and opportunities for other means of acquisition such as historic preservation. He explained that planning documents have contributed to the parcel prioritization including the Comprehensive Plan, Greenways Master Plan, Parks and Recreation Master Plan, historical and archaeological studies, Watershed Management Plans, and specific recommendations from the Board, Planning Commission, and citizens. He reviewed the Board's success in preserving parcels and reviewed the status of parcels recommended for conservation based on the Powhatan Creek and Yarmouth Creek Watershed Management Plans. Mr. Horne reviewed administrative issues related to the program, including staffing during the acquisition process. The Board indicated that more information was required before guidance could be provided on additional resources for the program.

Discussion was held about staff's current activity related to acquisition of conservation easements and greenspace. The Board and staff discussed language related to condemnation of properties in the process of

acquisition and the complexity of the process. Mr. Rogers explained that the caveat related to condemnation indicated that the property owner could not be paid the full value of the property if an easement or portion of the property was condemned for a road or other project. Mr. Rogers explained that this enabled the County to be named as a party in the event that there was a condemnation on the property in the future. Mr. Kennedy indicated that he felt that the process should be discussed and evaluated with property owners who were in discussion with the County for property acquisition. Mr. Rogers explained that it was often difficult to have family members consistently agree to sell the property rights and that other times it was difficult to get a clear title to the property being purchased.

Discussion was held on conservation easements on environmentally sensitive properties. Mr. Horne explained that staff had been in contact with some property owners and that often these properties were tied to larger conservation areas.

Mr. Horne discussed monitoring the parcels after acquisition and exploring other means of conservation and preservation. He noted that staff was working to continue monitoring the properties to ensure that the condition of the property right that was purchased did not change. Discussion was held on maintenance costs for conservation properties, which varied depending on the property. Mr. Horne explained that some properties required more intensive maintenance, such as those properties used as parks and recreational facilities. Discussion was held on preference for James City County farms.

Mr. McGlennon asked about preservation criteria related to decreasing the risk of flooding in an area. Mr. Horne stated that he was unaware if this was a direct reason for acquisition, though some parcels adjacent to Powhatan Creek have been acquired that contributed to reducing runoff. He stated that some of the recommendations from the watershed management plans are driven toward maintaining forested areas to reduce runoff. Mr. Middaugh stated that adding that criteria could allow for additional funding for the program.

Ms. Jones noted that additional information was needed prior to discussing additional staffing and that utilization of volunteers was a critical component to the programs. She asked for the costs associated with maintaining the current greenspace properties.

Mr. Goodson noted that it was critical to maintain these properties in the future, and future Boards would need an inventory of the descriptions and needs of the greenspace properties.

Mr. McGlennon suggested developing a maintenance system and awareness program for the public. He indicated that these increased efforts could require additional staff resources.

Mr. Horne stated that the Board's guidance to Mr. Middaugh would be critical in that respect.

D. CLOSED SESSION

Mr. Goodson made a motion to go into Closed Session for consideration of the acquisition of parcel(s) of property for public use pursuant to Section 2.2-3711(A)(3) of the Code of Virginia.

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

At 5:24 p.m., the Board recessed into Closed Session.

At 6:17 p.m., Ms. Jones reconvened the Board.

Mr. McGlennon made a motion to adopt the Closed Session Resolution.

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(3) of the Code of Virginia, to consider the acquisition of parcels of property for public use.

D. BREAK

At 6:18 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 24TH DAY OF MAY 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 – Daisy Troop 1104: Lily Colls, Isabel Kantor, Kendall Nerenberg, Grace Pitts, Midori Pitts, Madison Przybysz, Katherine Quinlan, Elizabeth Reilly, Emma Reilly, Kennedy Saumier, Jacqueline Shearer, Claire Waldron, and Eve Waldron led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Mr. Rick Rangel, 3962 Bournemouth Bend, commented on environmental, permitting, and inspection issues at the Wellington subdivision, including failing to uphold stormwater management requirements.

2. Mr. Richard Mericle, 106 Alwoodley, on behalf of St. Martin's Episcopal Church, stated his support for the Mill Creek Watershed Management Plan.

3. Mr. Ed Oyer, 139 Indian Circle, commented on character and morality.

4. Mr Randy O'Neill, 109 Sheffield Road, commented on spending and performance by the Williamsburg Community Health Foundation, as well as the value and standards for fitness in James City County.

At 7:17 p.m., Ms. Jones recessed the Board for a meeting of the James City Service Authority (JCSA) Board of Directors.

At 7:20 p.m., Ms. Jones reconvened the Board.

E. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy stated that he had asked for a list of repeat offenders related to code violations of trash and grass regulations. He asked staff to investigate a tiered fine structure for habitual offenders of these violations.

Mr. Middaugh stated that since the ordinance would need to be brought forward to implement recent authority granted to the Board for occupied trash and grass violations, opportunity would be taken to bring forward this tiered fine structure.

Mr. McGlennon stated that he recently attended a memorial service for Mr. Ron Springs. He stated his appreciation for the Board's agreement for County staff to conduct a study on the Jamestown Road proposed traffic light. He stated that staff determined that the traffic light was not warranted.

Mr. Goodson recognized the Grove Christian Outreach Center for its efforts in assisting those impacted by the recent EF-3 tornado. He stated that he attended a recent fund-raiser to assist the citizens in Grove. He noted that the organization has done a great deal to assist with the recovery.

Mr. Icenhour thanked the Chesapeake Bay Foundation and County staff for their efforts to restore the shoreline at Jamestown Beach.

F. CONSENT CALENDAR

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

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

1. Minutes – May 10, 2011, Regular Meeting
2. Grant Award – Wal-Mart – \$1,000

RESOLUTION

GRANT AWARD – WAL-MART – \$1,000

WHEREAS, the James City County Police Department has been awarded a \$1,000 grant from the local Wal-Mart Distribution Center; and

WHEREAS, the grant has been awarded to fund the purchase of cameras for the Investigations Division of the Police Department; 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:

FY 11 – Wal-Mart Distribution Center Grant \$1,000

Expenditure:

FY 11 – Wal-Mart Distribution Center Grant \$1,000

3. Grant Award – Junior Woman’s Club of Williamsburg – \$250

RESOLUTION

GRANT AWARD – JUNIOR WOMAN’S CLUB OF WILLIAMSBURG – \$250

WHEREAS, the James City County Police Department has been awarded a \$250 grant from the Junior Woman’s Club of Williamsburg; and

WHEREAS, the grant has been awarded to fund a program that the Police Department is initiating to allow citizens to text crime tips to the Department, while maintaining anonymity; 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:

FY 11 – Junior Woman’s Club Grant \$250

Expenditure:

FY 11 – Junior Woman’s Club Grant \$250

4. Contract Award – Law Enforcement Center Renovation to Fire Administration Headquarters and Training Center – \$1,385,560

RESOLUTION

CONTRACT AWARD – LAW ENFORCEMENT CENTER RENOVATION TO FIRE

ADMINISTRATION HEADQUARTERS AND TRAINING CENTER – \$1,385,560

WHEREAS, a Request for Qualifications to pre-qualify contractors for the Law Enforcement Center

Renovation to Fire Administration Headquarters and Training Center was publicly advertised and 11 firms submitted their qualifications. Six firms were determined to be qualified to submit bids for the renovation work. Five bids were submitted and David A. Nice Builders, Inc. was the lowest responsive and responsible bidder with a bid of \$1,385,560; and

WHEREAS, the bid exceeded the project budget prepared before the Board of Supervisors adopted the Sustainable Building policy. The budget does not contain funds to cover the costs associated with achieving LEED silver certification.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following budget transfer within the FY 2011 Capital Projects Budget to allow the acceptance of the low bid and authorizes the contract award for the Law Enforcement Center Renovation to Fire Administration Headquarters and Training Center to David A. Nice Builders, Inc. in the amount of \$1,385,560.

BE IT FURTHER RESOLVED, that the following transfer be made within the County’s Capital Budget.

Expenditures:

Fire Administration Headquarters	<u>\$100,000</u>
Capital Contingency	<u>(\$100,000)</u>

- 5. Contract Award – Building F HVAC Upgrades to Damuth Trane – \$286,913

RESOLUTION

CONTRACT AWARD – BUILDING F HVAC UPGRADES TO DAMUTH TRANE – \$286,913

WHEREAS, the James City County Department of General Services is standardizing HVAC building controls and equipment in County facilities to promote operational efficiency and safety; and

WHEREAS, the current Building F HVAC controls and equipment will become more reliable with these system replacements; and

WHEREAS, it has been determined by General Services, in consultation with the Purchasing Office, that Damuth Trane is the only source practicably available to engineer and install the HVAC controls and equipment required; and

WHEREAS, Damuth Trane submitted a proposal to perform the required services, the proposed rates have been determined to be reasonable, and adequate funds are available in the FY 11 Capital Improvements Program budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the contract award in the amount of \$286,913 to Damuth Trane and Trane Corporate for the Building F HVAC controls and equipment.

G. BOARD CONSIDERATIONS

1. Reimbursing Current Spending from Future Bond Proceeds

Mr. John McDonald, Manager of Financial and Management Services, stated that the resolution before the Board allowed the County to reimburse itself for money spent for projects prior to borrowing money. He stated that the resolution did not commit the Board to borrow money or to commence with the project, but allowed flexibility to pursue the projects, including renovations and improvements to Building D, Mid County Park, and Fire Station 4.

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

RESOLUTION OF THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA,

DECLARING ITS INTENTION TO REIMBURSE THE COST OF CERTAIN EXPENDITURES

WHEREAS, James City County, Virginia (the "County") has made or will make, directly or indirectly, expenditures (the "Expenditures") in connection with (i) the renovation of Building D at the County Government Center; (ii) renovations to Building E; and (iii) renovations and/or the demolition of Building C (clauses (i) - (iii) being collectively referred to as "the Building D Project"); and

WHEREAS, the County has made or will make, directly or indirectly, Expenditures in connection with the design, construction, renovation, and/or replacement of improvements at Mid County Park, referred to as "the Mid County Park Project"; and

WHEREAS, the County has made or will make, directly or indirectly, Expenditures in connection with the design and construction of an enlarged and renovated Fire Station 4, referred to as "the Fire Station 4 Project"; and

WHEREAS, such Expenditures may be made directly by the County or indirectly through the Economic Development Authority of James City County, Virginia (the "Authority"); and

WHEREAS, the County or the Authority may determine that the funds advanced and to be advanced to pay Expenditures will be reimbursed to the County or the Authority from the proceeds of one or more tax-exempt obligations to be issued by the County or by the Authority, on behalf of the County (the "Indebtedness").

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

1. The Board hereby adopts this declaration of official intent under Treasury Regulations Section 1.150-2 and declares that the County intends to reimburse itself or the Authority with the proceeds of Indebtedness for Expenditures made on, after or within 60 days prior

to the date hereof with respect to the Building D Project, the Mid County Park Project, and/or the Fire Station 4 Project, except that Expenditures made more than 60 days prior to the date hereof may be reimbursed as to certain de minimis or preliminary expenditures described in Treasury Regulations Section 1.150-2(f) and as to other expenditures permitted under applicable Treasury Regulations.

2. The maximum principal amounts of Indebtedness expected to be issued for the Building D Project is \$1,900,000, for the Mid County Park Project is \$1,800,000, and for the Fire Station 4 Project is \$3,800,000.
3. This resolution shall take effect immediately upon its adoption.

2. Watershed Management Plans for Gordon and Mill Creeks

Mr. Middaugh stated that the watershed plans discussed were substantial. He stated that there were requests from members of the Board for additional time to consider the matter.

Ms. Fran Geissler, Director of Stormwater Management, stated that staff has been working on watershed management plans for Gordon Creek and Mill Creek. She stated that the plans are the result of stakeholder input, staff experience implementing previous watershed plans, and advances in data collection and pollutant modeling since the first watershed plans were completed in the County. She stated these plans also represent an incentive-based approach to encouraging improved resource management. The strategies contained in the Gordon Creek plan are written to protect the almost pristine condition of the watershed and the plan identifies a number of potential conservation areas worthy of protection. The County itself is a major landowner in the watershed with Freedom Park, Chickahominy Riverfront Park, and Hornsby and Blayton Schools. She stated that the plan for the highly developed Mill Creek watershed provides projected pollutant reductions for each recommended stormwater retrofit or restoration project. These estimated pollution reductions address nutrients and sediment and will be used to develop capital improvement program plans to improve water quality. Those improvements will also contribute to a response to any future regulatory requirements the County may face. She stated the plans do not include any financial obligations.

Mr. Goodson asked when the plans were put on the website.

Ms. Geissler stated that the plans have been on the website for about a year with the most recent versions being posted on May 10, 2011.

Mr. Goodson requested a deferral until the second meeting in June to allow for further review and comment on the plans. He stated that he would like to invite people to email the Board with comments.

Mr. Middaugh stated that if the Board members would like a more detailed briefing, staff could accommodate that request.

Mr. Goodson made a motion to defer until June 28, 2011.

Mr. McGlennon complimented staff members on their efforts to allow for public input on these plans. He stated that he believed people were very engaged in the process and consultants and staff were able to take information away from those meetings.

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

(0).

The item was deferred until June 28, 2011.

H. PUBLIC COMMENT

1. Mr. Rick Rangel, 3962 Bournemouth Bend, continued his comments on the environmental concerns related to routine and non-routine maintenance of the stormwater facility at Wellington. He commented that it was obvious that the builder disregarded the Chesapeake Bay Act. He stated that homeowners were unaware of the implications of the codes violated by the builder.

I. REPORTS OF THE COUNTY ADMINISTRATOR - None

J. BOARD REQUESTS AND DIRECTIVES

Ms. Jones asked Mr. Rogers to follow up with Mr. Rangel's concerns.

Mr. Rogers stated that his office would coordinate a response with Development Management staff.

K. CLOSED SESSION

Mr. McGlennon made a motion to go into Closed Session for consideration of contractual matters pursuant to the Code of Virginia Section 2.2-3711(A)(29) and consultation with legal counsel and staff members pertaining to actual or probable litigation pursuant to the Code of Virginia Section 2.2-3711(A)(7).

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

At 7:42 p.m. Ms. Jones recessed the Board into Closed Session.

At 8:37 p.m., Ms. Jones reconvened the Board.

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(29) of the Code of Virginia, to consider contractual matters where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body; and Section 2.2-3711(A)(7) of the Code of Virginia, to consult with legal counsel and staff members pertaining to actual or probably litigation.

L. ADJOURNMENT to 7 p.m. on June 14, 2011.

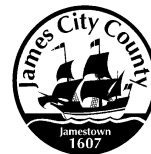
Mr. McGlennon made a motion to adjourn.

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

At 8:38 p.m. Ms. Jones adjourned the Board until 7 p.m. on June 14, 2011.

Robert C. Middaugh
Clerk to the Board

052411bos_min



MEMORANDUM COVER

Subject: Grant Award – Hampton Roads Planning District Commission – \$137,000

Strategic Management Plan Pathway: 1.d - develop and promote revenue alternatives to property taxes

Action Requested: Shall the Board approve the resolution that appropriates grant funds awarded from the Hampton Roads Planning District Commission?

Summary: James City County has been awarded funding in the amount of \$137,000 from the Hampton Roads Planning District Commission (HRPDC) under the FY 09 Urban Areas Security Initiative (UASI) Homeland Security Grant Program to purchase and install a generator to augment a medical friendly shelter in James City County.

As a condition of this grant, James City County will designate the Fire Training Center within the refurbished Fire Administration building as a medical friendly shelter.

Grant funds will be used to purchase and install a generator at the refurbished Fire Administration building (previously the Law Enforcement Center).

The grant requires no local match. Funds from this grant will be provided to James City County on a reimbursement basis.

Staff recommends adoption of the attached resolution to appropriate funds in the amount of \$137,000 as part of the Capital Project to refurbish the Law Enforcement Center into the Fire Administration Headquarters and Training Center.

Fiscal Impact: The grant requires no local match

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: June 14, 2011

MEMORANDUM

DATE: June 14, 2011
TO: The Board of Supervisors
FROM: William T. Luton, Fire Chief
SUBJECT: Grant Award – Hampton Roads Planning District Commission – \$137,000

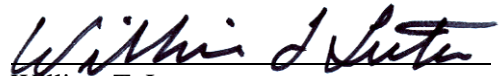
James City County has been awarded funding in the amount of \$137,000 from the Hampton Roads Planning District Commission (HRPDC) under the FY 09 Urban Areas Security Initiative (UASI) Homeland Security Grant Program to purchase and install a generator to augment a medical friendly shelter in James City County.

As a condition of this grant, James City County will designate the Fire Training Center within the refurbished Fire Administration building as a medical friendly shelter.

Grant funds will be used to purchase and install a generator at the refurbished Fire Administration building (previously the Law Enforcement Center).

The grant requires no local match. Funds from this grant will be provided to James City County on a reimbursement basis.

Staff recommends adoption of the attached resolution to appropriate funds in the amount of \$137,000 as part of the Capital Project to refurbish the Law Enforcement Center into the Fire Administration Headquarters and Training Center.


William T. Luton

CONCUR:

Robert C. Middaugh

WTL/nb
GA_HRPDC_mem

Attachment

RESOLUTION

GRANT AWARD – HAMPTON ROADS PLANNING DISTRICT COMMISSION – \$137,000

WHEREAS, James City County has been awarded funding in the amount of \$137,000 from the Hampton Roads Planning District Commission (HRPDC) under the FY 09 Urban Areas Security Initiative (UASI) Homeland Security Grant Program to purchase and install a generator to augment a medical friendly shelter in James City County; and

WHEREAS, James City County will designate the Fire Training Center within the refurbished Fire Administration building as a medical friendly shelter; and

WHEREAS, the generator will be purchased and installed at the refurbished Fire Administration building; and

WHEREAS, the grant requires no match.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following budget appropriation to the Capital Projects fund:

Revenue:

HRPDC-Medical Shelter Generator	<u>\$137,000</u>
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Expenditure:

Fire Administration Headquarters	<u>\$137,000</u>
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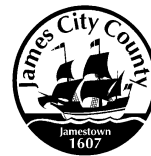
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June,
2011.

GA_HRPDC_res



MEMORANDUM COVER

Subject: Grant Award - Commonwealth Attorney - Victim's Witness Grant Program - \$107,067

Strategic Management Plan Pathway: 1.d - develop and promote revenue alternatives to property taxes

Action Requested: Shall the Board approve the resolution that accepts the State Department of Criminal Justice Services grant award?

Summary: The Commonwealth Attorney has been awarded a grant from the State Department of Criminal Justice Services Victim's Witness Grant Program Fund to be used for the personnel costs for the continuation of two positions to provide comprehensive information and direct services to crime victims and witnesses beginning July 1, 2011, through June 30, 2012.

Staff recommends adoption of the attached resolution to appropriate funds.

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: June 14, 2011

M E M O R A N D U M

DATE: June 14, 2011
TO: The Board of Supervisors
FROM: Suzanne R. Mellen, Assistant Manager of Financial and Management Services
SUBJECT: Grant Award – Commonwealth Attorney – Victim’s Witness Program – \$107,067

The Commonwealth Attorney has been awarded a \$107,067 (Federal share \$75,732; State share \$25,244; and County Match \$6,091) grant from the Victim’s Witness Grant Program through the State Department of Criminal Justice Services. The grant will fund the personnel costs for the continuation of two positions to provide comprehensive information and direct services to crime victims and witnesses beginning July 1, 2011, through June 30, 2012. The local match is available in the Commonwealth Attorney’s general fund account.

The attached resolution appropriates these funds to the Special Projects/Fund through June 30, 2012.

Staff recommends approval of the attached resolution.

Suzanne R. Mellen

SRM/nb
GA_CAVictimW_mem

Attachment

RESOLUTION

GRANT AWARD – COMMONWEALTH ATTORNEY –

VICTIM’S WITNESS GRANT PROGRAM – \$107,067

WHEREAS, the Commonwealth Attorney for the City of Williamsburg and James City County has been awarded a \$107,067 Federal grant from the Victim’s Witness Grant Fund (Federal share \$75,732; State share \$25,244; and County Match \$6,091) through the State Department of Criminal Justice Services; and

WHEREAS, this grant would fund the personnel costs of two positions to provide comprehensive information and direct services to crime victims and witnesses beginning July 1, 2011, through June 30, 2012; and

WHEREAS, the grant requires a local cash or in-kind match of \$6,091, which is available in the Commonwealth Attorney’s general fund account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the Special Projects/Grants Fund for FY 12, for the purposes described above:

Revenues:

Victim’s Witness Department of Criminal Justice Services Federal Revenue (DCJS)	\$75,732
Victim’s Witness Department of Criminal Justice Services State Revenue (DCJS)	25,244
James City County Matching Funds	<u>6,091</u>
Total	<u>\$107,067</u>

Expenditure:

Victim’s Witness Personnel	<u>\$107,067</u>
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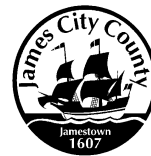
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June, 2011.

GA_CAVictimW_res



MEMORANDUM COVER

Subject: Grant Award - Colonial Community Corrections (CCC) Better Ways Grant Program - \$6,670

Strategic Management Plan Pathway: 1.d - develop and promote revenue alternatives to property taxes

Action Requested: Shall the Board approve the resolution that accepts the Williamsburg Community Health Foundation (WCHF) grant award?

Summary: Colonial Community Corrections (CCC) has been awarded \$6,670 in gap funding from the Williamsburg Community Health Foundation (WCHF) to cover expenses in May and June 2011, for the Better Ways substance abuse treatment program.

CCC has applied for a new grant which, if approved, would begin July 1, 2011. This gap funding will be used for professional fees to conduct group and individual substance abuse sessions and staff consultations.

Staff recommends adoption of the attached resolution to appropriate funds.

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: June 14, 2011

MEMORANDUM

DATE: June 14, 2011
TO: The Board of Supervisors
FROM: Suzanne R. Mellen, Assistant Manager of Financial and Management Services
SUBJECT: Grant Award – Colonial Community Corrections (CCC) Better Ways Grant Program – \$6,670

Colonial Community Corrections (CCC) has been awarded \$6,670 in gap funding from the Williamsburg Community Health Foundation (WCHF) to cover expenses in May and June 2011 for the Better Ways substance abuse treatment program. CCC has applied for grant funding from the WCHF for this program, and if approved, would begin July 1, 2011. This gap funding will be used for professional fees to conduct group and individual substance abuse sessions and staff consultations.

The attached resolution appropriates these funds to the CCC through June 30, 2011.

Staff recommends approval of the attached resolution.

Suzanne R. Mellen

SRM/nb
GA_CCCBtrWays_mem

Attachment

RESOLUTION

GRANT AWARD – COLONIAL COMMUNITY CORRECTIONS (CCC) BETTER WAYS

GRANT PROGRAM – \$6,670

WHEREAS, Colonial Community Corrections (CCC) has been awarded a grant of \$6,670 for gap funding from the Williamsburg Community Health Foundation (WCHF) for the Better Ways substance abuse treatment program; and

WHEREAS, this gap funding will be used for professional fees to conduct group and individual substance abuse sessions and staff consultations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the CCC for the purposes described above:

Revenue:

WCHF Grant	<u>\$6,670</u>
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Expenditure:

Professional Fees – Better Ways	<u>\$6,670</u>
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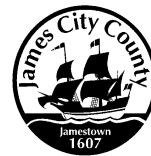
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June,
2011.

GA_CCCBtrWays_res



MEMORANDUM COVER

Subject: Colonial Community Corrections (CCC) Supervision/Intervention Fee Collection - \$15,000

Strategic Management Plan Pathway: 1.d - develop and promote revenue alternatives to property taxes

Action Requested: Shall the Board approve the resolution that increases Colonial Community Corrections (CCC) FY 11 Supervision/Intervention Fee revenue by \$15,000?

Summary: CCC anticipates collecting approximately \$15,000 more in Supervision Fees and Intervention Fees than the \$35,000 originally appropriated by the Board.

CCC requests the appropriation of this \$15,000 to fund Offender Services - automated supervision technology and to fund unanticipated costs associated with the relocation of our satellite office in York County.

Staff recommends adoption of the attached resolution to appropriate funds.

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-5

Date: June 14, 2011

MEMORANDUM

DATE: June 14, 2011
TO: The Board of Supervisors
FROM: Suzanne R. Mellen, Assistant Manager of Financial and Management Services
SUBJECT: Colonial Community Corrections (CCC) Supervision/Intervention Fee Collection - \$15,000

Colonial Community Corrections (CCC) anticipates collecting approximately \$15,000 more in Supervision and Intervention Fees than the \$35,000 originally appropriated by the Board.

CCC requests the appropriation of this excess revenue to fund automated supervision technology that tracks defendant and offender compliance with court-ordered conditions and to cover the costs associated with the relocation of its satellite office at 4112 George Washington Memorial Highway in Grafton, VA.

The attached resolution appropriates these funds to CCC through June 30, 2011.

Staff recommends approval of the attached resolution.

Suzanne R. Mellen

SRM/nb
CCC_SIVtnFee_mem

Attachment

RESOLUTION

COLONIAL COMMUNITY CORRECTIONS (CCC) SUPERVISION/INTERVENTION

FEE COLLECTION - \$15,000

WHEREAS, Colonial Community Corrections (CCC) will collect \$15,000 more in Supervision and Intervention Fees in FY 11 than the \$35,000 originally appropriated; and

WHEREAS, this increased revenue will be used to fund Offender Services and the unanticipated costs associated with a relocation of the Satellite Office in York County, to include purchase of office furniture.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the CCC fund for the purposes described above:

Revenue:

Supervision/Intervention Fees	<u>\$15,000</u>
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Expenditures:

Offender Services	\$ 5,000
Relocation of Satellite Office/Equipping Satellite Office	<u>10,000</u>
Total	<u>\$15,000</u>

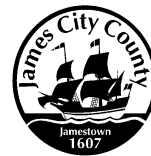
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June, 2011.

CCC_SlvtnFee_res



MEMORANDUM COVER

Subject: Contingency Transfer - Motor Fuel Costs - \$39,000

Strategic Management Plan Pathway: 3.b - ensures ongoing operational costs are funded

Action Requested: Shall the Board approve the Budget Amendment to cover increases in motor fuel costs?

Summary: Staff recommends transferring funds from the County’s Contingency account to the Sheriff’s Office, Police Department, Fire Department, and the divisions of Solid Waste, Facilities Maintenance, and Fleet Maintenance will cover these unanticipated higher motor fuel costs.

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

Agenda Item No.: H-6

Date: June 14, 2011

MEMORANDUM

DATE: June 14, 2011
TO: The Board of Supervisors
FROM: Suzanne R. Mellen, Assistant Manager of Financial and Management Services
SUBJECT: Contingency Transfer – Motor Fuel Costs – \$39,000

Over the past few months, gasoline prices have increased significantly. Projections for the FY 2011 budget did not account for the spike in gas prices. The budget assumption used for fuel costs in FY 2011 was \$2.75/gallon for unleaded and \$3.00/ gallon for diesel. Due to the anticipated increase in fuel costs for FY 2012, the budget assumption has been increased to \$3.50/gallon for unleaded and \$3.75/gallon for diesel to ensure that departments will have sufficient funding next year. While gas prices have started to decrease over the last couple of weeks, County departments that have high mileage as part of their regular operations need additional funding to carry them through June 30, 2011. The attached resolution transferring funds from the County's Contingency account to the Sheriff's Office, Police Department, Fire Department, and the divisions of Solid Waste, Facilities Maintenance, and Fleet Maintenance will cover these unanticipated higher costs.

Staff recommends adoption of the resolution.

Suzanne R. Mellen

SRM/nb
MotFuelCost_mem

Attachment

RESOLUTION

CONTINGENCY TRANSFER – MOTOR FUEL COSTS - \$39,000

WHEREAS, over the past few months, gasoline prices have risen significantly; and

WHEREAS, additional funding in some County departments is needed to cover these increased costs through June 30, 2011.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the previously adopted budget for FY 2011 as follows:

Expenditures:

Contingency	\$ (39,000)
Sheriff's Office	3,000
Police Department	4,500
Fire	23,500
Solid Waste	2,500
Facilities Maintenance	4,000
Fleet Maintenance	1,500

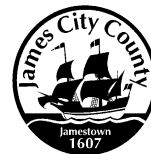
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June,
2011.

MotFuelCost_res



MEMORANDUM COVER

Subject: Changes to Chapter 4, Compensation, of the Personnel Policies and Procedures Manual

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board approve the resolution to adopt the revisions to the Overtime Policy to count paid time off as hours worked in calculating overtime?

Summary: At its April 26, 2011, meeting, the Board of Supervisors indicated its willingness to begin to count paid time off as hours worked in calculating overtime effective July 1, 2011.

Staff recommends approval of the attached resolution, adopting the attached revisions to Chapter 4, Compensation, of the Personnel Policies and Procedures Manual to enact the Overtime Policy change.

Fiscal Impact: Approximately \$93,000 in the General Fund

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution
3. Policy Revisions

Agenda Item No.: H-7

Date: June 14, 2011

MEMORANDUM

DATE: June 14, 2011

TO: The Board of Supervisors

FROM: Carol M. Luckam, Human Resource Manager

SUBJECT: Changes to Chapter 4, Compensation, of the Personnel Policies and Procedures Manual

The attached resolution adopts the attached changes to the County's Personnel Policies and Procedures Manual to change the Overtime Policy to count paid time off toward hours worked in calculating overtime effective July 1, 2011.

Paid time off, including holiday, compensatory time, and all types of leave, is currently not counted as hours worked for purposes of calculating when overtime will be paid. This conforms to the Federal Fair Labor Standards Act (FLSA). An increasing number of localities have begun counting paid time off as hours worked for employees in fire protection and law enforcement positions because of their interpretation of an unclear State law. Most also count at least some paid time off as hours worked for all employees. Staff recommended, and the Board of Supervisors agreed at its April 26, 2011, meeting, to begin counting paid time off as hours worked for all employees effective July 1, 2011, because of the following:

- It will make us more competitive in recruiting and retaining employees;
- It errs on the side of the more generous interpretation of State law; and
- It treats all employees alike.

This change will cost approximately \$93,000 in the General Fund and is already included in the FY 12 Budget.

Section 4.14 is the Overtime Policy, with Section 4.14.E, Computation of Overtime Pay, having the most extensive changes. While revising Chapter 4, staff is proposing a few additional updates unrelated to overtime. The changes staff is proposing are largely housekeeping in nature and do not represent any substantive policy changes.

- Section 4.8 has been changed to reflect the fact that certain part-time positions are paid on an annual basis. In fact, this is required by FLSA for exempt positions.
- Section 4.12 has been expanded to describe what happens to a salary as the result of a demotion, rather than referring to it as the opposite of promotion.
- Section 4.11 D 3 has been changed to include a reference to unpaid absences that fall under the Family and Medical Leave Act (FMLA), which is similar to unpaid absences covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA) and precludes our affecting pay in the way described in that section.
- Sections 4.1 and 4.14 A have been changed to strike references to our old values.

The attached resolution adopts the attached changes to the Compensation Chapter of the Personnel Policies and Procedures Manual effective July 1, 2011.

Staff recommends adoption of the resolution.

Carol M. Luckam

CML/gb
Chp4CompChng_mem

Attachments

RESOLUTION

CHANGES TO CHAPTER 4, COMPENSATION, OF THE

PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, most other localities in the Hampton Roads region count paid time off as hours worked in calculating overtime; and

WHEREAS, James City County wants to be competitive with other localities in recruiting and retaining quality employees; and

WHEREAS, the recommended revisions to Chapter 4, Compensation, of the Personnel Policies and Procedures Manual will change the County's Overtime Policy to include paid time off as hours worked in calculating overtime; and

WHEREAS, other recommended changes bring the compensation policies into alignment with law and practice.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the attached revision to Chapter 4, Compensation, of the James City County Personnel Policies and Procedures Manual effective July 1, 2011.

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 14th day of June, 2011.

Chp4Compchn_g_res

CHAPTER 4
Compensation Plan

[Section 4.1 Policy Statement](#)

[Section 4.2 Philosophy](#)

[Section 4.3 Guiding Principles](#)

[Section 4.4 Legal Basis](#)

[Section 4.5 Definitions](#)

[Section 4.6 Establishment of the Pay Structure and Assignment of Job Classes to Salary Ranges](#)

[Section 4.7 Placement in the Salary Ranges](#)

[Section 4.8 Salaries of Part-Time Regular and Limited-Term Positions](#)

[Section 4.9 Salaries of Temporary Positions](#)

[Section 4.10 Salaries of On-Call Positions](#)

[Section 4.11 Progression Through the Salary Range \(Performance Increases\)](#)

[Section 4.12 Other Salary Changes](#)

[Section 4.13 Maintaining the Market Based Compensation Plan](#)

[Section 4.14 Overtime](#)

[Section 4.15 Holiday Pay](#)

[Section 4.16 Standby Pay](#)

[Section 4.17 Premium Pay](#)

[Section 4.18 Travel](#)

[Section 4.19 Miscellaneous](#)

[Section 4.20 Administration and Interpretation of Plan](#)

CHAPTER 4

COMPENSATION PLAN

Section 4.1 Policy Statement

~~To support our value of “Demonstrating high standards of excellence, efficiency, and commitment to service,”~~ James City County provides a compensation program designed to pay employees competitively and reward employees for their efforts on behalf of the County.

Section 4.2 Philosophy

- A. The County strives to pay its employees competitively with local public and private sector organizations performing comparable work.
- B. Department Managers and the Human Resource Department work together to ensure that the salaries which individual employees receive are market competitive and commensurate with experience, skills, efficiency, and performance.
- C. The compensation program provides employees opportunities for career growth both within and outside their own work area in various ways such as:
 - 1. Growth Within a Job’s Salary Range
 - 2. Job Reclassification
 - 3. Promotion
 - 4. Transfer

Section 4.3 Guiding Principles

- A. Keep County salaries competitive in the labor market;
- B. Provide flexibility;
- C. Be easy to use and to understand;
- D. Support the County in selecting, training, motivating, and keeping highly qualified men and women as County employees; and
- E. Reward quality performance.

Section 4.4 Legal Basis

James City County is committed to ensuring that our Personnel Policies are in compliance with the Equal Pay Act of 1963, the Fair Labor Standards Act (FLSA) of 1983, as amended *the Code of Virginia*, the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), and James City County Ordinance No. 179: Authorization of Incentive Awards to Employees.

Section 4.5 Definitions

- A. Benchmark - A job class with standard characteristics that can easily be compared with similar jobs typically found in other local governments or comparator organizations.
- B. Career Ladder Advancement - Movement of an employee from one job class to a designated job class at a higher salary range within the same job family as a result of achieving specified job requirements.
- C. Compensation Plan - The official or approved assignment of job classes to salary ranges, including: 1) list of job classes and assigned salary ranges; and, 2) policies for administration.
- D. Fire Protection Position - Any paid position in the Fire Department whose duties are those of firefighter, paramedic, emergency medical technician, rescue worker, ambulance personnel, or hazardous materials worker whose incumbent is: 1) trained in fire suppression and has the legal authority and responsibility to engage in fire suppression; and 2) engaged in the prevention, control, and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk.
- DE. Job Class - A group of positions that are alike enough in duties and responsibilities to require substantially the same qualifications and be called by the same descriptive title.
- EF. Job Family - A group of jobs which perform work of the same nature but which require different skills and have different levels of responsibility.
- G. Law Enforcement Position - Any paid position in the Police Department that is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth.
- FH. Market Adjustment - The reassignment of a job class from one salary range to a higher or lower salary range based upon changes in the labor market.

- GI.** Market Average - The average of actual salaries paid for a job in the labor market. The market average, or a percentage of the average, is used as the midpoint of our salary ranges.
- HJ.** Market Pricing - A practice of determining the salary range to be paid for a job by identifying the competitive salary in the external labor market for that job.
- IK.** Performance Award - A lump sum bonus not added to base pay based on employee performance.
- JL.** Performance Increase - An adjustment to an individual employee's salary based on performance.
- KM.** Position - A set of duties and responsibilities to be performed by one employee.
- LN.** Promotion - Movement of an employee from a position in one salary range to a position in a higher salary range.
- O.** Regularly Scheduled Work Day - 24-hour time frame within an employee's established work period during which the employee would routinely work for a prescribed number of hours.
- MP.** Salary Range - A minimum to maximum amount within which an employee whose job class is assigned to that salary range is usually paid.
- NQ.** Salary Structure - The arrangement of salary ranges to which job classes are assigned.
- OR.** Salary Structure Adjustment - An increase or decrease to minimum and/or maximum of the salary ranges in the salary structure.
- PS.** Transfer - Movement of an employee from one job class to another job class in the same salary range.
- QT.** Whole Job Ranking - Placing a non-benchmarked job class in the pay structure referencing other jobs in the same, or similar, job families.

Section 4.6 Establishment of the Pay Structure and Assignment of Job Classes to Salary Ranges

- A.** Establish the Job - The creation of a job begins with the needs of the organization. Department management and the Department of Human Resources collaborate to identify the primary duties and responsibilities of the job, its title, and the skills, education and experience required to fill the

job. ~~The Department creates draft job descriptions that include all the above information.~~

- B. Develop a Market Based Compensation Plan - The County uses market pricing and whole job ranking to develop a salary structure and place jobs within the salary ranges.

The following are key components of this process:

1. Selection of Market Data Sources: The County participates in and references a variety of published, public and private sector sources that are conducted by professional associations and/or consulting firms with expertise in salary survey design and development. Sometimes a private survey source is referenced as well. Private survey sources are only used when the survey methodology is determined to be sound by the Human Resource Manager.
2. Identification of Benchmark Positions: Because there is not published data available to match all jobs in the County, benchmark positions serve as a basis for comparison to the external market. The Human Resource Department ensures that as many benchmark jobs as possible are selected within the following criteria:
 - a. All job families are represented.
 - b. Within each job family, as many levels as possible are matched. Typically, the entry level, career or journey level and/or the senior or top level are matched to published data sources.
 - c. The job content of benchmark positions is considered and compared to survey job descriptions - not to job titles. Jobs are matched to the survey data when the essence of the job matches the survey job description. For matching purposes, broad statements of job duties, scope of assignment, and/or qualifications are used for comparisons to outside organizations.
3. Selection of Market Average Data: The reported actual average salary is selected from survey sources to determine the midpoint of the salary range of the benchmark positions. The average is used to minimize salary variations in survey data due to experience, time in position, and length of service.

4. Development of the Salary Structure: The market data collected for benchmark positions is combined to build the salary structure and identify the appropriate salary ranges for benchmark positions. The County's salary ranges have minimum, midpoint, and maximum salary amounts which are periodically adjusted. The difference between the salary range minimum and the range maximum is large enough to accommodate various levels of experience and job performance. In addition, salary ranges overlap. This recognizes that a highly capable employee at one salary range may contribute more to the organization (and therefore, earn more) than an inexperienced, or not yet fully productive employee at a higher salary range.
5. Placing Non-Benchmark Job Classes in the Salary Structure: Because it is the County's goal to be competitive with organizations with whom it competes for talent, the external labor market is used for setting the relative ranking of jobs in the organization. The Department Manager, in collaboration with the Human Resource Department, places non-benchmark positions in the salary structure referencing the benchmark jobs in the same job family for which there is market pay data.

Section 4.7 Placement in the Salary Range

- A. Starting Salary - Once a salary range has been determined for a job, the Department Manager and Human Resources set a starting salary for the individual. The salary is usually set at the minimum of the salary range for the position. Exceptions to this placement may be granted for a new employee substantially exceeding the minimum qualifications for the job. All exceptions to above minimum offers must be approved by the Department Manager in consultation with Human Resources.
- B. Reinstatement - A reinstated employee shall be paid at a level within the approved salary range for the position to which reinstated. The level shall be determined by the Department Manager in consultation with Human Resources. Refer to Section 2.8.C.
- C. Reemployment - When a former County employee is rehired, the starting salary shall be determined in accordance with A above. Refer to Section 2.8.B.

Section 4.8 Salaries of Part-Time Regular and Limited-Term Positions

An employee in a part-time regular or limited-term position shall be paid on an hourly or on an annual basis *depending on the FLSA exemption status of the position and the needs of the department.* The hourly rate shall be determined by

dividing the annual salary for a full-time position by the number of hours per year that a full-time employee in that position or job class would be required to work.

Section 4.9 Salaries of Temporary Positions

An employee in a temporary position shall be paid on an hourly basis. The salary range shall be determined in the manner described in Section 4.6. The hourly rate shall be determined in the manner described in Section 4.8.

Section 4.10 Salaries of On-Call Positions

An employee in an on-call position shall be paid on an hourly basis. The hourly rate shall be determined in the same manner as for employees in temporary positions. A flat dollar amount for a designated work period, based upon the hourly rate, may be used if department operations necessitate.

Section 4.11 Progression Through the Salary Range (Performance Increases)

- A. Eligibility - Employees in full-time and part-time regular and limited-term positions who have successfully completed their introductory periods are eligible for performance increases and/or performance awards.
- B. Overview - The performance evaluation and pay for performance programs provide mechanisms for each supervisor to evaluate and reward staff performance. Rewards are based on the degree to which employees meet or exceed expected individual, team, work unit, division and/or organizational goals. Because the County is dedicated to providing excellent services to its citizens, the compensation program places a premium on performance. Salary increases are more reflective of the employees' performance and productivity than years of service with the County.
- C. Performance Review - A recommendation as to whether the employee shall receive a pay for performance increase and/or award and the amount shall be based upon the performance evaluation.
- D. Amount of Increase - If a performance increase is granted, it shall generally be greater than the salary structure adjustment and shall be within the following parameters:
 - 1. Within Salary Range - Employees within the salary range shall be eligible for a performance increase of up to a designated percent of their salary as set forth in the approved budget. No such performance increase shall cause the salary to exceed the maximum salary for the salary range.

2. At Maximum of Salary Range - If a performance increase causes the salary to exceed the maximum of the salary range, the employee will be compensated at the maximum salary and the difference shall be awarded as a lump sum bonus not added to base salary.
3. Effect of Leave Without Pay - The performance increase shall be pro-rated one calendar month for each period of 30 consecutive calendar days during which the employee is absent from the service of the County without pay except where superseded by a law such as The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA); *and the Family and Medical Leave Act (FMLA)* which have compensation provisions for those returning to employment from active duty *or medical absences*.
43. Temporary Assignment - The performance increase shall be based on the employee's salary for his or her regular job duties, not including any temporary salary increase.
54. Effect of Other Salary Adjustments - The performance increase shall not be pro-rated as a result of reclassification, promotion, career ladder advancement, transfer, or voluntary demotion.

E. Performance Increase Date

1. Common Date - October 1 of each year shall be the effective date of performance increases and performance awards for eligible employees who have successfully completed their introductory periods.
2. Employees in Their Introductory Period - Employees who have not completed their introductory period by October 1 shall not be eligible for a performance increase. However, they may receive a salary increase in the amount of the salary structure adjustment or an alternate salary adjustment or award provided in the budget. Employees who are in introductory periods resulting from promotions shall be eligible for a performance increase.
3. Exceptions may be granted by the County Administrator.

Section 4.12 Other Salary Changes

- A. Promotion - When an employee is promoted, the employee's salary shall be increased in the following manner:

1. to the greater of the minimum salary of the higher class or 5% above the present salary if the new class is one or two ranges higher than the employee's current range, or
2. to the greater of the minimum salary of the higher class or 10% above the present salary if:
 - a. the new class is three or more ranges higher than the employee's current range, or
 - b. the employee is promoted from a non-exempt to an exempt or from a non-supervisory to a supervisory position.

Exceptions may be granted by the County Administrator.

- B. Career Ladder Advancement - When an employee receives a career ladder advancement, the employee's salary shall be increased in accordance with *the Promotion Policy*, Section 4.12.A. If an employee no longer qualifies for the career ladder class, the employee will be demoted to a lower level career ladder class for which the employee is qualified. For each lower level, the employee's salary will be reduced ~~consistent with the percent increase described in the promotion policy~~ *in accordance with the Demotion Policy*, Section 4.12.AD; and the employee will not be eligible for a career ladder advancement for a minimum of 90 days.
- C. Transfer - The County occasionally offers, and employees occasionally seek, the opportunity to take advantage of the valuable experiences available through a transfer to another job in the same salary range. Transfers ~~assignments~~ are considered lateral moves and employees' existing salaries are typically not changed.
- D. Demotion - There are a variety of circumstances and good reasons that an employee may seek a position at a lower salary range. When an employee accepts a voluntary demotion, the salary will be reduced ~~consistent with the percent increase described in the promotion policy, Section 4.12.A~~ *in the following manner:*
1. *The lesser of the maximum salary of the lower class or 5% below the present salary if the new class is one or two ranges lower than the employee's current range, or*
 2. *The lesser of the maximum salary of the lower class or 10% below the present salary or if:*
 - a. *The new class is three or more ranges lower than the employee's current range, or*

b. The employee moves from an exempt to a non-exempt or from a supervisory to a non-supervisory position.

Exceptions may be granted by the County Administrator.

Demotions as the result of a disciplinary or performance related action shall always be accompanied by a reduction in salary. Refer to Chapter 7 Standards of Conduct, Section 7.5.C.5.

- E. Reclassification - Job reclassification means assigning a position to a different job class because the duties and responsibilities have changed significantly enough that they are no longer consistent with the original job class. This can occur as the needs of the organization change, requiring a significant change of responsibilities in a particular position. When this happens, the Department Manager prepares a new job description which identifies where the job has changed and meets with the Human Resource Department to determine if the competitive market has changed for the position and if the salary range should be changed. Reclassifications must be approved by the County Administrator.
1. Reclassification to a Higher Salary Range. If the job is moved to a higher salary range, the employee will be provided with a salary increase equal to that granted for promotion, as described in Section 4.12 A.
 2. Reclassification to a Lower Salary Range. If the job is moved to a lower salary range, the employee's salary will remain the same. If the salary is greater than the maximum of the new range, there will be no further increases to the employee's base pay until it falls within the salary range. The employee will still be eligible for performance awards which shall be awarded as a lump sum bonus in accordance with Section 4.11.D.2. Exceptions may be granted by the County Administrator.
 3. Reclassifications Resulting from System Wide Studies. These provisions shall not apply to reclassification changes resulting from special system-wide studies. In such instances, the Board of Supervisors, upon recommendation from the County Administrator, shall determine the manner of salary adjustments.
- F. Administrative Adjustment - Upon recommendation by a Department Manager that an employee should be retained, the County Administrator may, upon determining that it is cost effective and of significant benefit to the County, move an employee's salary within the range to which the employee's job class is assigned.

- G. Temporary Assignment – Compensation may be adjusted during the period of time in excess of six (6) months in a twelve (12) month period that an employee is temporarily assigned to a vacant position or prescribed set of duties at a higher salary range. Refer to Chapter 2, Section 2.8.P, Temporary Assignments.
- H. Incentive Awards - An incentive award is a vehicle for recognizing outstanding performance by an individual or group of individuals in a specific assignment, special project or for a beneficial suggestion or innovative idea which results in one of the following:
1. A cost savings or avoidance.
 2. An innovation which increases productivity or enhances service by causing more work to be accomplished during the standard workday or work shift.
 3. Identification of a tool or piece of equipment which increases the productivity of the department, specific task or job.
 4. An improved process or procedure for accomplishing the work which increases productivity or improves services and is measurable.
 5. A work product which exceeds required work standards for a job based upon consensus of peers in that department or the same field or trade.

The amount of the award shall be determined by the County Administrator, but will normally not exceed 5 percent of the employee's salary. The incentive award shall be a single lump sum cash payment. It shall not be used as a routine salary supplement. The incentive award shall be documented on the Incentive Award Nomination Form. A copy of the form shall be placed in the employee's personnel file. The receipt of such an award shall not affect the employee's base salary.

Section 4.13 Maintaining the Market Based Compensation Plan

- A. Salary Structure Adjustment - The competitiveness of salary ranges is reviewed as part of the budget process. Where appropriate, adjustments are recommended to the ranges based on actual market movement and labor supply and demand influences. Salary structure adjustments shall be effective October 1. Employees' salaries are only affected by a structure adjustment if the adjustment causes their salaries to fall below the new minimum. In such cases, the employee's salary is increased to the new

range minimum at the time the new structure is implemented. Exceptions may be recommended by the County Administrator.

- B. Market Adjustment - The market competitiveness of job classes is reviewed as part of the budget process. Because of fluctuations in the labor market, a job class may require reassignment to a higher or lower salary range.
 - 1. Market Adjustment to a Higher Salary Range - If a job class is assigned to a higher salary range, employees' salaries that fall below the new range minimum will be increased to the minimum. Additional salary adjustments may be granted by the County Administrator based on such factors as placement of employees within the salary range, attraction and retention of employees in the job class, and availability of funding.
 - 2. Market Adjustment to a Lower Salary Range - If assigned to a lower salary range, the employee's salary will be treated in the same manner as in Reclassification to a Lower Salary Range, Section 4.12.E.2.
- C. Other Adjustments – Job classes are typically reviewed for the need for market adjustment, reclassification, or career ladder advancements as part of the compensation plan maintenance during the budget process.
- D. Recalibration – is a major review of the salary structure and placement of jobs within the structure. It is undertaken about every five (5) years to ensure the competitiveness of the plan and its ability to achieve its guiding principles. It is undertaken as part of the budget process to ensure that sufficient funds are available to make any adjustments that may be needed.

Section 4.14 Overtime

- A. Policy – ~~In keeping with James City County's value of "Communicating openly and constructively and working in a collaborative manner", it~~ is James City County's policy to comply with all requirements of the Fair Labor Standards Act (FLSA), including the salary basis requirements. Therefore, we will not make any improper deductions from the salaries of employees in non-exempt or exempt positions.
- B. Legal Basis - The FLSA (29 C.F.R pt.541) is a Federal law which requires that most employees in the United States be paid at least the Federal minimum wage for all hours worked, and receive overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek.

C. Coverage

1. General - All paid employees are covered by the FLSA. However, Section 13(a)(1) of the FLSA provides an exemption from overtime pay for individuals employed in bona fide executive, administrative, and professional positions. Section 13(a)(1) and Section 13 (a)(17) also exempt certain employees in computer positions.

The Human Resource Department shall review each position to determine whether it is exempt or non-exempt from overtime payments. The *FLSA exemption* status of job classes shall be indicated in the Compensation Plan, and the status of individual positions shall be indicated in the Human Resource Information System.

2. Exemptions

- a. Salary Basis and Requirements - To qualify for exemption, employees generally must meet certain tests regarding their job duties and be paid on a salary basis at not less than \$455 per week. Job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the FLSA regulations.

These salary requirements do not apply to teachers and employees practicing law or medicine. Employees in exempt computer positions may be paid at least \$455 per week on a salary basis or on an hourly basis at a rate of not less than \$27.63 an hour.

Being paid on a "salary basis" means an employee regularly receives a predetermined amount of compensation each pay period on a twice monthly basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee's work, but can be reduced because of disciplinary reasons.

Subject to exceptions listed below, an employee in an exempt position must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. However, employees in exempt positions do not need to be paid for any workweek in which they perform no work unless appropriate accrued paid leave is used.

If the employer makes deductions from an employee's predetermined salary because of the operating requirements of the business, that employee is not paid on a "salary basis." If the employee is ready, willing, and able to work, deductions may not be made for time when work is not available.

b. Salary Basis Exceptions

- (i) Deductions from pay are permissible when an employee in an exempt position is either:
 - (a) absent from work for one or more full days for personal reasons, other than sickness or disability;
 - (b) absent from work for one or more full days due to sickness or disability, if the deduction is made in accordance with a bona fide plan, policy, or practice of providing compensation for salary lost due to illness;
 - (c) in receipt of payment for jury or witness fees, or for military pay;
 - (d) on an unpaid disciplinary suspension of one or more full days, imposed in good faith for workplace conduct rule infractions;
- (ii) The employer is not required to pay an employee's full salary:
 - (a) in the initial or terminal week of employment;
 - (b) for penalties imposed in good faith for infractions of safety rules of major significance; or,
 - (c) for weeks in which the employee takes unpaid leave under the Family and Medical Leave Act.

In these circumstances, either a partial-day or full-day deduction may be made.

D. Authorization - The authorization and control of all overtime work is the responsibility of the Department Manager. Overtime assignments shall be permitted only when required by operational necessity. Department managers may require employees to work overtime assignments as necessary. Department Managers shall assure that adequate funds are available for payment for overtime work.

E. Computation of Overtime Pay

1. General –

a. Rate of Pay - Monetary overtime compensation shall be one and one-half times the employee's hourly rate of pay for each hour of overtime worked. The hourly rate of pay shall be determined by dividing the employee's annual salary by the number of hours per year that the employee in that position is authorized to work.

b. Minimum Increment of Overtime - Overtime shall be earned in increments no smaller than fifteen (15) minutes.

c. Location of Information - ~~Categories of personnel, work periods, FLSA maximum number of allowable hours, and County authorized hours in a work period shall be indicated in the Compensation Plan.~~

3. Computation of Overtime Hours

a. Overtime shall be paid when, due to operational necessity, an employee in a non-exempt position is required to work in excess of the FLSA maximum number of allowable hours in the work period. The FLSA defines the maximum number of allowable hours in a work period of seven (7) days as forty (40). Section 207 (k) of the FLSA provides an exception for any employee in fire protection or law enforcement activities.

b. ~~Categories of personnel, work periods, FLSA maximum number of allowable hours, and County authorized hours in a work period shall be indicated in the Compensation Plan.~~

Other work periods, in compliance with the overtime provisions of the FLSA, may be implemented with the approval of the County Administrator.

- c. Paid or unpaid time off during which the employee is absent from the service of the County *during a regularly scheduled work day* shall ~~not~~ be counted as hours worked in determining if the maximum allowable number of hours has been exceeded. Such absences include, but are not limited to, sick, annual, ~~compensatory~~, civil, personal, and military leaves, *compensatory time and* holidays, ~~leave without pay, lunch periods, and unexpected closings.~~ (See ~~Administrative Regulation No. 10.~~)
- d. *Holiday pay or compensatory time for holidays that fall on a day which is not a regularly scheduled work day for the employee shall not be counted as hours worked in determining if the maximum allowable number of hours has been exceeded.*
- e. *Unpaid time off during which the employee is absent from the service of the County shall not be counted as hours worked in determining if the maximum allowable number of hours has been exceeded. Such absences include, but are not limited to leave without pay and disciplinary suspensions without pay.*
- f. *Employees in full-time, non-exempt fire protection or law enforcement positions whose County authorized work hours exceed the FLSA maximum allowable hours shall be paid* ~~This provision shall not apply to hours worked between the FLSA overtime maximum hours and the regularly scheduled work hours for sworn Fire Department employees in a regular work period. These hours shall be paid at the rate of one half of the employee's hourly rate, in addition to the regular semimonthly pay, regardless of any paid time off taken during the regular work period.~~
- g. *Employees in full-time, non-exempt fire protection or law enforcement positions whose County authorized work hours fall below the FLSA maximum allowable hours shall have the County-authorized work hours serve as the maximum allowable hours in calculating overtime.*

F. Compensatory Time in Lieu of Overtime

- 1. Hour for Hour – Employees in non-exempt positions who are authorized to work in excess of their regularly scheduled work hours, but who do not exceed the maximum allowable number of hours ~~as defined in E.3 above~~ may, in lieu of overtime pay, be

granted compensatory time in the amount of one hour of leave for each hour worked or may be paid their regular hourly rate in lieu of compensatory time for hours worked.

2. Time and a Half – Employees in non-exempt positions who are authorized to work in excess of their regularly scheduled work hours, and the hours exceed the maximum allowable number of hours ~~as defined in 4.14.E.3 above~~ may, in lieu of overtime pay, be granted compensatory time in the amount of one and one-half hours of leave for each hour worked during the work period in excess of the maximum allowable hours.
3. Authorization - The Department Manager shall determine the most appropriate form of compensation based on available funds and workload. Compensatory time shall be specifically approved by the Department Manager in advance of its being earned.
4. Maximum Accrual - Employees in sworn public safety positions may accrue up to 480 hours of compensatory time. All other employees may accrue up to 240 hours of compensatory time. Employees shall be paid for all hours in excess of the maximum allowed.
5. Deadline for Use - Compensatory time earned within the fiscal year shall be used by September 30 of the following fiscal year or the employee shall be paid for it. (Revised 10-15-90.)

G. Resolving Discrepancies

1. Discrepancies – Employees who feel that an improper deduction has been made to their salary or overtime was worked and they were not compensated appropriately, should immediately report this to their supervisor for resolution.
2. Complaint Procedure – In the event that a supervisor does not resolve the discrepancy, the employee will report the improper salary deduction or overtime payment denial to the Human Resource Department by completing the Improper Salary Deduction or Overtime Payment Denial Complaint Form.
3. Investigating a Complaint – Upon receipt of the completed Improper Salary Deduction or Overtime Payment Denial Complaint Form the Human Resource Department will promptly research the discrepancy.

4. Determination - If it is determined that an improper salary deduction or overtime payment denial has occurred, the employee will be promptly reimbursed for any improper salary deduction made or paid for overtime worked.

Section 4.15 Holiday Pay

Any employee in a regular or limited-term position who is eligible to earn overtime and is required by the supervisor to work on a holiday which is observed by the County, shall be compensated for that holiday at a rate of twice the regular hourly rate, or at the discretion of the Department Manager, authorized compensatory leave ~~time as outlined in Section 4.11.F~~ above.

An employee in a position which is not eligible to earn overtime (exempt) who is required to work on a holiday which is observed by the County, may take the holiday on another date mutually agreed upon with his supervisor. In cases where this would present a hardship because of work load, and where budget permits, the Department Manager may authorize payment for that holiday at a rate of twice the regular hourly rate for hours worked in lieu of another day off.

See also Chapter 5, Section 5.3 (B) 2, which describes holidays on which an employee is not scheduled to work.

Section 4.16 Standby Pay

- A. Eligibility - Nonexempt employees in regular, limited-term, or on-call positions who are required to be available by telephone or beeper after regular work hours to respond to emergency calls, and who must respond within a reasonable period of time when called, are eligible for standby pay.
- B. Computation of Pay - Employees who are required to be on standby shall receive compensation as set forth in the approved budget for each hour on standby. This payment shall be made regardless of whether the employee is actually called out, and shall be in addition to any payment earned for actual hours worked as outlined in Section 4.14, above.
- C. Restrictions - Employees who, for any reason, cannot fulfill their standby duties for part or all of the required period, shall obtain approval from their Department Manager or a designee for another employee to substitute for them.

Section 4.17 Premium Pay

- A. Purpose - Premium Pay is intended to provide additional compensation to eligible employees reporting to work in response to emergency situations

arising on County observed holidays on which the employee is not scheduled to work.

- B. Eligibility - Nonexempt employees in regular or limited-term positions who are not on standby and are not scheduled to work on a County observed holiday, but are called in to work on the holiday with less than 72 hours prior notice.
- C. Computation of Pay - Eligible employees shall be compensated for all hours worked on the nonscheduled holiday at a premium rate of one-half times the regular hourly rate, in addition to any other compensation for which the employee is eligible, in accordance with Section 4.14, Overtime, and Section 4.15, Holiday Pay.
- D. Conditions - Supervisors are responsible for determining when additional staffing is required on a holiday. Employees notified more than 72 hours in advance that they must work on a holiday shall not be eligible for premium pay. Employees on standby who are called in to work on a holiday shall not be eligible for premium pay.

Section 4.18 Travel

Policy - Employees may be required to travel when it is necessary or beneficial to the performance of their duties, their professional development, or the general operations of the County. Such travel shall be approved in advance by the department manager and may be eligible for reimbursement.

Section 4.19 Miscellaneous

- A. Bonding - Each County employee is covered under a general employee "blanket" bond at no cost to the employee. The County shall pay the additional cost for those positions requiring a higher bond.
- B. Notary Fees - The fees for "Notary Public" permits held by County employees shall be paid by the County when such services are felt to assist the County in serving the public or to further the County's own business operations. There shall be no charge for notary services for the County.
- C. Uniform Allowance
 - 1. Policy - Employees who are required to wear uniforms shall be furnished such uniforms, with accessories as required. Uniforms shall be maintained by the County at the County's expense or by the employee with an annual allowance from the County set forth in the budget. Such allowance shall also be paid to each member

of the Investigations Division in the Police Department for the cleaning and maintenance of their on-duty clothing.

2. Responsibilities

- a. All clothing and equipment issued by the County shall remain the property of the County.
- b. Only an initial uniform alteration shall be the responsibility of the County.
- c. Employees are required to return non-serviceable clothing to the County in order to receive replacements.
- d. Clothing that is lost or damaged by negligence of the employee shall be replaced at the employee's expense.
- e. Uniform and on-duty clothing maintenance allowances shall be paid only for the period of actual employment.

- D. Tool Allowance - Employees who are responsible for the purchase and maintenance of tools required to perform their duties shall receive an annual allowance. The tools shall remain the employees' property, but are insured by the County against fire and theft.

Section 4.20 Administration and Interpretation of Plan

The compensation program is administered by the Human Resource Department which is responsible for interpreting, administering, and updating the program to keep it current and equitable in operation.

**IMPROPER SALARY DEDUCTION OR OVERTIME PAYMENT DENIAL
COMPLAINT FORM**

Name: _____ Position: _____

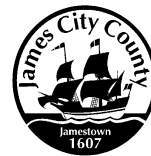
Department: _____ Supervisor: _____

Work telephone number: _____ Work E-mail Address: _____

Pay Period(s) of Questionable Deduction or Denial: _____

Please explain what occurred and why you believe it was improper:

Signed: _____ Date: _____



MEMORANDUM COVER

Subject: Amending the Employment Agreement between Robert C. Middaugh and James City County

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board approve a resolution amending the Employment Agreement between Robert C. Middaugh and James City County?

Summary: As part of the FY 2012 Budget deliberations, the Board determined that Virginia Retirement System (VRS) Plan 2 Employees hired after July 1, 2010, should be required to pay the five percent employee share of VRS contributions offset by a pay increase of roughly 5.7 percent. The attached resolution amends the employment agreement of County Administrator Robert C. Middaugh to adjust his salary and VRS payment in the same manner as all VRS Plan 2 employees.

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

Agenda Item No.: H-8

Date: June 14, 2011

MEMORANDUM

DATE: June 14, 2011

TO: The Board of Supervisors

FROM: Robert C. Middaugh, County Administrator

SUBJECT: A Resolution of the Board of Supervisors Amending the Employment Agreement between Robert C. Middaugh and James City County

One of the specific provisions in the employment agreement between James City County and I, is a requirement that James City County pay the employee share of the Virginia Retirement System (VRS). At the time of my employment, the Board of Supervisors agreed to pay my share of the VRS. This was consistent with a Board decision that all employees hired after July 1, 2010, would also have their contribution paid by the County (prior to my employment, the Board of Supervisors was provided the authority by the State to require employees hired after July 1, 2010, to pay the 5% employee share).

In this year's budget deliberations, the Board of Supervisors determined that those employees hired after July 1, 2010 (Plan 2 employees), would now be required to pay the 5% VRS employee share. The Board of Supervisors also determined that the affected employees' salary would be increased by 5.7% in order to completely mitigate the impact of the requirement for employees to pay the 5% VRS contribution.

In a separate item on this Board agenda the Board will find resolutions which will implement the Board's budget direction to have employees hired after July 1, 2010 pay their 5% VRS employee contribution and also a resolution implementing the 5.7% salary increase for the affected employees.

I have discussed informally with each of the members of the Board the Board preference on how to address my employment agreement provision on the VRS contribution as it is now inconsistent with the Board direction as it relates to the employee contribution for employees hired after July 1, 2010. While the County Attorney has advised that my employment agreement as a contract can govern and no change necessarily has to be made in my agreement, I have expressed my willingness to amend the agreement to match the Board direction for all other employees hired after July 1, 2010. In order to be consistent, the Board has expressed its desire to pursue an amendment to my agreement that would require me to make the 5% VRS contribution and to further adjust my salary by 5.7% similar to all other employees hired after July 1, 2010.

The attached resolution amends the two provisions of my employment agreement to change the VRS contribution and to adjust my salary. Adoption of the resolution is recommended and I agree with and accept the changes as presented.

Robert C. Middaugh

RCM/tlc
VRSEmpagr_mem

Attachment

RESOLUTION

A RESOLUTION OF THE BOARD OF SUPERVISORS AMENDING THE EMPLOYMENT

AGREEMENT BETWEEN ROBERT C. MIDDAUGH AND JAMES CITY COUNTY

WHEREAS, James City County entered into an employment agreement with Robert C. Middaugh, Jr. dated June 29, 2010 (the "Agreement"), that identified the terms of employment for Robert C. Middaugh, Jr. as the James City County County Administrator (the "Employee"); and

WHEREAS, the Agreement has a specific provision in Section 3 establishing the Employee's salary at \$165,000; and

WHEREAS, the Agreement has a specific provision in Section 7 in which the County agrees to make all appropriate contributions on the Employee's behalf for both the employer and employee share required of the Virginia Retirement System; and

WHEREAS, it is the desire of the Board of Supervisors and the Employee to amend the Agreement dated June to reflect different terms in Section 3 related to compensation and Section 7 related to retirement that make the Agreement consistent with the provisions applied to other County employees hired after June 1, 2010; and

WHEREAS, the Board of Supervisors and the Employee have agreed that Section 3 of the Agreement relating to compensation shall be adjusted to reflect a 5.7% increase in the base salary, making the contract provision read a base salary of \$174,405; and

WHEREAS, the Board of Supervisors and the Employee have agreed that Section 7 of the Agreement relating to retirement be adjusted to reflect that the 5% employee share be paid by the employee rather than by the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that Section 3 of the Agreement be amended to read as follows:

- a. Base salary: employer agrees to pay employee annual a base salary of \$174,405 payable in installments at the same time that other management employees of the employer are paid.

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County that Section 7 of the Agreement be amended to read as follows:

- a. The employer agrees to the enroll the employee into the applicable state or local retirement system and to make all appropriate employer contributions on the employee's behalf and that the employee will be required to make a 5% contribution towards the required employee share.

BE IT FURTHER RESOLVED that this resolution shall be incorporated as an amendment to Agreement.

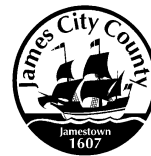
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June,
2011.

VRSEmpagr_res



MEMORANDUM COVER

Subject: Appointment to the Colonial Group Home Commission

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board approve a resolution appointing Mr. Doug Powell to the Colonial Group Home Commission?

Summary: Ms. Sue Mellen, Assistant Manager of Financial and Management Services, has served on the Colonial Group Home Commission as James City County's governmental liaison since 2005. Ms. Mellen's term expires on June 30, 2011, and Mr. Doug Powell, Assistant County Administrator, has expressed an interest in serving on the Commission. The term would expire on June 30, 2015.

Staff recommends adoption of a resolution appointing Mr. Powell to the Colonial Group Home Commission.

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-9

Date: June 14, 2011

MEMORANDUM

DATE: June 14, 2011
TO: The Board of Supervisors
FROM: Robert C. Middaugh, County Administrator
SUBJECT: Appointment to the Colonial Group Home Commission

Ms. Sue Mellen, Assistant Manager of Financial and Management Services, currently serves as James City County's governmental representative on the Colonial Group Home Commission. Her term expires on June 30, 2011.

Mr. Doug Powell, Assistant County Administrator, has expressed an interest in serving on the Colonial Group Home Commission. The term expires June 30, 2015.

I recommend the Board appoint Mr. Powell to the Colonial Group Home Commission.

Robert C. Middaugh

RCM/nb
GrpHmeComm_mem

RESOLUTION

APPOINTMENT TO THE COLONIAL GROUP HOME COMMISSION

WHEREAS, James City County has one governmental representative on the Colonial Group Home Commission; and

WHEREAS, Mr. Doug Powell, Assistant County Administrator, has expressed an interest in serving on the Commission.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Doug Powell to the Colonial Group Home Commission for a term expiring June 30, 2015.

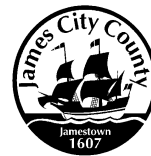
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June,
2011.

GrpHmeComm_res



MEMORANDUM COVER

Subject: Appointment to the Williamsburg Regional Library Board of Trustees

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board approve a resolution reappointing Sue Mellen to the Williamsburg Regional Library Board of Trustees?

Summary: Ms. Sue Mellen, Financial and Management Services Assistant Manager, has served on the Williamsburg Regional Library Board of Trustees since 2007. Her term expires on June 30, 2011, and she has expressed an interest in reappointment. The new term would expire on June 30, 2015.

Staff recommends adoption of a resolution reappointing Ms. Mellen to the Williamsburg Regional Library Board of Trustees.

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-10

Date: June 14, 2011

M E M O R A N D U M

DATE: June 14, 2011
TO: The Board of Supervisors
FROM: Robert C. Middaugh, County Administrator
SUBJECT: Appointment to the Williamsburg Regional Library Board of Trustees

Ms. Sue Mellen, Assistant Manager of Financial and Management Services, currently serves on the Board of Trustees of the Williamsburg Regional Library. Her term expires on June 30, 2011, and she has expressed an interest in reappointment. The new term would expire on June 30, 2015.

I recommend the Board reappoint Ms. Mellen to the Williamsburg Regional Library Board of Trustees.

Robert C. Middaugh

RCM/nb
WRLBoard_mem

RESOLUTION

APPOINTMENT TO THE WILLIAMSBURG REGIONAL LIBRARY BOARD OF TRUSTEES

WHEREAS, Ms. Sue Mellen, Assistant Manager of Financial and Management Services, has been serving on the Williamsburg Regional Library Board of Trustees; and

WHEREAS, Ms. Mellen has expressed an interest in being reappointed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Sue Mellen to the Williamsburg Regional Library Board of Trustees for a term expiring June 30, 2015.

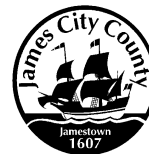
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June, 2011.

WRLBoard_res



MEMORANDUM COVER

Subject: Appointment of Acting Zoning Administrator

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board adopt a resolution appointing an Acting Zoning Administrator?

Summary: Section 24-5 of the Code of the County of James City provides that the Board of Supervisors is responsible for the appointment of the Zoning Administrator to oversee the enforcement of the County's Zoning Ordinance.

Ms. Melissa C. Brown, Zoning Administrator for James City County, is currently unable to fulfill the duties of the position and it is necessary that the Board of Supervisors appoint an Acting Zoning Administrator to fulfill those duties in her absence.

It is proposed that Mr. Allen J. Murphy, Jr. be appointed as Acting Zoning Administrator. Mr. Murphy is the Director of Planning/Assistant Development Manager and previously served as Zoning Administrator for the County. Appointing Mr. Murphy to this administrative function will allow Zoning Enforcement staff to focus on plan review, inspections, and enforcement without an impact on 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-11

Date: June 14, 2011

MEMORANDUM

DATE: June 14, 2011
TO: The Board of Supervisors
FROM: Steven W. Hicks, Development Manager
SUBJECT: Appointment of Acting Zoning Administrator

Pursuant to Section 24-5 of the Code of the County of James City, the Board of Supervisors is responsible for the appointment of the Zoning Administrator to oversee the enforcement of the County's Zoning Ordinance.

Ms. Melissa C. Brown, Zoning Administrator for James City County, is currently unable to fulfill the duties of the position and it is necessary that the Board of Supervisors appoint an acting Zoning Administrator to fulfill those duties and functions in her absence.

Attached for your consideration is a resolution that provides for the appointment of Mr. Allen J. Murphy, Jr. as Acting Zoning Administrator. Mr. Murphy is currently the Director of Planning/Assistant Development Manager and previously served as Zoning Administrator for the County for 10 years. Appointing Mr. Murphy to this administrative function will allow Zoning Enforcement staff to focus on plan review, inspections, and enforcement without an impact on efficiency and customer service.



Steven W. Hicks

SWH/nb
ActZoningAdm_mem

Attachment

RESOLUTION

APPOINTMENT OF ACTING ZONING ADMINISTRATOR

WHEREAS, Ms. Melissa C. Brown was appointed Zoning Administrator of James City County; and

WHEREAS, Ms. Brown is currently unable to perform the functions and duties of Zoning Administrator, and it is necessary to appoint an Acting Zoning Administrator to temporarily fulfill the legal and functional duties related to the interpretation and enforcement of the County's Zoning Ordinance; and

WHEREAS, Mr. Allen J. Murphy, Jr., Director of Planning/Assistant Development Manager, previously served as the County's Zoning Administrator and has demonstrated knowledge, skills, and abilities related to this position; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Mr. Allen J. Murphy, Jr. as Acting Zoning Administrator.

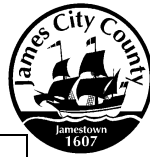
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June, 2011.

ActZoningAdm_res



MEMORANDUM COVER

Subject: Grant Award – Hampton Roads Planning District Commission (HRPDC) – \$66,816

Strategic Management Plan Pathway: 1.d – develop and promote revenue alternatives to property taxes

Action Requested: Shall the Board approve the resolution that appropriates grant funds awarded from the Hampton Roads Planning District Commission (HRPDC)?

Summary: James City County has entered into an agreement with HRPDC to host the regional WebFUSION servers at the County Emergency Operations Center pursuant to the Special Needs/WebEOC project initiated through the FY 07 Urban Areas Security Initiative (UASI) Homeland Security Grant Program. This agreement is managed by the Fire Department Emergency Management Division.

This agreement calls for HRPDC to reimburse James City County \$1,856 per month for costs associated with the acquisition of bandwidth for the Emergency Operations Center to host the regional WebFUSION servers.

HRPDC and James City County first entered into an informal agreement for reimbursement of bandwidth costs in September 2008. The Board of Supervisors appropriated \$44,544 on April 28, 2009, for reimbursement of an initial 24 months of bandwidth costs (reference Account Nos. 024-306-2100/024-073-2100). HRPDC has been reimbursing James City County for costs under the initial agreement.

The parties formalized the agreement in April 2011 and extended the reimbursement period to a total of 60 months from October 2008 through September 2013. This increases the maximum reimbursement under the agreement from \$44,544 previously appropriated by \$66,816 appropriated in this resolution to a total of \$111,360.

The grant requires no local match.

Staff recommends adoption of the attached resolution to appropriate funds in the amount of \$66,816 to extend this reimbursement agreement through September 2013.

Fiscal Impact: James City County pays \$1,856 per month for the Optical Internet service required to host the regional WebFUSION servers. This grant will reimburse that expense in full through September 2013. The grant requires no local match.

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-12

Date: June 14, 2011

MEMORANDUM

DATE: June 14, 2011
TO: The Board of Supervisors
FROM: William T. Luton, Fire Chief
SUBJECT: Grant Award – Hampton Roads Planning District Commission (HRPDC) – \$66,816

James City County has entered into an agreement with the Hampton Roads Planning District Commission (HRPDC) to host the regional WebFUSION servers at the County Emergency Operations Center (EOC) pursuant to the Special Needs/WebEOC project initiated through the FY 07 Urban Areas Security Initiative (UASI) Homeland Security Grant Program. This agreement is managed by the Fire Department Emergency Management Division.

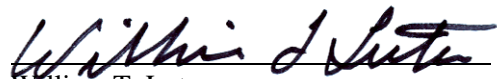
This agreement calls for HRPDC to reimburse James City County \$1,856 per month for costs associated with the acquisition of bandwidth for the EOC to host the regional WebFUSION servers. One of the benefits of this arrangement to James City County is that when this bandwidth is not being used to support WebFUSION, it is available for other purposes.

HRPDC and James City County first entered into an informal agreement for reimbursement of bandwidth costs in September 2008. The Board of Supervisors appropriated \$44,544 on April 28, 2009, for reimbursement of an initial 24 months of bandwidth costs (reference Account Nos. 024-306-2100/024-073-2100). HRPDC has been reimbursing James City County for costs under the initial agreement.

The parties formalized the agreement in April 2011 and extended the reimbursement period to a total of 60 months from October 2008 through September 2013. This increases the maximum reimbursement under the agreement from \$44,544 previously appropriated by \$66,816 appropriated in this resolution to a total of \$111,360.

The grant requires no local match.

Staff recommends adoption of the attached resolution to appropriate funds in the amount of \$66,816 to extend this reimbursement agreement through September 2013.


William T. Luton

CONCUR:

Robert C. Middaugh

WTL/nb
GA_HRPDC_2_mem

Attachment

RESOLUTION

GRANT AWARD – HAMPTON ROADS PLANNING DISTRICT COMMISSION

(HRPDC) – \$66,816

WHEREAS, James City County entered into an agreement with the Hampton Roads Planning District Commission (HRPDC) to host the regional WebFUSION servers at the County Emergency Operations Center (EOC) pursuant to the Special Needs/WebEOC project initiated through the FY 07 Urban Areas Security Initiative (UASI) Homeland Security Grant Program; and

WHEREAS, this agreement called for HRPDC to reimburse James City County \$1,856 per month for costs associated with the acquisition of bandwidth for the EOC to host the regional WebFUSION servers; and

WHEREAS, the Board of Supervisors previously appropriated \$44,544 on April 28, 2009, for reimbursement of an initial 24 months of bandwidth costs; and

WHEREAS, the County and HRPDC agreed in April 2011 to extend the reimbursement period to a total of 60 months from October 2008 through September 2013, increasing the maximum reimbursement under the agreement from \$44,544 previously appropriated by \$66,816 appropriated in this resolution to a total of \$111,360.

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:

HRPDC-EOC Optical Internet	<u>\$66,816</u>
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Expenditure:

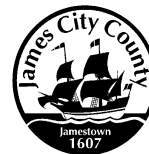
HRPDC-EOC Optical Internet	<u>\$66,816</u>
----------------------------	-----------------

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 14th day of June, 2011.



MEMORANDUM COVER

Subject: Appropriation of Grant Award - Junior Woman's Club of Williamsburg - \$500

Strategic Management Plan Pathway: 1.d - develop and promote revenue alternatives to property taxes

Action Requested: Shall the Board approve the resolution that appropriates grant funds awarded from the Junior Woman's Club of Williamsburg?

Summary: The James City County Fire Department has been awarded a grant for \$500 from the Junior Woman's Club of Williamsburg. The funds are to be used to purchase educational displays and a safety game for the Department's fire safety program. The displays and game will help children and adults understand the need for working smoke and carbon monoxide alarms and how to develop a home escape plan. The fire safety program is coordinated by the Department's Public Educator.

Staff recommends adoption of the attached resolution to appropriate funds.

Fiscal Impact: The grant requires no match.

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-13

Date: June 14, 2011

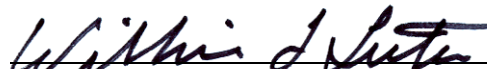
MEMORANDUM

DATE: June 14, 2011
TO: The Board of Supervisors
FROM: William T. Luton, Fire Chief
SUBJECT: Grant Award – Junior Woman’s Club of Williamsburg – \$500

The James City County Fire Department has been awarded a grant for \$500 from the Junior Woman’s Club of Williamsburg. The funds are to be used to purchase educational displays and a safety game for the Department’s fire safety program. The displays and game will help children and adults understand the need for working smoke and carbon monoxide alarms and how to develop a home escape plan. The fire safety program is coordinated by the Department’s Public Educator.

The grant requires no match.

Staff recommends adoption of the attached resolution to appropriate funds.


William T. Luton

CONCUR:

Robert C. Middaugh

WTL/nb
GA_JrWClubWbg_mem

Attachment

RESOLUTION

GRANT AWARD – JUNIOR WOMAN’S CLUB OF WILLIAMSBURG – \$500

WHEREAS, the James City County Fire Department has been awarded a grant for \$500 from the Junior Woman’s Club of Williamsburg; and

WHEREAS, the funds are to be used to purchase educational displays and a safety game for the Department’s fire safety program; and

WHEREAS, the grant requires no match.

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

Revenue:

Junior Woman’s Club FY 11 - Fire Safety	<u>\$500</u>
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Expenditure:

Junior Woman’s Club FY 11 - Fire Safety	<u>\$500</u>
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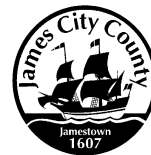
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June,
2011.

GA_JrWClubWbg_res



MEMORANDUM COVER

Subject: Appointment of Building Official

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board adopt the resolution appointing the building official?

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 department.

Mr. Thomas W. Coghill has been hired as Director of the Building Safety and Permits Division. It is customary for the individual holding this position to function as Building Official for the County. Mr. Coghill is a Certified Building Official and has previously served as the Acting Building Official in the absence of the former Director of the Division.

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-14

Date: June 14, 2011

MEMORANDUM

DATE: June 14, 2011
TO: The Board of Supervisors
FROM: Robert C. Middaugh, County Administrator
SUBJECT: Appointment of 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 department.

Mr. Thomas W. Coghill has been hired as Director of the Building Safety and Permits Division. It is customary for the individual holding this position to function as building official for the County.

Attached is a resolution appointing Mr. Thomas W. Coghill as Building Official. Mr. Coghill has attained Certified Building Official status in accordance with the requirements of the USBC and has previously served as the Acting Building Official in the absence of the former Director of the Division.

Mr. Coghill comes to this position well qualified to oversee the Building Safety and Permits Division with over 30 years experience in the building industry. Mr. Coghill began his career with James City County in 1996 and has served in several positions including Building Inspector and most recently Chief Plans Examiner. Mr. Coghill is certified as a Building Official by the Commonwealth of Virginia and by the International Code Council. He is also certified as a building plans examiner, fire protection plans examiner, building inspector general, mechanical inspector, and plumbing inspector. In addition to his County duties, Mr. Coghill also serves as Secretary/Treasurer for the Virginia Building Code Official's Association (Region 8).

My recommendation is that Mr. Coghill be appointed as Building Official for the County.

Robert C. Middaugh

RCM/nb
BldgOffAppt_mem

Attachment

RESOLUTION

APPOINTMENT OF BUILDING OFFICIAL

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

WHEREAS, Mr. Thomas W. Coghill has been hired as the Director of Building Safety and Permits and has attained Certified Building Official status in accordance with the Virginia Uniform Statewide Building Code.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Mr. Thomas W. Coghill as Building Official.

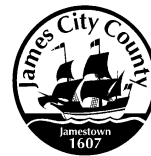
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June, 2011.

BldgOffAppt_res



MEMORANDUM COVER

Subject: An Ordinance to Amend and Reordain Chapter 13, Motor Vehicles and Traffic, of the Code of the County of James City, Virginia, by Amending Article I, In General, Section 13-7, Adoption of State Law; and Article II, Driving Automobiles, Etc., While Intoxicated or Under the Influence of Any Drug, Section 13-28, Adoption of State Law, Generally.

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board approve an Ordinance to amend the County Code to be in compliance with the Code of Virginia?

Summary: Each year those sections of the County Code which relate to the adoption of state law regulations on offenses related to driving under the influence must be updated to remain in compliance with the Code of Virginia.

Staff recommends adoption of the Ordinance.

Fiscal Impact: N/A

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-1

Date: June 14, 2011

MEMORANDUM

DATE: June 14, 2011

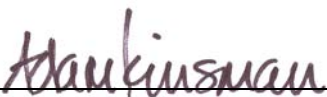
TO: The Board of Supervisors

FROM: Adam Kinsman, Deputy County Attorney

SUBJECT: Ordinance to Amend and Reordain Chapter13, Motor Vehicles and Traffic, Article I, In General, Section 13-7, Adoption of State Law; and Article II, Driving Automobiles, Etc., While Intoxicated or Under the Influence of Any Drug, Section 13-28, Adoption of State Law, Generally.

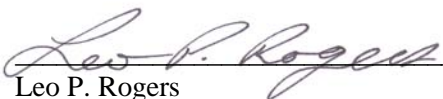
The attached Ordinance incorporates by reference into the James City County Code (County Code) the 2011 amendments made by the General Assembly to the Driving Under the Influence (D.U.I.) and traffic laws. County Police officers are charging traffic offenders under the County Code, which must be amended to reflect the State's changes to the applicable D.U.I and traffic laws. The State's changes shall become effective July 1, 2011. It is necessary that the County Code be amended in order to be in compliance with the State's changes.

Staff recommends adoption of the attached Ordinance.



Adam Kinsman

CONCUR:



Leo P. Rogers

AK/tlc
Ch13Amend11_mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 13-7, ADOPTION OF STATE LAW; AND ARTICLE II, DRIVING AUTOMOBILES, ETC., WHILE INTOXICATED OR UNDER THE INFLUENCE OF ANY DRUG, SECTION 13-28, ADOPTION OF STATE LAW, GENERALLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Motor Vehicles and Traffic, is hereby amended and reordained by amending Section 13-7, Adoption of state law; and Section 13-28, Adoption of state law, generally.

Chapter 13. Motor Vehicles and Traffic

Article I. In General

Sec. 13-7. Adoption of state law.

(a) Pursuant to the authority of section 46.2-1313 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the state contained in title 46.2 of the Code of Virginia, as amended, and in force on July 1, ~~2010~~ 2011, except those provisions and requirements the violation of which constitutes a felony, and those provisions and requirements which by their very nature can have no application to or within the county, are hereby adopted and incorporated in this chapter by reference and made applicable within the county. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any provision of title 46.2 of the Code of Virginia which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under title 46.2 of the Code of Virginia.

(b) It is the intent of the board of supervisors that all future amendments to sections of the Code of Virginia incorporated by reference in the provisions of this article be included in this article automatically upon their effective date, without formal amendment of this article by the board of supervisors.

State law reference-Authority to adopt state law on the subject, Code of Va., § 46.2-1313.

Article II. Driving Automobiles, Etc., While Intoxicated
or Under the Influence of any Drug

Sec. 13-28. Adoption of state law, generally.

Article 9 (section 16.1-278 et seq.) of chapter 11 of title 16.1 and article 2 (section 18.2-266 et seq.) of chapter 7 of title 18.2, Code of Virginia, as amended and in force July 1, ~~2010~~ 2011, are hereby adopted and made a part of this chapter as fully as though set out at length herein. It shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any section of the Code of Virginia as adopted by this section.

State law reference-Authority to adopt state law on the subject, Code of Va., § 46.2-1313.

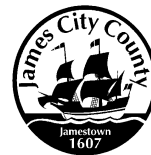
Mary K. Jones, Chairman
Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June, 2011.

Chp13VehiTraf_ord



MEMORANDUM COVER

Subject: Resolution Requiring Virginia Retirement System (VRS) Plan 2 Employees to Pay the Five Percent Employee Share of their Retirement Contribution

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board approve the resolution stating that the Virginia Retirement System (VRS) Plan 2 employees will begin paying the employee five percent portion towards their retirement effective July 1, 2011?

Summary: At its April 26, 2011, meeting, the Board of Supervisors indicated its desire to have VRS Plan 2 employees begin paying the five percent employee share towards their retirement effective July 1, 2011.

The attached memorandum and resolution affirm the Board's decision so that staff may notify the VRS.

Staff recommends approval of the attached resolution.

Fiscal Impact: Undetermined, long-term savings

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

- 1. Memorandum
- 2. Resolution

Agenda Item No.: J-1

Date: June 14, 2011

MEMORANDUM

DATE: June 14, 2011

TO: The Board of Supervisors

FROM: Carol M. Luckam, Human Resource Manager

SUBJECT: Resolution Requiring Virginia Retirement Systems (VRS) Plan 2 Employees to Pay the Five Percent Employee Share of their Retirement Contribution

The attached resolution has been written to enact the Board of Supervisors' desire expressed at its April 26, 2011 meeting, to have the Virginia Retirement Systems (VRS) Plan 2 employees begin to pay the five percent employee share of their retirement contribution, effective July 1, 2011.

To help control retirement costs, a VRS "Plan 2" was established by the Virginia General Assembly for those hired into VRS-covered positions on or after July 1, 2010, who were either new VRS members or prior members with no service credit. Local governments and school divisions are given the option of paying for or "picking up" the employee contribution to the new VRS Plan 2, or having employees pay that cost. The Board has expressed the desire to have the Plan 2 employees begin to contribute towards their retirement by paying the five percent employee share of their retirement costs effective July 1, 2011.

Since this action would result in a decrease in take-home pay for about 17 General Fund VRS Plan 2 employees hired since July 1, 2010, the Board authorized in the FY 2012 Budget a 5.7 percent base salary increase for these employees to offset the five percent impact. The salaries will be adjusted effective July 1, 2011.

This change will result in increasing cost savings over time, though it is difficult to predict the amount of savings in FY 2012. It depends upon the turnover rate, the salaries of those positions that experience turnover, and whether they are filled by Plan 1 (someone with prior VRS service) or Plan 2 employees. The number of Plan 2 employees is likely to increase each year and, in the long term, all employees will be Plan 2 for a savings of five percent of payroll. This represents a strategic cost savings measure by the Board.

Staff recommends adoption of the attached resolution.

Carol M. Luckam

CML/nb
VRS2EmpPay_mem

Attachment

RESOLUTION

**REQUIRING VIRGINIA RETIREMENT SYSTEM (VRS) PLAN 2 EMPLOYEES TO PAY THE
FIVE PERCENT EMPLOYEE SHARE OF THEIR RETIREMENT CONTRIBUTION**

WHEREAS, the Virginia General Assembly, in its 2010 session, passed legislation creating a separate retirement plan for those hired into Virginia Retirement System (VRS) covered positions on or after July 1, 2010, who were either new VRS members or prior members with no service credit, hereafter referred to as “Plan 2 employees”; and

WHEREAS, the legislation allowed local governments the option of having Plan 2 employees pay all or part of the five percent employee portion of their retirement contribution; and

WHEREAS, James City County elects to have Plan 2 employees participate in the cost of their retirement plan by paying all of their five percent member contribution through salary reduction in accordance with Internal Revenue Code § 414 (h); and

WHEREAS, this election represents a long-term cost savings measure.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby will have Plan 2 employees pay the five percent Virginia Retirement System member contribution effective July 1, 2011.

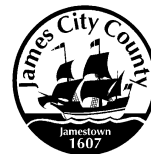
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June, 2011.

VR2EmpPay_res



MEMORANDUM COVER

Subject: Fund Balance Policy

Strategic Management Plan Pathway: 3.b - ensure ongoing operational costs are funded

Action Requested: Shall the Board adopt a policy for fund balance?

Summary: Staff recommends adoption of a fund balance policy to be compliant with Governmental Accounting Standards Board (GASB) Statement No. 54 (GASB 54) entitled Fund Balance Reporting and Governmental Fund Type Definitions.

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.: J-2

Date: June 14, 2011

M E M O R A N D U M

DATE: June 14, 2011
TO: The Board of Supervisors
FROM: Suzanne R. Mellen, Assistant Manager of Financial and Management Services
SUBJECT: Fund Balance Policy

The Governmental Accounting Standards Board (GASB) is the source of generally accepted accounting principles (GAAP) used by State and Local governments. The GASB has issued *Statements, Interpretations, Technical Bulletins*, and *Concept Statements* defining GAAP for state and local governments since 1984. The County has conformed with GASB rulings in its financial reporting and is one of the reasons why the County has a AAA bond rating with two bond rating agencies.

In February 2009, GASB issued Statement No. 54 (GASB 54) entitled *Fund Balance Reporting and Governmental Fund Type Definitions*. This GASB standard will not affect the calculation of fund balance, but will change various components used to report fund balance in the governmental funds of the County's Comprehensive Annual Financial Report (CAFR).

The objective of GASB 54 is to enhance the usefulness of fund balance information by providing clearer fund balance classifications that can be more consistently applied and by clarifying the existing governmental fund type definitions. GASB 54 establishes five fund balance classifications that comprise a hierarchy based primarily on the extent to which a government is bound to observe constraints imposed upon the use of the resources reported in governmental funds.

1. Nonspendable - Amounts that cannot be spent because of their nature (such as the County's inventory) and amounts that must be maintained intact legally or contractually (such as the long-term amount of loans/notes receivable).
2. Restricted - Amounts subject to externally enforceable legal restrictions (such as bond covenants).
3. Committed - Amounts that can be used only for the specific purposes determined by a formal action of the County's highest level of decision-making authority, the Board of Supervisors, before the close of the fiscal year.
4. Assigned - Includes the intended use of resources established by the governing body itself or by an official delegated by the governing body. In governmental funds other than the General Fund, assigned fund balance represents the remaining amount that is not nonspendable, restricted or committed.
5. Unassigned - Includes all spendable amounts not contained in other classification. The General Fund is the only fund that would report a positive amount in unassigned fund balance.

The attached resolution includes a fund balance policy that is intended to comply with the GASB 54 requirements.

The policy includes the changes in classifications and formalizes the practices that have been in place during the preparation of the County's CAFR, such identifying and maintaining a minimum assigned fund balance for Fiscal Liquidity of no less than eight percent, with a target of 12 percent of the total operating budget (General Fund plus the County's share of Component Unit Schools). In other words, there is no change in the Board's policy, only newly worded classifications.

The following chart shows the general fund balance classifications that the County currently has and how they would change under the new policy:

	<u>Current Classification</u>	<u>New Classification</u>
Prepaid Items	Reserved	Non Spendable-Non Spendable in form
Inventory	Reserved	Non Spendable-Non Spendable in form
Encumbrances	Reserved	No longer shown
Capital Projects	Unreserved/Designated	Assigned
Potential Insurance Losses	Unreserved/Designated	Assigned
Health Insurance	Unreserved/Designated	Assigned
Capital Reserve Fund	Unreserved/Designated	Assigned
Fiscal Liquidity	Unreserved/Designated	Unassigned
Undesignated	Undesignated	Unassigned

Encumbrances will no longer be shown as a classification in fund balance and other assignments or classifications may appear as we implement this standard. In addition, greater disclosures in the notes to the financial statement will be added to clarify fund balance beyond what is shown on the face of the financial statement. As the County's financial statements will change over the years, new classifications may be added and/or change. The GASB 54 guidance will continue to be applied as described in this memorandum to fund balance classifications.

Staff recommends adoption of the attached resolution.

Suzanne R. Mellen

SRM/nb
FundBalPol_mem

Attachment

RESOLUTION

FUND BALANCE POLICY

WHEREAS, the Governmental Accounting Standards Board (GASB) has adopted new financial reporting standards to provide more clearly defined categories to make the nature and extent of the constraints placed on a government's fund balance more transparent; and

WHEREAS, the County of James City intends to be in compliance with the new financial reporting standards.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the following Fund Balance Policy:

County of James City, Virginia Fund Balance Policy

Purpose

This fund balance policy is intended to:

1. Ensure that the County of James City (the County) maintains adequate levels of fund balance to provide quality services to its residents in a fiscally responsible manner.
2. Protect the County against unforeseen circumstances and events such as revenue shortfalls and unanticipated expenditures.
3. Provide a long-term perspective recognizing that stated thresholds are considered minimum balances and that credit markets carefully monitor levels of fund balance to maintain creditworthiness.

This policy and the procedures established therein supersede all previous regulations regarding the County's fund balance and reserve policies.

Components of Fund Balance

The following shall constitute the components of fund balance:

- A. Nonspendable - Amounts that cannot be spent because of their nature (such as the County's inventory) and amounts that must be maintained intact legally or contractually (such as the long-term amount of loans/notes receivable).
- B. Restricted - Amounts constrained for a specific purpose by external parties, constitutional provisions, or enabling legislation.
- C. Committed - Amounts constrained for a specific purpose by the Board of Supervisors.

- D. Assigned - Amounts constrained for a specific purpose by the Manager of Financial and Management Services, who has been given the delegated authority by the board of Supervisors to assign amounts. The total amount reported as assigned should not result in a deficit in unassigned fund balance.
- E. Unassigned - Amounts not classified as nonspendable, restricted, committed, or assigned. Fiscal Liquidity of no less than eight percent, with a target of 12 percent, of the total operating budget (General Fund plus the County's share of Component Unit Schools) will be included in the unassigned fund balance and this policy will be disclosed in the Notes to the Financial Statements. The General Fund is the only fund that would report a positive amount in the unassigned fund balance.

Implementation and Review

Upon the adoption of this policy, the Board of Supervisors authorizes the Manager of Financial and Management Services to establish any standards and procedures, which may be necessary for its implementation. The Manager of Financial and Management Services shall review this policy at least annually and make any recommendations for changes to the Board of Supervisors.

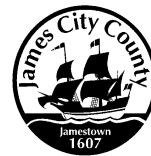
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June, 2011.

FundBalPol_res



MEMORANDUM COVER

Subject: Line of Duty Funding - Opt Out of State Sponsored Program, Fund through the Virginia Association of Counties Risk Pool (VACoRP) and Contingency Transfer

Strategic Management Plan Pathway: 1.a - evaluate service delivery costs

Action Requested: Shall the Board approve the resolutions to opt out of State sponsored plan and self fund claims through the Virginia Association of Counties Risk Pool (VACoRP) program?

Summary: In 2010, the Virginia General Assembly created an unfunded mandate for localities to pay for the Line of Duty Act program.

Local governments have until June 30, 2012, to make an irrevocable decision about whether to stay in the Virginia Retirement System (VRS) trust fund or pay for the costs some other way. Staff has analyzed the risks and costs associated with the various funding options and believe that opting out of the VRS program prior to July 1, 2011 and financing these liabilities through a guaranteed cost insurance program offered by VACO is the best option.

Staff recommends the County pay for Line of Duty Act claims by:

1. Opting out of the State sponsored Line of Duty Act fund
2. Authorizing the County Administrator to enter into the addendum to the Member Agreement for VACoRP
3. Transferring \$62,000 in the FY 2012 General fund budget from the Contingency Account to the County's Insurance Account.

Fiscal Impact: \$62,000

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Two resolutions

Agenda Item No.: J-3

Date: June 14, 2011

M E M O R A N D U M

DATE: June 14, 2011

TO: The Board of Supervisors

FROM: Suzanne R. Mellen, Assistant Manager of Financial and Management Services

SUBJECT: Line of Duty Funding-Opt Out of State Sponsored Program, Fund through Virginia Association of Counties Group Self Insurance Risk Pool (VACoRP) and Contingency Transfer

In 1972, the General Assembly passed the Line of Duty Act (LODA) program, which provided a death benefit for public safety officers killed in the line of duty. The State bore the responsibilities for these payments. Since then, the General Assembly has expanded the population of employees eligible for the benefit and has liberalized the benefits by providing a health insurance component. The increasing costs of the program and the requirement to show the liability for these benefits on the State's balance sheets prompted the General Assembly to renege on its promise to pay for the program and create an unfunded mandate for localities. In 2010, the legislature passed on to local governments the responsibility for funding the LODA benefits for local employees.

Local governments can finance these benefits through contributions to a trust managed by the Virginia Retirement System (VRS), finance them on their own, or through programs outside of VRS, such as one offered through the Virginia Association of Counties (VACO). The FY 2012 County budget allocated \$48,000 for LODA based on the best available information at the time.

Local governments have until June 30, 2012, to make an irrevocable decision about whether to stay in the VRS trust fund or pay for the costs some other way. Staff has analyzed the risks and costs associated with the various funding options and believes that opting out of the VRS program prior to July 1, 2011, and financing these liabilities through a guaranteed cost insurance program offered by VACO is the best option.

Although the VRS trust program has a low initial rate, the rate does not provide funding for future liabilities and the rates are projected to at least triple by 2015. VRS does not provide any claims management and in this Trust Fund plan, counties will be bearing a disproportionate share of past liability costs. In addition, VRS has indicated that they will bill non-LODA participating localities for actual claims paid at time of opt out. Cost estimates for known potential claims for FY 2011 and FY 2012 may exceed \$250,000 between the two fiscal years.

Staff also recommends that the Board authorize the County Administrator to enter into an addendum to the Member Agreement for the Virginia Association of Counties Group Self Insurance Risk Pool (VACoRP) which will allow the County to self-insure and pool liabilities for the Line of Duty Act. This guaranteed, non deductible cost insurance provides for:

- Claims Occurring between July 1, 2011 and July 1, 2012
- Unknown Claims occurring between July 1, 2006 and July 1, 2011
- Past Liabilities of Known Active Claims, including actual claims paid in FY 2011 that will be billed by the State.

Self Fund Line of Duty Act Claims

June 14, 2011

Page 2

Localities are individually rated on their past claims so that the overall rates are more equitable. VACoRP will also provide claims management, risk control, and administrative services. VACoRP is also the County's current workers' compensation carrier, so coordination of claims will be much more efficient. The cost for this insurance plan is approximately \$110,000.

Two resolutions are attached for your consideration. The first is a VRS designed resolution to opt out of the State sponsored Line of Duty Act fund which will be forwarded to VRS. The second resolution is to authorize the County Administrator to enter into the addendum to the Member Agreement for VACoRP and transfer \$62,000 in the FY 2012 General Fund budget from the Contingency Account (remaining balance will be \$825,023) to the County's Insurance Account.

Staff recommends adoption of the resolutions.

Suzanne R. Mellen

SRM/nb

LODAclaims_mem

Attachments

RESOLUTION

IRREVOCABLE ELECTION NOT TO PARTICIPATE IN LINE OF DUTY ACT FUND

WHEREAS, pursuant to Item 258 of the Appropriations Act, paragraph B, the Virginia General Assembly has established the Line of Duty Act Fund (the "Fund") for the payment of benefits prescribed by and administered under the Line of Duty Act, (Virginia Code § 9.1-400 et seq.); and

WHEREAS, for purposes of administration of the Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph B2 of Item 258 of the Appropriations Act) may make an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and

WHEREAS, it is the intent of the County of James City to make this irrevocable election to be a non-participating employer with respect to the Fund.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby elects to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds effective July 1, 2011.

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 14th day of June, 2011.

LODAclaims_res

RESOLUTION

**LINE OF DUTY ACT FUNDING AUTHORIZING COUNTY ADMINISTRATOR TO ENTER
INTO AGREEMENT WITH VACoRP AND CONTINGENCY TRANSFER**

WHEREAS, the Virginia General Assembly has created the Line of Duty Act Fund for the payment of liabilities prescribed by and administered under the Line of Duty Act, § 9.1-400 et seq. of the Code of Virginia; and

WHEREAS, the Virginia General Assembly has shifted the cost of paying past, present and future liabilities under the Line of Duty Act from the State to local government entities through Item 258 of the 2010 Budget Bill; and

WHEREAS, the County of James City chooses to self fund its mandated obligations under the Line of Duty Act through coverage offered by the Virginia Association of Counties Group Self Insurance Risk Pool; and

WHEREAS, the County of James City has opted out of the Line of Duty Act Fund.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to enter into an Addendum to the County's Member Agreement for Virginia Association of Counties Group Self Insurance Risk Pool for Line of Duty coverage.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following transfer of funds in the FY 2012 General Fund operating budget.

Expenditures:

Contingency	<u>\$(62,000)</u>
Financial and Management Services Insurance	<u>\$ 62,000</u>

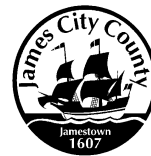
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June, 2011.

LODAclaims_res2



MEMORANDUM COVER

Subject: Urban Development Areas (UDAs)

Strategic Management Plan Pathway: 3 - Plan responsibly for the needs of a growing, diverse community

Action Requested: Shall the Board of Supervisors adopt the resolution certifying that the 2009 Comprehensive Plan accommodates growth in a manner consistent with Section 15.2-2223.1 of the Code of Virginia?

Summary: Urban Development Areas (UDAs) were first adopted as part of Virginia’s 2007 Transportation Financing Package. James City County has been subject to the statute since it was first adopted and has a compliance date of July 1, 2011. Compliance with the statute involves accommodation of development in the manner described in the statute. The legislation provides two paths to compliance: 1) amend the comprehensive plan to incorporate one or more urban development areas, or 2) adopt a resolution describing how the locality’s plan accommodates growth in a manner consistent with the legislation. Staff recommends that the Board certify that the current 2009 Comprehensive Plan meets the UDA requirements.

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

Agenda Item No.: J-4

Date: June 14, 2011

MEMORANDUM

DATE: June 14, 2011

TO: The Board of Supervisors

FROM: Allen J. Murphy, Jr., Planning Director/Assistant Development Manager
Ellen Cook, Senior Planner II

SUBJECT: Urban Development Areas (UDAs)

Introduction

Urban Development Areas (UDAs) were first adopted as part of Virginia's 2007 Transportation Financing Package which, among other things, sought to alleviate transportation infrastructure costs through more compact development models. Regulations related to UDAs apply to certain localities in Virginia based on population and rate of growth. Based on the criteria, James City County has been subject to the statute since it was first adopted and has a compliance date of July 1, 2011, while other localities have come under the statute based on 2010 Census figures and have a compliance date in 2013. Localities with more than 130,000 people have a different compliance deadline of July 1, 2012, based on amendments to the statute which were adopted in 2010.

Compliance Options

Compliance with the statute involves not only a particular time frame, but accommodation of development in the manner described in the statute. Specifically, localities must provide areas that:

- Are appropriate for higher density development;
- Accommodate development at a density of at least four single-family residences, six townhouses, or 12 apartments per acre and an authorized floor area ratio (FAR) of 0.4;
- Accommodate at least 10 but not more than 20 years worth of projected growth; and
- Incorporate principles of new urbanism and traditional neighborhood development.

The legislation provides two paths to compliance: 1) amend the comprehensive plan to incorporate one or more urban development areas, or 2) adopt a resolution describing how the locality's plan accommodates growth in a manner consistent with the legislation.

With regard to this first path to compliance, amending the comprehensive plan, staff would note that the legislation has been in flux (most significantly, with respect to the required densities) since its initial adoption. Early in the 2009 Comprehensive Plan process, the County's land use consultant recommended waiting to see what changes would occur as a result of the General Assembly's joint subcommittee study of the UDA legislation before amending the plan or certifying compliance. The consultant's recommendation was summarized in a memorandum that was provided to the Steering Committee on December 8, 2008. In keeping with past comprehensive plans since 1991, the 2009 Comprehensive Plan includes a vision for certain areas for higher density development, which are primarily the mixed use areas. In recognition of UDA legislation, and in order to best position the County while still being mindful of the legislation being in flux, language was added to the 2009 Comprehensive Plan regarding recommended FARs and adding more information on desired mixed use development design.

With regard to the second path to compliance, adopting a resolution, staff more recently re-evaluated the status of the legislation and the County's land use map. Due to the fact that the joint subcommittee's study did not result in significant changes to density or other parts of the legislation, and due to the language that was added to the Comprehensive Plan to best position the County, staff recommends that the Board certify that the current 2009 Comprehensive Plan meets the UDA requirements. Specifically, staff examined the following factors:

- Mixed use areas are identified in the Comprehensive Plan as areas appropriate for higher density development;
- The land use designation description for Mixed Use recommends densities and intensities up to 18 dwelling units per acre, and FARs of 0.4;
- Based on U.S. Census and Virginia Employment Commission figures, as specified in the statute, the mixed use areas identified in the March 16, 2011, Policy Committee memorandum and shown on the attached map accommodate at least 10 years worth of growth; and
- The land use designation description for Mixed Use has development standards that include principles of new urbanism and traditional neighborhood development.

Because of the latitude provided in the legislation, there are likely other ways that one or more UDAs could be delineated in James City County, but the proposal set forth in the memorandum best matches the UDA characteristics outlined in the statute, and best matches the vision set forth in the adopted Comprehensive Plan. Designating larger areas for urban-scale densities would have implications, including the following:

- Process - such as re-doing a large-scale comprehensive plan effort,
- Policy - such as:
 - Re-engaging with the community regarding widespread higher densities,
 - Possibly raising the development potential for the County versus using existing land use designations to meet the intent, and
- Fiscal - such as planning for additional growth and the resulting infrastructure and services needed.

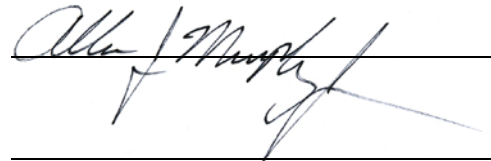
The recommendation outlined in staff's memorandum is similar to the approach used by York County, whose Board has already adopted a resolution certifying that its Comprehensive Plan accommodates growth in a manner consistent with the statute via its six Mixed Use designated areas. In addition, according to a Commission on Local Government report, certification of an existing comprehensive plan is the approach being used by many comparable localities.

Should the Board concur with certifying the existing 2009 Comprehensive Plan, that action would in essence only be a foundation as we evaluate the process over the years. The statute states that the boundaries and size for each UDA shall be reexamined and if necessary, revised every five years in conjunction with the review of the comprehensive plan, and further that the boundaries of each UDA shall be identified in the locality's comprehensive plan and shown on future land use maps. Staff plans to follow this State Code language to reexamine the UDAs and show the UDAs on the land use map during the Comprehensive Plan update in 2014.

Recommendation

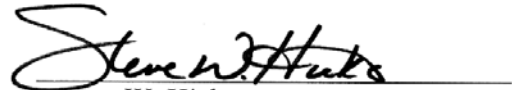
Staff recommends that the Board of Supervisors adopt a resolution certifying that the 2009 Comprehensive Plan accommodates growth in a manner consistent with Section 15.2-2223.1 of the Code of Virginia. Staff brought this information to the Policy Committee meetings on March 16, 2011, and April 25, 2011, meeting. In addition, the Planning Commission held a work session with public comment to discuss the topic on April 13, 2011. For the Board's reference, minutes from these meetings are attached.

At its May 4, 2011, meeting, the Commission voted 6-1 to endorse staff's certification proposal, subject to removing Five Forks from the list of mixed use areas that would be certified as the County's Urban Development Areas. Staff had no objection to removal of this mixed use area.



Ellen Cook

CONCUR:



Steven W. Hicks

AJM/EC/nb
UrbanDevA_mem

Attachments:

1. April 13, 2011, Planning Commission Work Session Memorandum
2. March 16, 2011, Policy Committee Meeting Memorandum (includes Section 15.2-2223.1 of the Code of Virginia as an attachment)
3. Minutes
 - a. March 16, 2011, Policy Committee Meeting
 - b. April 13, 2011, Planning Commission Work Session
 - c. April 25, 2011, Policy Committee Meeting
 - d. May 4, 2011, Planning Commission Meeting
4. Urban Development Areas Map
5. May 13, 2011, Letter from the Hampton Roads Planning District Commission
6. Resolution

RESOLUTION

URBAN DEVELOPMENT AREAS (UDAs)

- WHEREAS, Section 15.2-2223.1 of the Code of Virginia, referred to herein as the Urban Development Areas (UDA) law, requires every locality that has adopted zoning, a population of at least 20,000, and population growth of at least five percent to incorporate one or more “urban development areas” in its comprehensive plan; and
- WHEREAS, “urban development areas” are defined as areas that are appropriate for higher density development as defined in the statute and incorporate principles of traditional neighborhood development, which may include, but are not limited to, mixed-use neighborhoods, mixed housing types, pedestrian-friendly road design, street connectivity, reduction of subdivision street widths and turning radii at subdivision street intersections, reduction of front and side yard building setbacks, and preservation of natural areas; and
- WHEREAS, in order to fulfill this requirement, localities that meet the criteria must either amend their comprehensive plans to incorporate urban development areas or adopt a resolution certifying that the comprehensive plan accommodates growth in a manner consistent with the UDA law; and
- WHEREAS, the James City County 2009 Comprehensive Plan establishes a mixed use land use designation that provides for mixed-use development standards promoting the new urbanist and traditional neighborhood design principles set forth in the UDA law and referenced above; and
- WHEREAS, the 2009 Comprehensive Plan’s mixed-use designated areas include Stonehouse (with zoning implementing the whole planned unit development of Stonehouse), Anderson’s Corner, Toano, Norge, Croaker Interchange, Lightfoot, New Town, Williamsburg Crossing, Route 60/143/199 Interchanges, GreenMount, and Treyburn Drive, with sufficient acreage to accommodate at least ten but not more than 20 years of projected growth and which allow for development at sufficient residential and commercial densities to comply with the UDA law; and
- WHEREAS, the UDA law states that a certification resolution shall describe any financial and other incentives for development in the areas that accommodate such growth, which James City County does not have specifically.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that the James City County 2009 Comprehensive Plan, adopted November 24, 2009, accommodates growth in a manner consistent with the provisions set forth in Section 15.2-2223.1 of the Code of Virginia.

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 14th day of June,
2011.

UrbanDevA_res

MEMORANDUM

DATE: April 13, 2011

TO: Planning Commission

FROM: Ellen Cook, Senior Planner II
Jason Purse, Senior Planner

SUBJECT: Urban Development Areas (UDA) Work Session

Introduction

The topic of today's work session is Urban Development Areas (UDAs). UDAs were first adopted as part of the 2007 Transportation Financing Package which, among other things, sought to alleviate transportation infrastructure costs through more compact development models. UDA legislation represents a significant move to assert state control of land use, versus the ability of localities to make land use planning determinations. Regulations related to UDAs apply to certain counties in Virginia, based on population and rate of growth. In contrast to James City County which has used growth management tools for many years, many of these counties had previously not planned for higher density new urbanist and mixed use development in their Comprehensive Plans. James City County has had a mixed use land use designation promoting higher densities since the 1991 Comprehensive Plan. Paragraph 2 of staff's memo (see attached) discusses the characteristics of UDAs outlined in the Code, including:

- appropriate for higher density development,
- accommodating development at a density of at least 4 single family residences, 6 townhouses, or 12 apartments and an authorized floor area ratio (FAR) of 0.4,
- accommodating at least 10 years worth of projected growth, and
- incorporate principles of new urbanism and traditional neighborhood development.

History in James City County

This legislation is a state mandate that has been on the Planning Division's tracking list for a number of years. The legislation has been in flux (most significantly, with regard the required densities) and has been identified as a concern by many localities. Early in the 2009 Comprehensive Plan process the consultant recommended waiting to see what changes would occur as a result of the General Assembly's joint subcommittee study of the UDA legislation before amending the plan or certifying compliance. The consultant's recommendation was summarized in a memo that was provided to the Steering Committee and has subsequently been forwarded to the Planning Commission. In keeping with past plans, the 2009 Comprehensive Plan includes a vision for certain areas for higher density development, which are primarily the mixed use areas. In recognition of UDA legislation, and in order to best position the County while still being mindful of the legislation being in flux, language was added to the 2009 Comprehensive Plan regarding recommended FARs and adding more information on desired mixed use development design.

Due to the fact that the joint subcommittee's study did not result in significant changes to the legislation, and due to the language that was added to the Comprehensive Plan to best position the County, staff believes that the current 2009 Comprehensive Plan meets the UDA requirements by virtue of the designation of specific areas as being appropriate for mixed-use development. The attached staff memo outlines the reasons for this analysis. The State code provision on UDAs provides for two routes to compliance: either localities must amend their Comprehensive Plans, or localities may determine that their plan already "accommodates growth in a manner consistent with the [UDA] section" in which case they may certify such compliance by adoption of a resolution by the Board of Supervisors. Staff has recommended this second path, that the Board adopt a resolution certifying that the 2009 Comprehensive Plan accommodates growth in a manner consistent with 15.2-2223.1 of the *Code of Virginia*.

Other Approaches

Because of the latitude provided in the legislation, there certainly are other ways that one or more UDAs could be delineated in James City County, such as inclusion of the entire PSA, but it is staff's belief that the proposal set forth in the memo best matches the UDA characteristics outlined in the code, and best matches the vision set forth in the adopted Comprehensive Plan. Designating larger areas for urban-scale densities would have implications, including:

- Process, such as re-doing a large-scale comprehensive plan effort
- Policy, such as:
 - Re-engaging with the community regarding widespread higher densities
 - Possibly raising the development potential for the County versus using existing land use designations to meet the intent
- Fiscal, such as planning for additional growth and the resulting infrastructure and services needed

The recommendation outlined in staff's memo is similar to the approach used by York County, whose Board has already adopted a resolution certifying that their Comprehensive Plan accommodates growth in a manner consistent with the code via its six Mixed Use designated areas. In addition, according to a Commission on Local Government report, certification of an existing Comprehensive Plan is the approach being used by many comparable localities (examples include Albemarle, Frederick and Henrico counties).

Attachment

1. UDA Memo presented at the March 16, 2011 Policy Committee

MEMORANDUM

DATE: March 16, 2011
TO: Policy Committee
FROM: Ellen Cook, Senior Planner II
Jason Purse, Senior Planner
SUBJECT: Urban Development Areas

Section 15.2-2223.1 of the *Code of Virginia* requires localities with 20,000 or more residents and at least five percent (5%) population growth over 10 years (which includes James City County) to incorporate one or more higher density “Urban Development Areas” (UDA) designations within their comprehensive plans. The intent of this law was to discourage sprawl by concentrating new development in Virginia’s growing localities in areas where the necessary infrastructure either has been built or can be built in a more efficient manner.

In the Code of Virginia, UDAs are defined as areas “appropriate for higher density development due to the proximity of transportation facilities, the availability of a public or community water and sewer system, or proximity to a city, town or other developed area.” The legislation requires that the UDA be “appropriate for development at a density on the developable acreage of at least four single-family residences, six townhouses, or 12 apartments, condominium units, or cooperative units per acre, and an authorized floor area ratio (FAR) of at least 0.4 per acre for commercial development, or any proportional combination thereof.” The legislation also requires that the UDA designation be sufficient to accommodate at least 10 years of projected residential and commercial growth within the locality. The comprehensive plan is required to incorporate principles of new urbanism and traditional neighborhood development (TND), which is defined to include, but not be limited to, elements such as pedestrian-friendly road design, preservation of natural areas, and mixed-use neighborhoods.

The legislation specifies that comprehensive plans must be made to comply with the law; however, localities may determine that their plans already “accommodates growth in a manner consistent with the [UDA] section” in which case they may certify such compliance by adoption of a resolution. In parallel with the approach used by York County, staff believes that the current James City County 2009 Comprehensive Plan meets the UDA requirements by virtue of the designation of specific areas as being appropriate for mixed-use development. In forming this conclusion, staff considered the following:

- The UDA law requires that a minimum of ten years of projected growth be accommodated in UDAs designated in a locality’s comprehensive plan. According to official state projections¹ and figures from the U.S. Census Bureau, ten years of growth would equate to approximately 15,772 residents, or approximately 6,330 dwelling units, based on the most recent average household size estimate of 2.49 persons per household.

¹ Virginia Employment Commission (VEC)

- The 2009 Comprehensive Plan currently designates fourteen areas for mixed-use areas². The Comprehensive Plan’s mixed use designation description as applied to these areas essentially mirrors the TND principles outlined in the UDA law:
 - The basic description states, “Mixed use areas are centers within the PSA where higher density development, redevelopment, and/or a broader spectrum of land uses are encouraged. Mixed Use areas located at or near interstate interchanges and the intersections of major thoroughfares are intended to maximize the economic development potential of these areas by providing areas primarily for more intensive commercial, office, and limited industrial purposes.”
 - The mixed use development standards state, in part, “Mixed use developments should create vibrant urban environments that bring compatible land uses, public amenities, and utilities together at various scales. These developments should create pedestrian-friendly, higher-density development, and a variety of uses that enable people to live, work, play and shop in one place, which can become a destination.”

- With regard to the legislation’s specified commercial intensity, the Comprehensive Plan’s Mixed Use Designation Recommended Uses and Intensity section states, “The recommended Floor Area Ratio (FAR)³ range will depend on the context of the specific Mixed Use area, but for all areas it is strongly encouraged that opportunities for on-street parking, shared parking, structured parking and other measures to cohesively plan development be considered that maximize the efficient use of land and achieve FARs close to, or greater than, 0.4.” The Mixed Use and Planned Unit Development zoning districts, which complement the Comprehensive Plan’s Mixed Use Designation, would certainly allow up to and beyond a 0.4 FAR (there is no limit on FAR in either district).

- With regard to the legislation’s specified residential density, the Comprehensive Plan’s Mixed Use Designation Recommended Density section states: “Moderate to high density residential uses with a maximum gross density of 18 dwelling units per acre could be encouraged in Mixed Use areas where such development would complement and be harmonious with existing and potential development and offer particular public benefits to the community.” The Mixed Use and Planned Unit Development zoning districts allow single-family structures, townhomes and apartments at densities which accord with the UDA regulations (up to 18 du/ac).

- Based on the approximate acreages of the areas designated in the Comprehensive Plan for Mixed Use, and assuming development in the allowed ranges permitted in the Mixed Use and Planned

² For the purposes of this memo, two of the mixed-use areas, the Jamestown Ferry Approach and James River Commerce Center mixed use area, will not be considered due to their more specialized nature.

³ Floor Area Ratio is the ratio of the total floor area of buildings on a certain location to the size of the land of that location. As a formula: Floor area ratio = (Total covered area on all floors of all buildings on a certain plot)/(Area of the plot).

Unit Development districts, staff has calculated the approximate development potential figures in the table below.

Area	Approx. Total Mixed Use Designation Acres*	Commercial Floor Area (sq.ft.)	Dwelling Units
Stonehouse	1,684	4,040,110	3,690**
Anderson's Corner	63	75,315	45
Toano	213	141,570	163
Norge	60	63,160	116
Croaker Interchange	724	2,170,000	1,038
Lightfoot	300	76,230	251
New Town	690	600,000	902
Five Forks	73	43,560	10
Williamsburg Crossing	86	146,361	135
Routes 60/143/199 Interchanges	264	228,690	158
GreenMount	40	105,544	128
Treyburn Drive	18	99,970	12
Total	4,215	7,790,510	6,648

* While this table lists the approximate total area of the Comprehensive Plan designation, the approximate development potential figures are based on an analysis of undeveloped or potentially re-developable areas, and master planned caps.

** This total includes the whole master-planned Stonehouse community, which includes some area outside the Comprehensive Plan mixed use designation, but which is all zoned as a unified Planned Unit Development (PUD). The total acreage of the remaining Stonehouse PUD is 4,666.

It is important to note that the UDA law only requires that the Comprehensive Plan provide the opportunity for higher density mixed-use development with at least four residential units per acre and a commercial Floor Area Ratio of 0.4. That opportunity is clearly available through the Plan's Mixed Use designations and the complementary Mixed Use and Planned Unit Development zoning districts. Therefore, staff believes that the areas listed in the table above are effectively Urban Development Areas and that the Board can certify that its Comprehensive Plan "accommodates growth in a manner consistent with [the UDA requirements]." Staff would also note that the 2009 Comprehensive Plan's Economic Opportunity designation could likely be included as a UDA area in the future.

Staff plans to recommend to the Board that a resolution be adopted certifying that the 2009 Comprehensive Plan accommodates growth in a manner consistent with 15.2-2223.1 of the *Code of Virginia*.

Attachments

1. Section 15.2-2223.1 of the Code of Virginia

§ 15.2-2223.1. Comprehensive plan to include urban development areas.

A. For purposes of this section:

"Commercial" means property devoted to usual and customary business purposes for the sale of goods and services and includes, but is not limited to, retail operations, hotels, motels and offices. "Commercial" does not include residential dwelling units, including apartments and condominiums, or agricultural or forestal production, or manufacturing, processing, assembling, storing, warehousing, or distributing.

"Commission" means the Commission on Local Government.

"Developable acreage," solely for the purposes of calculating density within the urban development area, means land that is not included in (i) existing parks, rights-of-way of arterial and collector streets, railways, and public utilities and (ii) other existing public lands and facilities.

"Population growth" means the difference in population from the next-to-latest to the latest decennial census year, based on population reported by the United States Bureau of the Census. In computing its population growth, a locality may exclude the inmate population of any new or expanded correctional facility that opened within the time period between the two censuses.

"Urban development area" means an area designated by a locality that is (i) appropriate for higher density development due to its proximity to transportation facilities, the availability of a public or community water and sewer system, or a developed area and (ii) to the extent feasible, to be used for redevelopment or infill development.

B. Every locality that has adopted zoning pursuant to Article 7 (§ [15.2-2280](#) et seq.) of this chapter and that (i) has a population of at least 20,000 and population growth of at least five percent or (ii) has population growth of 15 percent or more, shall, and any locality may, amend its comprehensive plan to incorporate one or more urban development areas.

1. The comprehensive plan of a locality having a population of less than 130,000 persons shall provide for urban development areas that are appropriate for development at a density on the developable acreage of at least four single-family residences, six townhouses, or 12 apartments, condominium units, or cooperative units per acre, and an authorized floor area ratio of at least 0.4 per acre for commercial development, or any proportional combination thereof.

2. The comprehensive plan of a locality having a population of 130,000 or more persons shall provide for urban development areas that are appropriate for development at a density on the developable acreage of at least eight single-family residences, 12 townhouses, or 24 apartments, condominium units, or cooperative units per acre, and an authorized floor area ratio of at least 0.8 per acre for commercial development, or any proportional combination thereof.

3. The urban development areas designated by a locality shall be sufficient to meet projected residential and commercial growth in the locality for an ensuing period of at least 10 but not

more than 20 years, which may include phasing of development within the urban development areas. Where an urban development area in a county with the urban county executive form of government includes planned or existing rail transit, the planning horizon may be for an ensuing period of at least 10 but not more than 40 years. Future residential and commercial growth shall be based on official estimates of the Weldon Cooper Center for Public Service of the University of Virginia or official projections of the Virginia Employment Commission or the United States Bureau of the Census.

4. The boundaries and size of each urban development area shall be reexamined and, if necessary, revised every five years in conjunction with the review of the comprehensive plan and in accordance with the most recent available population growth estimates and projections.

5. The boundaries of each urban development area shall be identified in the locality's comprehensive plan and shall be shown on future land use maps contained in such comprehensive plan.

6. The comprehensive plan shall incorporate principles of traditional neighborhood design in the urban development area, which may include but need not be limited to (i) pedestrian-friendly road design, (ii) interconnection of new local streets with existing local streets and roads, (iii) connectivity of road and pedestrian networks, (iv) preservation of natural areas, (v) mixed-use neighborhoods, including mixed housing types, with affordable housing to meet the projected family income distributions of future residential growth, (vi) reduction of front and side yard building setbacks, and (vii) reduction of subdivision street widths and turning radii at subdivision street intersections.

7. The comprehensive plan shall describe any financial and other incentives for development in the urban development areas.

8. A portion of one or more urban development areas shall be designated as a receiving area for any transfer of development rights program established by the locality.

C. No locality that has amended its comprehensive plan in accordance with this section shall limit or prohibit development pursuant to existing zoning or shall refuse to consider any application for rezoning based solely on the fact that the property is located outside the urban development area.

D. Any locality that would be required to amend its plan pursuant to subsection B that determines that its plan accommodates growth in a manner consistent with subsection B, upon adoption of a resolution describing such accommodation and describing any financial and other incentives for development in the areas that accommodate such growth, shall not be required to further amend its plan pursuant to subsection B. Any locality that has adopted a resolution certifying compliance with subsection B prior to February 1, 2010, shall not be required to comply with this subsection until review of the locality's comprehensive plan as provided for in provision 4 of subsection B.

E. Localities shall consult with adjacent localities, as well as the relevant planning district commission and metropolitan planning organization, in establishing the appropriate size and location of urban development areas to promote orderly and efficient development of their region.

F. Any county that amends its comprehensive plan pursuant to subsection B may designate one or more urban development areas in any incorporated town within such county, if the council of the town has also amended its comprehensive plan to designate the same areas as urban development areas with at least the same density designated by the county. However, if a town has established an urban development area within its corporate boundaries, the county within which the town is located shall not include the town's projected population and commercial growth when initially determining or reexamining the size and boundary of any other urban development area within the county.

G. To the extent possible, federal, state and local transportation, housing, water and sewer facility, economic development, and other public infrastructure funding for new and expanded facilities shall be directed to the urban development area, or in the case of a locality that adopts a resolution pursuant to subsection D, to the area that accommodates growth in a manner consistent with this section.

H. Documents describing all urban development area designations, as well as any resolution adopted pursuant to subsection D, together with associated written policies, zoning provisions and other ordinances, and the capital improvement program shall be forwarded, electronically or by other means, to the Commission within 90 days of the adoption or amendment of comprehensive plans and other written policies, zoning provisions and other ordinances. The Commission shall annually report to the Governor and General Assembly the overall compliance with this section including densities achieved within each urban development area. Before preparing the initial report, the Commission shall develop an appropriate format in concert with the relevant planning district commission. Other than the documents, policies, zoning provisions and other ordinances, resolutions, and the capital improvement program forwarded by the locality, the Commission shall not impose an additional administrative burden on localities in preparing the annual report required by this subsection.

I. Any locality that becomes subject to provision 2 of subsection B shall have until July 1, 2012, to amend its comprehensive plan in accordance with this section.

J. Any locality that becomes subject to this section due to population growth shall have two years following the report of the United States Bureau of the Census made pursuant to P.L. 94-171 to amend its comprehensive plan in accordance with this section.

(2007, c. [896](#); 2009, c. [327](#); 2010, cc. [465](#), [528](#).)

POLICY COMMITTEE MEETING

March 16, 2011

7:00 p.m.

County Complex, Building A

1) Roll Call

Present

Mr. Reese Peck, Chair
Mr. Al Woods
Mr. Jack Fraley
Mr. Tim O'Connor

Staff Present

Mr. Allen Murphy
Ms. Tammy Rosario
Ms. Ellen Cook
Mr. Jason Purse

Mr. Darryl Cook
Ms. Melissa Brown
Ms. Sarah Propst
Mr. Brian Elmore

Mr. Reese Peck called the meeting to order at 7:00 p.m.

2) Minutes –

A. February 9, 2011

Mr. Jack Fraley moved for approval of the minutes.

In a unanimous voice vote, the minutes were approved (4-0).

B. February 23, 2011

Mr. Fraley moved for approval of the minutes.

In a unanimous voice vote, the minutes were approved (4-0).

C. February 24, 2011

Mr. Fraley moved for approval of the minutes.

In a unanimous voice vote, the minutes were approved (4-0).

Mr. Peck moved UDAs to the end of the agenda.

3) New Business

A. Floodplain Overlay Districts Ordinance update

Ms. Sarah Propst stated staff made revisions based on comments from the January 25th Policy Committee meeting. She stated staff defined “substantial,” added language on flood resistant construction methods and materials to Section 24-588, and researched the amount of County land impacted if Stormwater elevation recommendations were implemented. Stormwater staff recommends raising riverine floodplain district building sites 2-feet above the 100-year flood zone and raising tidal

floodplain district building sites 2-feet above the 100-year flood zone, with on-site fill allowed to meet the elevation in tidal floodplain districts.

Mr. Fraley stated he agreed with staff recommendations.

Mr. Darryl Cook stated the ordinance proposal does not address road flooding.

Mr. Al Woods asked if the ordinance could include raised elevation requirements for roads and common areas.

Ms. Propst stated the County would not be able to impact Virginia Department of Transportation (VDOT) practices.

Mr. Allen Murphy stated it was unlikely roads would be extended beyond buildable lots.

Mr. Cook stated the main downside for the proposal would be costs landowners incurred bringing in fill.

Mr. Fraley moved to accept staff recommendations.

In a unanimous voice vote, staff recommendations were approved (4-0).

B. Signs Ordinance Updates

Ms. Melissa Brown stated staff recommends reducing freestanding sign setbacks to the property line if the owner demonstrates the sign does not cause visibility problems. Staff also recommends adding language allowing a maximum of three, 7-foot tall pole-mounted directional signs per property. Finally, staff recommends excluding gas prices from the flashing signs definition for clarification.

Ms. Brown stated that directional signs are intended to be secondary to advertising signage and necessary to locate a business or office that is located off of state primary roads. Currently, there is no limit on the number of directional signs allowed by the ordinance. Currently, Mixed Use districts are the only districts that have specific requirements for multiple directional signs.

Mr. Fraley asked how the Comprehensive Plan's language on sign scale, size, color, and materials complimenting the community character could be translated into the ordinance.

Ms. Brown stated the County cannot regulate sign color unless there is an identifiable impact on health or public safety. She stated the ordinance already regulates size, scale, materials, and lighting.

Mr. Murphy stated the Commission could seek sign proffers during public hearing cases that further limited size and lighting.

Mr. Peck stated he would like a legal memo referencing the case law that prohibits sign color regulation.

Ms. Brown stated the County limits freestanding sign size and numbers to maintain the community character as identified in the Comprehensive Plan. She stated York County allows free-standing signs up

to 50 square feet. The County's 32 square-foot freestanding sign maximum can be increased to 60-square feet by increasing the distance of the sign from the right-of-way.

Mr. Fraley asked Ms. Brown to use Courthouse Commons as a case study.

Ms. Brown stated there are two potential issues with the Courthouse Commons signage. She stated the allowed 32-square foot sign has been split onto two brick monuments. The ordinance only permits one freestanding sign per right-of-way. Also, the signs have been placed in VDOT's right-of-way, which extend into the lot more than usual. The County zoning ordinance has no control of state maintained right of way.

Mr. Fraley stated it seemed less intrusive to place two brick monuments rather than a single free-standing sign.

Mr. Murphy stated the ordinance already allowed residential neighborhood signs to split the 32-foot maximum.

Mr. Fraley stated there should be additional flexibility in the sign ordinance.

Mr. Woods stated some communities are disasters due to the sign issue getting away from people.

Mr. Murphy stated the sign ordinance was the most important ordinance for preserving community character. He stated there is a long lasting impact from signs, with many nonconforming signs still across the County. The Comprehensive Plan and legislative decisions can promote sign policies that protect the character of the community and provide visibility for business owners.

Mr. Peck stated he was optimistic colors could be regulated. He stated the Commission should have the authority to regulate that type of issue unless specifically prohibited by law or court decision.

The Committee had a general discussion regarding James City versus York regulations.

C. Urban Development Areas (UDAs)

Ms. Cook stated staff believes several Comprehensive Plan mixed use areas meet UDA requirements. She stated staff believes mixed use areas are a better fit than using the Primary Service Area (PSA) to comply with the law. The state UDA code is still being amended on a regular basis.

Mr. Peck stated UDAs are targeted growth nodules within a jurisdiction. He stated the County's Land Use section does not embody the UDA concept. The County should review the entire UDA process before saying it is in compliance. In the target growth areas, the County should review pedestrian friendly road design, interconnection, mixed use neighborhoods, mixed housing, affordable housing, financial incentives including grants, regional coordination, preserving rural lands through development rights transfer, and timelines for compliance. The planning process should educate and involve the public about UDAs and their placement.

Mr. Peck stated the UDA is more than a designation. He stated the County should avoid trying to fit a square peg into a round whole. More public input is needed on the increased density requirements.

Mr. Jason Purse stated the County already incorporated higher density mixed use areas before being required to do so by legislation. He stated much of the UDA legislation language is already in the Comprehensive Plan. Staff identified areas in the County with the infrastructure or capacity for infrastructure to help keep the community at a manageable scale.

Mr. Peck stated the UDA regulators will want to see the County's water and infrastructure policies. He stated the PSA is too large to accommodate 20 years of growth designated by the UDA rules. The amount of land locked into large master plan development also increases the difficulty in complying with the UDA.

Mr. Peck asked why the County preferred to self-certify UDA designations, rather than take them through the planning process. He stated the UDA should be reviewed during the regional Comprehensive Plan update.

Mr. Murphy stated that the strategic update with York and Williamsburg would not equal a full reexamination of the Comprehensive Plan.

Mr. Fraley stated the proposed UDAs should be identified in a more strategic, comprehensive manner. He stated New Town, the Richmond Road Lightfoot to Croaker corridor, and Stonehouse should serve as the UDAs, rather than selection of mixed use areas proposed. The Five Forks Character Study is inconsistent with the UDA regulations. The public and the Commission should both be better educated about UDAs.

Ms. Tammy Rosario stated the UDAs were discussed at Steering Committee public meetings as part of the 2009 Comprehensive Plan update. The County has a history of thoughtful deliberation and action on growth management. Given that the UDA legislation, mixed use densities, mixed use development standards, and growth management were discussed during the recent Comprehensive Plan process, which contained significant public input opportunities, and that no densities were proposed to be increased through certification and designation of areas as UDAs, staff did not believe a large public input process was necessary.

Mr. Peck stated there has been fallout from competing and not coordinating growth with neighboring localities. He stated other counties are holding public forums to discuss UDAs. With the UDA rules finally in effect and with two years to comply with the regulation, the County should lead a lengthy public discussion on the issue.

Mr. Murphy stated UDAs as proposed in the staff memo would not cause any changes in zoning or Comprehensive Plan designations.

Mr. Fraley stated he thought the mixed use ordinance would have to be rewritten. He cited some UDA legislation language regarding street connectivity, pedestrian friendly streets, mixed housing types, affordable housing, and reduction of side and rear yard setbacks.

Mr. Peck asked if the County land use map would be updated to include the UDAs.

Mr. Murphy stated the UDA certification could be done by Board resolution.

Mr. Fraley stated the legislation required an updated map.

Mr. Woods stated he would like the entire Commission to discuss UDAs before making any decisions.

Mr. Fraley stated the Commission should discuss UDAs at public work session.

Mr. Peck stated he would like for the Commission to agree upon a formal recommendation to present to the Board.

Ms. Cook noted that York County has already self-certified its own mixed use areas as in compliance.

Ms. Rosario stated staff has taken into account, as part of the feasibility study, accommodating mixed use as a Transfer of Development Rights (TDR) receiving area if the County approves the TDR program.

Mr. Peck stated there is no County document discussing how capital improvements will be directed towards UDAs.

Ms. Rosario stated projects within the PSA are given capital improvement program priority.

Mr. Fraley asked Committee members to email available meeting dates for a Commission work session after April 8th.

Mr. Murphy stated the PSA was too large to serve as the UDA. He stated UDAs suggest a minimum four units per acre, while most of the PSA is low density residential, which would create a large change in how the County expects that land to be developed.

4) Adjournment

Mr. Fraley moved to adjourn.

The meeting was adjourned at 9:02 p.m.

Reese Peck, Chair of the Policy Committee

A SPECIAL MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE THIRTEENTH DAY OF APRIL, TWO-THOUSAND AND ELEVEN, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Planning Commissioners

Present:

Jack Fraley
Joe Poole
Tim O'Connor
Rich Krapf
Al Woods
Mike Maddocks
Reese Peck

Staff Present:

Allen Murphy, Director of Planning/Assistant
Development Manager
Adam Kinsman, Deputy County Attorney
Tammy Rosario, Principal Planner
Ellen Cook, Senior Planner
Jason Purse, Senior Planner
Brian Elmore, Development Management Asst.

Mr. Jack Fraley called the meeting to order at 4:00 p.m.

2. URBAN DEVELOPMENT AREAS DISCUSSION

Mr. Fraley stated that the purpose of the work session is to update the full Planning Commission on the County's progress in complying with the state's new Urban Development Areas (UDAs). He stated that the UDAs would be discussed during an upcoming regular Commission meeting, with staff presenting their resolution of certification to the Board of Supervisors (BOS) by July 1st. The Commission will not vote tonight, although it will vote on a Board recommendation at their May 4 meeting.

Ms. Ellen Cook stated that, per the statute, UDAs should be able to accommodate densities of 4-single family residences, 6 townhomes, or 12 apartments, and a Floor Area Ratio (FAR) of 0.4. Staff stated that the Mixed Use designation allows uses equal or greater than the 0.4 FAR and densities of 18 units per acre. Staff confirmed that the County's mixed use areas could accommodate the 10-20 years of growth mandated by the UDA statute. The county is under no obligation to approve any UDA-oriented development plan. Staff confirmed that existing mixed use area design principles mirror much of the UDA requirements. The code does not require the county to use fiscal incentives for UDA development, but requires any incentives used to be listed in the Comprehensive Plan. One UDA must be established as a receiving area, and if the County proceeds with the establishing of the TDR program after the TDR feasibility study, it would comply with the code. The code allows any locality that adopts a resolution certifying that their current plans are compliant to avoid amending their existing Comprehensive Plan. Staff recommends approval of a resolution certifying that the county's plan is compliant with the UDA code. The County has met with adjacent localities to discuss UDAs, as required by the code. The Economic Opportunity area

could serve as a future UDA. To the extent directed by the Board of Supervisors, public infrastructure funding shall be directed into the UDAs when possible. The law also requires reexamination of UDA sizes and boundaries every 5 years into conjunction with the Comprehensive Plan update. Each UDA shall be shown on the Comprehensive Plan map.

Mr. Reese Peck stated this was the first he heard of staff discussing UDA with other localities and of staff characterizing the 2012 Comprehensive Plan update as strategic rather than a general update. One of reasons for the 2012 plan update is to deal with regional issues.

Ms Tammy Rosario stated regional meetings were more general land use discussions, not specifically about UDAs. She stated that during the regional Comprehensive Plan coordination process the localities would retain their own Comprehensive Plans and timelines. The three localities could discuss UDAs further, but the strategic update is not intended to be a reexamination of land use issues.

Mr. Peck asked about using the Primary Service Area (PSA) to comply with the law.

Ms. Cook stated additional research would be required to determine if the PSA could be modified to accommodate the UDA requirements, and that there would likely be implications associated with this, which were listed in the staff memo.

Mr. Peck asked if the County would rely on Mixed Use development standards to comply with the law.

Ms. Cook stated the County would use densities, intensities, and development standards.

Ms. Rosario stated the Zoning Ordinance's Mixed Use districts support those higher densities and development patterns.

Mr. Peck stated the legislation wants localities to direct growth into certain areas and preserve rural areas. He stated other counties, such as Albemarle, already have designated high-growth areas that comply with the law. Those counties meet the certification by having stated policies that direct future growth and financial support into high-growth areas embodying UDA design principles. He stated that approach is fundamentally different from saying there are principles in the Comprehensive Plan which support urban development.

Mr. Joe Poole stated he would not support any policy that would allow carte-blanche growth in areas without adequate infrastructure.

Mr. Rich Krapf stated the legislation required a minimum of one UDA. He stated the mixed use areas incorporate every requirement of the law. The law usurps local

planning and the county should meet the minimum requirement of passing a resolution certifying compliance rather than wasting time and money on an additional Comprehensive Plan update.

Mr. Maddocks asked if staff agreed with Mr. Krapf's recommendations.

Mr. Allen Murphy said yes.

Mr. Fraley stated he agreed with Mr. Krapf's Comprehensive Plan recommendations. He stated staff should reconsider using the County's disparate mixed use areas to comply with the law. He asked staff to reconsider Five Fork's UDA designation, stating it was inconsistent with the 2004 Five Forks area study. Five Fork's residents would be anxious to learn of their UDA designation. Instead of using distinct mixed use parcels, the county should designate the New Town area, the Lightfoot-Croaker corridor, and Stonehouse as UDAs.

Ms. Rosario stated there is room to narrow the UDA designation list. She stated if there is discomfort or differing opinions, staff would feel comfortable removing Five Forks from the UDA list. She stated the three areas mentioned by Mr. Fraley would not be big enough to handle 10 years of growth.

Mr. Krapf stated he agreed with the Five Forks comments.

Mr. Poole stated he was comfortable removing Five Forks from the list.

Mr. Al Woods asked if the reluctance to modify the Comprehensive Plan arose from the work and resources involved or from a desire to protect the community's desires as expressed in the Plan. He stated if that is the case, the Commission should be doing what is necessary to sustain that character.

Mr. Krapf stated all of those reasons were factors. He stated the Comprehensive Plan had been through significant public input and the resources to change it would be substantial.

Mr. Fraley stated UDAs would be an issue during the 2012 Comprehensive Plan update. He stated he would begin discussions with the Regional Issues Committee.

Mr. Peck stated he was concerned about certifying the UDAs. He stated a major planning principle was to engage the community. The Board and the community at large did not yet understand the impacts of this major legislation. The County cannot legitimately say it made specific decisions to use the UDA model as a growth management tool. Legitimate discussion on the UDAs should be held at a policy level.

Mr. Poole stated the legislation simply requires the County to certify a UDA. He stated the County has several areas. He supports the staff resolution. There were significant community discussions during the Comprehensive Plan, and adjustments

could be made in upcoming Comprehensive Plan reviews and updates.

Mr. Murphy stated only certain strategic areas of the Comprehensive Plan would be updated in 2012.

Mr. Fraley opened the public comment session.

Mr. Gerald Johnson stated Five Forks' inclusion in the UDA would violate its area study principles. He asked for removal of Five Forks UDA designation.

Mr. Scott Walter, representing the Virginia Campaign for Liberty, stated urban and sustainable developments harmed personal property rights. He stated there is a bill at the state to make urban development plans optional, not mandatory, and he hopes the Commission supports that legislation.

Ms. Judy Fuss, 3509 Hunter's Ridge, stated she was involved with the Five Forks study, and would like to see the area removed as a UDA due to its inconsistency with UDA requirements.

Ms. Sarah Kadec, stated that members of James City Count Citizen's Coalition has not yet reviewed other UDAs as completely as Five Forks, and would in particular like to review the Toano UDA. She stated the UDA list could be reduced to 8 or 9, and that the Five Forks intersection cannot accommodate higher growth.

Ms. Susan Gaston, representing the Williamsburg Area Association of Realtors, stated the association would offer a full opinion on the UDA at the May Commission meeting. She stated the association recommends using the Economic Opportunity area as a UDA.

The meeting was adjourned at 5:11 p.m.

Jack Fraley, Chairman

Allen J. Murphy, Secretary

POLICY COMMITTEE MEETING

April 25, 2011

7:00 p.m.

County Complex, Building A

1) Roll Call

Present

Mr. Reese Peck, Chair
Mr. Al Woods
Mr. Jack Fraley

Staff Present

Mr. Allen Murphy
Mr. Tammy Rosario
Mr. Christopher Johnson
Mr. Luke Vinciguerra
Ms. Jennifer VanDyke

Absent

Mr. Tim O'Connor

Mr. Reese Peck called the meeting to order at 7:00 p.m.

2) Minutes

a) March 16, 2011

Mr. Jack Fraley moved for approval for the March 16, 2011 minutes. The minutes for March 16, 2011 were approved as presented.

b) April 13, 2011

Mr. Fraley moved for approval for the April 13, 2011 minutes. The minutes for April 13, 2011 were approved as presented.

3) Old Business

4) New Business

a) Traffic Impact Analysis

Mr. Luke Vinciguerra reviewed staff's proposal for submittal requirement changes pertaining to traffic impact analysis.

Mr. Al Woods stated that the policy should clearly define all documentation that is required for a traffic impact analysis.

Mr. Peck asked why the proposal is for a new policy rather than an ordinance change.

Mr. Vinciguerra stated that the County Attorney made this recommendation.

Mr. Peck stated he would like to have more information informing him on the County Attorney's decision.

Mr. Woods asked if there would be any benefit in granting the Board of Supervisors (BOS) the latitude to negotiate.

Mr. Peck stated that you can draft the ordinance with exceptions, waivers and general criteria to create flexibility.

Mr. Allen Murphy stated that by creating a policy, rather than changing the ordinance, the County retains greater discretion.

Mr. Peck stated that having it in the ordinance would bring greater transparency to the process.

Mr. Woods asked for greater clarity regarding the requirements attached to those properties that are in a corridor with a Level of Service (LOS) of "C" or below.

Mr. Vinciguerra stated that the applicant would have to submit documentation outlining recommended traffic improvements to mitigate the effects of the proposed development. He stated that the applicant would not be required to do the traffic improvements.

Mr. Fraley stated that it would be at the discretion of the Planning Director to decide what, if any traffic improvements be required. Mr. Fraley stated that he supports staff's proposal. He stated that requiring more detailed traffic studies would be beneficial.

Mr. Christopher Johnson stated that even though Virginia Department of Transportation (VDOT) changed their requirements, adding the 527 review study, the County BOS retains the authority to grant approval on special use permits and rezonings.

Mr. Peck stated that policies can be referenced within the ordinance.

Mr. Fraley stated that he is supportive of tying a policy document and the Zoning Ordinance together.

b) Wireless Communications ordinance update

Mr. Fraley stated that overall he is supportive of staff's recommendation regarding the wireless communications ordinance changes. Mr. Fraley stated that he did expect to see a report from the consultant regarding emerging trends and what other jurisdictions are doing.

Mr. Vinciguerra stated that the consultant provided a strike-through version of his recommended changes to the ordinance. He stated that the consultant's strike-through ordinance did not include any analysis. He stated that the staff report did list the proposed changes and provided further logic for staff's recommendations.

Mr. Johnson stated that staff requested locality comparison data from the consultant. He stated that staff reviewed and considered each of the consultant's proposed changes before drafting staff's proposal.

Mr. Fraley presented a memo outlining his own recommendations. Please see attachment number 1.

Mr. Woods asked if the professionals in the room had an opinion to share regarding Mr. Fraley's recommendations.

Ms. Lisa Murphy of LeClairRyan stated that listing the definitions would be helpful. The term "camouflage" is used a little differently by industry professionals and the County. Ms. Murphy stated that she does not think favorably of the consultant's suggestions. She stated that the recommendations made are rigid and that flexibility will be lost. She stated because there are so many variables involved in finding a suitable location it is ideal to have flexibility built into the regulations. She stated that having the distinction made between "camouflage" and "slick stick" would be particularly helpful.

Mr. Fraley stated that a distinction needed to be made between camouflage and slick stick. He stated that he did not include setbacks in his proposal. He stated that his intention was to help clarify where he had seen confusion. He stated he wanted to address the concerns raised by the citizens. He stated that he did not suggest increasing buffers, landscaping requirements, or setbacks. He stated that he would like to see more towers modeled after grain silos, windmills, and light poles. He stated that generally speaking, other localities do not permit cell towers by right in residential areas.

Mr. Stephen Romine of LeClairRyan asked if Mr. Fraley's intent was to make "Tier 1" towers administratively approved.

Mr. Fraley stated, yes.

Mr. Romine stated that Mr. Fraley's approach seems to speak more to the aesthetic aspects of towers. He pointed out that "Tier 3" towers are only permitted outside of the Primary Service Area (PSA). He would prefer to see some flexibility to allow a conventional monopole in the PSA with a special use permit.

Mr. Fraley stated that the industry is moving towards shorter towers.

Mr. Romine stated that shorter towers are only suitable when there are larger towers available to support it and create a "back bone" in the network.

Ms. Murphy stated that the industry is looking to make strong in building, data penetration within a smaller area. She stated that the towers can be smaller and closer to the areas they serve. She stated that there are still areas in Hampton Roads that do not have that basic "back bone" network.

Mr. Woods asked for staff's reaction to Mr. Fraley's recommendations.

Mr. Murphy stated that requiring special use permits in residential areas is feasible. He stated that his largest concern would be adopting administrative regulations without retaining administrative discretion. He stated that universal standards should not be adopted for all locations outside the PSA

and outside residential areas. He stated that the Planning Director still needs to have room for discretionary judgment.

Mr. Fraley stated that in those ordinances he has read from other jurisdictions, he has not seen language that allows for discretionary judgment in a significant way.

Mr. Murphy stated that the visible presence of a tower is of primary importance. He stated that there are many factors that contribute to visibility, making it essential to allow for discretionary judgment.

Mr. Woods stated that he does not want to compromise setbacks and buffering, particularly within residential areas. He stated that he is interested in seeing a formal response from staff, incorporating the ideas brought forward from Mr. Fraley.

Mr. Fraley stated that he feels that the buffering currently required is sufficient.

Mr. Murphy stated he agrees. He stated that there are those cases where additional setbacks would not significantly improve the visual impact of a tower.

Mr. Woods asked if the citizens present had any feedback.

Mr. Bill Halteman, 109 Randolph's Green asked how temporary towers would be addressed.

Mr. Fraley stated that temporary towers need to be defined and included in the ordinance.

Mr. David Neiman, 105 Broomfield Circle stated that towers should not be permitted in residential areas, by right.

Ms. Sarah Kadec, 3504 Hunters Ridge stated that a master plan of the County needs to be created for wireless communications. She stated that creating a master plan would provide a savings to cellular service providers and better inform decisions on ideal placement. She stated that by right and administrative decisions need to be better explained to the public.

Mr. Romine stated that the current verbiage "by right, per administrative approval" is misleading. He stated that by right means something different from one jurisdiction to the next. In many other localities, by right means that plan review would be required for a building permit.

Mr. Fraley stated that staff reviews the proposal to confirm that the tower meets the standards described in the ordinance.

Mr. Peck stated that there is a difference between a ministerial task and a discretionary task.

Mr. Romine stated that with the administrative review you would expect an expedited process. He stated that due to the appeals process you end up with just as much scrutiny as a legislative review.

Mr. Neiman stated that public hearings should be a greater part of the process; it is in the residents' interest.

Mr. Peck stated that the legislative body needs to gauge the public's comfort level regarding this process.

c) Urban Development Areas

Mr. Peck made a presentation on why it is important to not adopt a resolution certifying compliance with the state's Urban Development Areas (UDA) requirements. Please see attachment number 2.

Ms. Tammy Rosario stated that complying with the statute's provisions was not as black and white as depicted in Mr. Peck's presentation. She stated that there is no specific methodology outlined in the statute. Staff reached out to their peers, and they concurred that staff's methodology is reasonable. She stated that there is also no method to calculate population projections that does not have a margin of error. She stated that staff's population projections for 2010 ended up falling short due to a flaw in the HMS database. She stated that the data pulled from the HMS system did not account for the population living in assisted living facilities. She stated that development potential can be calculated in a number of different ways and that staff used a conservative approach. When the survey arrived in 2010 staff had already anticipated methods in the Comprehensive Plan to accommodate growth and the provisions of the statute. Areas had already been designated as high-density growth areas with the intention to use new-urbanist/traditional neighborhood development principles. She stated that if we withdrew our certification take extra time to review our policies we would miss the July 1, 2011 deadline. She stated that undertaking a separate process would take staff away from other projects including the Zoning Ordinance update.

Mr. Murphy stated that he feels the approach staff has taken works. He stated that staff has a proposal that preserves the integrity of the 2009 Comprehensive Plan. The new legislation from the state should not be taken as an impetus to reexamine intended land use patterns. The Historic Triangle Comprehensive Plan Coordination effort is an examination of those areas where the three localities border one another. He stated that this effort is not intended to reexamine the work completed with the 2009 Comprehensive Plan. Staff has already accounted for UDAs within the PSA through the 2009 Comprehensive Plan.

Mr. Peck stated that those are all valid arguments. He stated that the Planning Commission is charged with making policy recommendations to the Board of Supervisors on the Comprehensive Plan. He stated that within the Comprehensive Plan Implementation Schedule it states that after the 2009 study staff would return to working with the Planning Commission and the Board on UDAs. He stated that further measures need to be taken to ensure that certain areas are used for high density development to limit further sprawl.

Mr. Murphy stated that the state did not follow through with the promised money for road improvements.

Ms. Rosario stated that this legislation has been in flux for some time. She stated that the study group took much longer than they had expected, further delaying staff's analysis of the statute's requirements.

Mr. Murphy stated that if the County is interested in examining areas in the PSA this could be done during the 2014 Comprehensive Plan update.

Mr. Peck stated that he was under the impression that James City County, the City of Williamsburg and York County were going to synch up and complete individual Comprehensive Plan updates concurrently.

Ms. Rosario stated that this idea is good in theory, though it may not be practical. She stated that it may take a different length of time for each locality to complete their update. She stated that staff will put in a good faith effort for the regional synchronization and attempt to address regional issues.

Mr. Murphy stated that it will not be a regional comprehensive plan.

Mr. Woods asked if the regional coordination is something new.

Mr. Murphy stated that it was.

Mr. Woods asked if the County Attorney has been consulted on whether or not the County is in compliance with the state's requirements.

Mr. Murphy stated that the County is compliant.

Mr. Peck stated that he supports UDA concepts and it would be a good vehicle to drive transfer development rights. He stated that there are many localities that are taking this initiative very seriously.

Mr. Fraley stated that he can see the greatest benefit coming from the joint efforts in working with the City of Williamsburg and York County on region-wide planning.

Ms. Rosario stated that staff's efforts to focus on the Lightfoot area during the regional effort is timely since York County's UDA is just on the other side.

Mr. Woods stated that his perception of where the community wants to go is not higher density development. He stated that he is comfortable with the measures staff has taken up to this point. He stated that if the County can certify and continue to protect the citizens' vision, then the greatest benefit would be achieved.

5) Adjournment

Mr. Fraley moved to adjourn. The meeting was adjourned at 9:06 p.m.

Reese Peck, Chair of the Policy Committee

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FOURTH DAY OF MAY, TWO-THOUSAND AND ELEVEN, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Planning Commissioners

Present:

Jack Fraley
Joe Poole III
Al Woods
Mike Maddocks
Rich Krapf
Tim O'Connor

Staff Present:

Allen Murphy, Director of Planning/Assistant
Development Manager
Adam Kinsman, Deputy County Attorney
Chris Johnson, Principal Planner
Tammy Rosario, Principal Planner
Ellen Cook, Senior Planner
John Carnifax, Director, Parks and Recreation
Brian Elmore, Development Management Asst.

Mr. Jack Fraley called the meeting to order at 7:00 p.m.

2. PUBLIC COMMENT

Mr. Fraley opened the public comment period. Seeing no one wishing to speak, the public comment period was closed.

3. MINUTES

A. April 6, 2011

Mr. Joe Poole moved for approval of the minutes.

In a unanimous voice vote, the minutes were approved (7-0).

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Poole stated the DRC met at a special meeting at 6:30 p.m. before the Commission meeting. He stated the DRC reviewed a landscape amendment for Case S-0048-2009, Stonehouse Tract 12, allowing additional clearing of approximately 3 acres to make additional lots ready for residential development. The DRC voted 4-0 to approve the request.

Mr. Mike Maddocks moved for approval of the minutes.

In a unanimous voice vote, the minutes were approved (7-0).

B. Policy Committee

Mr. Reese Peck stated the Policy Committee discussed the Economic Opportunity (EO) draft ordinance at the April 13th meeting and discussed traffic impact requirements, wireless communications, and Urban Development Areas (UDAs) at the April 25th meeting.

Mr. Fraley stated that due to technical issues on the UDA presentation, the Commission would discuss the public hearing first.

5. PUBLIC HEARING CASES

A. SUP-0003-2011 Mid-County Park Master Plan

Mr. Chris Johnson stated James City County Parks and Recreation has applied for a special use permit to bring the park into compliance with the Public Lands zoning district in advance of modifications to park facilities. Planning improvements include the removal of the baseball fields and lighting, moving the Ironbound Road entrance approximately 300 feet south, replacing the Kidsburg playground with a yet to be determined alternative, upgrading restrooms, fencing, and picnic shelters, and adding office space. The Parks and Recreation Advisory Committee (PRAC) unanimously recommended approval of the master plan. Staff recommends approval of the master plan with the four attached conditions.

Mr. Fraley opened the public hearing.

Mr. John Carnifax stated Parks held public meetings regarding the changes, including discussions with youth baseball programs. He stated baseballs hitting pedestrians and vehicles outside the park is a safety concern. To compensate for the loss of the Mid-County fields, Parks has agreed to light the varsity baseball fields at Warhill and Jamestown High Schools.

Mr. Peck asked about improved pedestrian access from Powhatan Secondary. He stated there was no safe crossing across Monticello Avenue, particularly at the News Road intersection.

Mr. Carnifax stated he discussed the Mid County project with the Virginia Department of Transportation (VDOT). He stated VDOT plans to improve the entire intersection with pedestrian cross walks and improved turn lanes on Ironbound and News. The improvements will take several years to complete, depending on funding.

Mr. Peck asked if he discussed the missing sidewalk near Rite Aid with VDOT.

Mr. Carnifax stated he did not.

Mr. Fraley stated there would be additional traffic improvement proffer funds from the Settler's Market and Courthouse Commons developments.

Mr. Tim O'Connor stated he had heard of a lack of practice facilities from the 10-and-under leagues. He asked if Parks planned to add any additional practice fields.

Mr. Carnifax stated Parks' goal was to make Mid-County more passive. He stated Parks meets the per capita baseball field standards in its master plan. A problem with sports is that everyone wants to practice on the best fields. Parks' challenge is to work with schools and youth leagues to upgrade fields around the county, including at Stonehouse and Norge.

Mr. Carnifax stated Parks would seek additional public input when it starts designing the Kidsburg replacement.

Mr. Fraley open the public comment session. Seeing none, Mr. Fraley closed the public comment session.

Mr. Rich Krapf moved to recommend approval with the attached conditions.

In a unanimous roll call vote, the Commission recommended approval (7-0).

COMMITTEE AND COMMISSION REPORTS (CONTINUED)

Mr. Fraley stated the Regional Issues Committee met on April 21st. He stated the Committee heard a presentation on the Tribe Square development on Richmond Road, incorporating four restaurants and almost 25,000 square feet of student housing. The Committee also listened to a Virginia Department of Rail and Public Transportation presentation on the future of Hampton Roads transit. The long-term plan includes commuter rail service from Newport News to Williamsburg and from the Southside to James City in 2035. The Committee also discussed the upcoming 2012 Comprehensive Plan synchronization between the jurisdictions, which would include a UDA discussion.

6. PLANNING COMMISSION CONSIDERATIONS

A. URBAN DEVELOPMENT AREAS (UDAS)

Ms. Ellen Cook stated the County must comply with the State's UDA statute, based on its population and rate of growth, by July 1, 2011. She stated the law allows localities to amend the Comprehensive Plan to incorporate one or more UDAs or to adopt a resolution stating how the County plans to accommodate growth in a manner consistent with the legislation. The legislation states localities must provide areas appropriate for higher density development of at least 4 single family homes, 6 townhomes, 12 apartments per acre, or a commercial floor-area ratio of 0.4. The 2009 Comprehensive Plan already identifies mixed use areas as appropriate for higher density growth with recommended densities of up to 18 units per acre, and floor-area ratios of 0.4. The county's mixed use areas can accommodate 10 to 20 years of growth and already incorporate new urbanism and traditional neighborhood development principles required by the law. Based on feedback from the April 13th Commission work session, Five Forks could be removed from the UDAs list. Staff recommends the Commission endorse staff's certification proposal, remove Five Forks, and provide any additional comments for the Board.

Ms. Tammy Rosario stated she had researched whether New Kent and Williamsburg were in compliance with the state's UDA statute. Williamsburg's compliance date is 2013 and

during its current Comprehensive Plan review process, the city plans to use its mixed use areas rather than restructure its Comprehensive Plan. New Kent submitted compliance data to the state but has not yet passed a resolution. It, too, is presently updating its Comprehensive Plan and will include UDA considerations in the revisions.

Mr. Peck stated High Street should be included in regional UDA discussions.

Ms. Rosario stated there would be 3 public meetings in 2012 organized by focus area, including Quarterpath (Rt. 199 and Rt. 60), Capital Landing and Merrimac, and the Croaker area.

Ms. Cook stated York's mixed use Comprehensive Plan areas were an overlay, with more general language and no specific development standards.

Mr. Peck stated York's mixed use ordinance focuses on village style development with main street areas. He stated the UDA's origins are to reduce sprawl and return to more urban design.

Mr. Peck stated he disagreed with staff's population projection methodology. He asked staff to explain their approach and if new Virginia Economic Commission (VEC) population projection numbers affected that analysis.

Ms. Rosario stated the UDA ordinance requires Census, Weldon Cooper, or VEC numbers. She stated it was difficult to speculate what changes there may be in the VEC projected numbers.

Mr. Peck asked if staff intends to keep using the population growth model used in the memo.

Ms. Rosario stated staff is comfortable with the continued use of the population growth model. She stated the County used VEC projections instead of county projections, in accordance with the statute. She stressed the County used a conservative methodology for development potential. Staff's conservative projections reflect many unknown future growth factors.

Mr. Peck asked if staff used the same methodology used to project growth within the Primary Service Area (PSA) in the Comprehensive Plan.

Ms. Rosario stated the PSA development potential analysis in the Comprehensive Plan was a six- to eight-month effort. She said staff considered similar factors as the development potential analysis for its UDA research but with a bigger picture focus. In terms of the 2009 Comprehensive Plan, staff, working with URS, developed buildout analysis scenarios, using approved mixed use master plans and the Comprehensive Plan designations. Staff UDA projections used a similar approach.

Mr. Peck asked if staff used more or less aggressive population assumptions than the Comprehensive Plan.

Ms. Rosario stated staff used the Comprehensive Plan land use map as a basis for their calculations.

Mr. Krapf stated he was comfortable with staff's recommendations. He stated the Steering Committee was aware of both the UDA legislation and its uncertainties. The Comprehensive Plan consciously inserted terms, such as floor-area ratios, in order to be compliant with the UDA. Updated population projections can be address during the five-year Comprehensive Plan updates. Staff's UDA areas will be capable of handling ten years of growth.

Mr. Mike Maddocks stated he believes the County is in compliance and the Commission should recommend approval.

Mr. Peck stated according to the Steering Committee report, staff should have reviewed UDAs in 2009. He stated following that review, staff would report its findings to the Commission and Board. Certain inducements would be needed to move growth into the UDAs. The county has not yet met with other localities to coordinate growth and staff has failed to discuss all aspects of the law with the Commission.

Mr. Krapf stated the certification process used a narrow focus. He stated there would be additional discussion going forward, but he felt the County is in compliance.

Mr. Al Woods stated there were extensive discussions at the Policy Committee. He stated the Committee agreed that the County complies with the intent of the law. The Comprehensive Plan serves as a starting point for a process involving multiple future reviews. The community will review and adjust as appropriate. He stated he supports recommending staff's position. The alternate would be an extensive, expensive, resource-absorbing process.

Mr. Poole stated he supports staff's methodology and believes the County is in compliance.

Mr. Peck stated an option to use outside consultants could have been presented to the Commission. He stated the County's stated growth management policies, including the PSA, are often undermined by the County actions. He stated he would not support the certification and believed additional discussions with neighboring localities should be held.

Mr. Fraley stated his approach would have been to use the Stonehouse, Lightfoot, and New Town areas rather than staff's use of disparate UDAs across the County. He stated he would support staff's recommendation.

Mr. Krapf moved to recommend staff's proposal, including removing Five Forks from the UDA list.

In a roll call vote, the Commission recommended staff's proposal (6-1: Yes: O'Connor, Woods, Maddocks, Krapf, Poole, Fraley; No: Peck).

6. PLANNING DIRECTOR'S REPORT

Mr. Allen Murphy stated he had no comments.

7. COMMISSION DISCUSSIONS AND REQUESTS

Mr. Fraley stated he was seeking the Republican nomination for the Board from the Roberts District. He asked if his continuing service as Commission chair presented any problems.

Mr. Maddocks stated everyone was aware of Mr. Fraley's intentions to run. He stated he was fine with Mr. Fraley continuing as Chairman.

Mr. Krapf stated he had no doubt Mr. Fraley would take the necessary actions if there was any overlap.

8. ADJOURNMENT

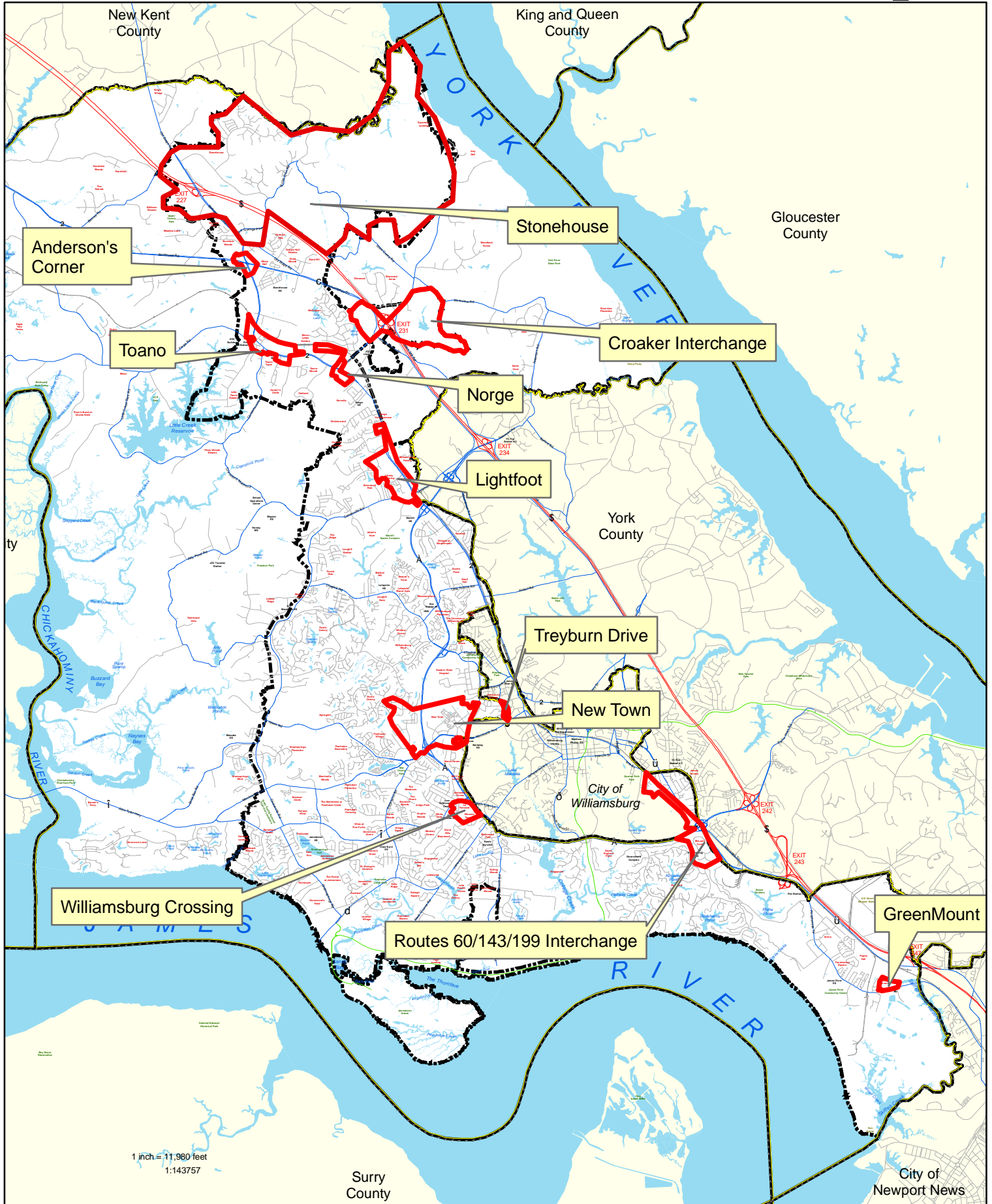
Mr. Woods moved to adjourn.

The meeting was adjourned at 8:17 p.m.

Jack Fraley, Chairman

Allen J. Murphy, Secretary

James City County - Real Estate Assessment Division



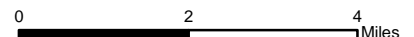
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Surry County

City of Newport News

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Real Estate Assessment Division of James City County, Mapping/GIS Section. Aerial Imagery Copyright 2005 James City County.

1 inch = 11,980 feet





MEMBER JURISDICTIONS

May 13, 2011

CHESAPEAKE

Ms. Ellen Cook
Senior Planner II
Development Management
P.O. Box 8784
Williamsburg, VA 23187-8784

FRANKLIN

GLOUCESTER

RE: James City County's Proposed Urban Development Areas

HAMPTON

Dear Ms. Cook:

ISLE OF WIGHT

In accordance with the state of Virginia's Code Section 15.2-2223.1, the Hampton Roads Planning District Commission (HRPDC) has completed its review of James City County's proposed Urban Development Areas tentatively identified as Mixed Use area.

JAMES CITY

NEWPORT NEWS

Based on this review, the size and location of James City County's proposed Urban Development Areas are appropriate and strategically positioned to promote orderly and efficient development of their region.

NORFOLK

POQUOSON

If you have any questions or need further information, please do not hesitate to call.

PORTSMOUTH

Sincerely,

SOUTHAMPTON

SUFFOLK

John M. Carlock
Deputy Executive Director

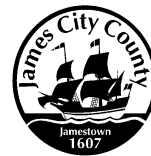
SURRY

JRM/fh

VIRGINIA BEACH

WILLIAMSBURG

YORK



MEMORANDUM COVER

Subject: Purchase of Development Rights Program – Offer to Sell a Conservation Easement - \$300,000

Strategic Management Plan Pathway: 4 g. Preserve Greenspace

Action Requested: Shall the Board approve the acquisition of a Purchase of Development Rights easement on 34.03 acres at 8155 Diascund Road in the amount of \$300,000?

Summary: Dennis P. and Christine A. Weygand have agreed upon terms for a perpetual conservation easement on property consisting of 34.03 acres at 8155 Diascund Road. The easement was appraised for \$287,500 and the owners submitted a counter offer of \$300,000. The PDR Committee recommends that the Board acquire the easement for the negotiated price of \$300,000.

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. Map
4. Letters

Agenda Item No.: J-5

Date: June 14, 2011

MEMORANDUM

DATE: June 14, 2011

TO: The Board of Supervisors

FROM: Edward T. Overton, Administrator, Purchase of Development Rights Program

SUBJECT: Purchase of Development Rights (PDR) Program – Offer to Sell a Conservation Easement – \$300,000

Dennis P. and Christine A. Weygand, have agreed upon terms for a perpetual conservation easement on their property consisting of 34.03 acres located at 8155 Diascund Road. The appraisal report prepared by Simerlein Appraisals, Ltd., established a baseline easement value of \$287,500. Mr. and Mrs. Weygand submitted a counter-offer of \$300,000, or \$8,815.75 per acre, which was presented to the Purchase of Development Rights (PDR) Committee for consideration. The PDR Committee recommends acceptance of the counter-offer.

In accordance with the PDR Ordinance, applicant properties determined to be eligible for PDR consideration are ranked against established criteria and presented to the PDR Committee for review and recommendation to the Board regarding negotiations. Upon receipt of PDR Committee recommendations, the Board determines applicant properties for negotiations for protection via a perpetual conservation easement.

The Weygand property was determined to be PDR eligible, and was recommended to the Board for negotiations for perpetual protection by a conservation easement. The PDR Committee recommendation to protect this parcel was influenced by its location within a region of the County that includes several existing and pending conservation easements, its location at the intersection of Diascund and Berkeley Town Roads, and its extensive boundary with Mill Creek. Following a review of the Weygand PDR application and the PDR Committee recommendation to protect Weygand, the Board authorized the PDR Administrator to enter into negotiations for a conservation easement on this property. Subsequent negotiations established terms of agreement for a deed of easement and an appraisal process was initiated to determine an easement value.

In accordance with the PDR Ordinance, the County Administrator invited the landowners to sell to the County a conservation easement on their property. The landowners signed and returned an offer letter to the PDR Administrator on May 19, 2011. The letter offers to sell a conservation easement to the County for the value of \$300,000 on the parcels identified as James City County Tax Map Parcel No. 1030100013, subject to the terms and conditions set forth in the proposed deed of easement.

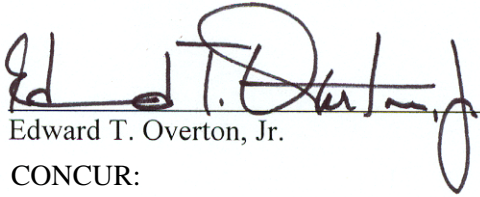
The PDR Ordinance states in Section 16A-12(e) that “an offer to sell a conservation easement shall be accepted by the Board in writing, following an action by the Board authorizing acceptance.” If the Board accepts the offer, final closing documents, including the deed of easement will be prepared and approved by staff and the County Attorney.

The PDR Committee and staff recommend approval of the attached resolution accepting the offer by Dennis P. and Christine A. Weygand to sell a conservation easement for the appraised value of \$300,000, and authorizing the County Administrator to execute all documents necessary for completing the acquisition.

Purchase of Development Rights (PDR) Program – Offer to Sell a Conservation Easement - \$300,000


June 14, 2011

Page 2



Edward T. Overton, Jr.

CONCUR:



Doug Powell

ETO/nb

PDR8155Dias_mem

Attachments:

1. Invitation of Offer
2. Offer to Sell
3. Resolution

RESOLUTION

PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM – OFFER TO SELL A

CONSERVATION EASEMENT – \$300,000

WHEREAS, the County has received an offer to sell a conservation easement under the Purchase of Development Rights (PDR) Program from the owner of the property known as:

8155 Diascund Road
James City County Tax Map Parcel No. 1030100013.; and

WHEREAS, the owner offered to sell a conservation easement on the property for a purchase price of \$300,000, subject to the conditions set forth in the proposed deed of easement referenced in the County's invitation of offer.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the offer to sell a conservation easement described above, or as modified by the County Attorney, and authorizes the County Administrator to execute all documents necessary for completing the acquisition.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby directs the PDR Administrator to send a copy of this resolution to the owner of the property identified herein.

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 14th day of June, 2011.

PDR8155Dias_res



COUNTY ADMINISTRATION

101-C MOUNTS BAY ROAD, P.O. BOX 8784, WILLIAMSBURG, VIRGINIA 23187-8784
(757) 253-6728

FAX: (757) 253-6833

VIA E-MAIL AND U. S. MAIL

May 5, 2011

Mr. and Mrs. Dennis P. Weygand
101 Berkeley Town Road
Lanexa, Virginia 23089-9117

RE: PDR Program: Invitation to Offer to Sell A Conservation Easement

Dear Mr. and Mrs. Weygand:

I invite you to offer to sell to the County of James City, a perpetual conservation easement on your 34.03 acre parcel located at 8155 Diascund Road, also identified as Tax Map Number 1030100013, for the purchase price of Three Hundred Thousand and 00/100 Dollars (\$300,000.00). You have already received a copy of the proposed deed of easement setting forth the terms and conditions of the conservation easement for your review; should you need another copy, please let me know.

If you elect to sell the conservation easement to the County, your offer must be received by the PDR Administrator by Friday, May 20, 2011. An offer form has been enclosed.

If you have questions about this invitation, your voluntary offer, or the proposed deed, please contact Ed Overton, PDR Administrator at (757) 259-5404.

Sincerely,

Robert C. Middaugh
County Administrator

RCM/eto

cc: E. Overton, PDR Administrator

Mr. and Mrs. Dennis P. Weygand
101 Berkeley Town Road
Lanexa, VA 23089-9117

May 5, 2011

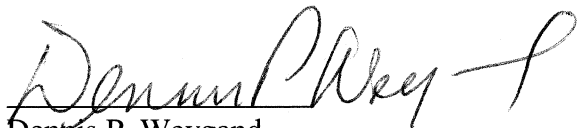
Edward T. Overton
PDR Administrator
James City County Purchase of Development Rights Program
5320 Palmer Lane
Williamsburg, Virginia 23188

Re: PDR Program: An Offer to Sell A Conservation Easement

Dear Mr. Overton:

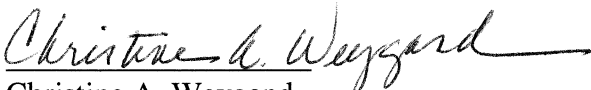
We voluntarily offer to sell a perpetual conservation easement to the County of James City, Virginia, for the sum of Three Hundred Thousand and 00/100 Dollars (\$300,000.00) on our 34.03 acre parcel located at 8155 Diascund Road, also identified as Tax Map Number 1030100013, subject to the terms and conditions set forth in the proposed deed of easement referenced in the invitation to submit an offer to sell.

Sincerely,



Dennis P. Weygand

Date: 5/9/2011



Christine A. Weygand

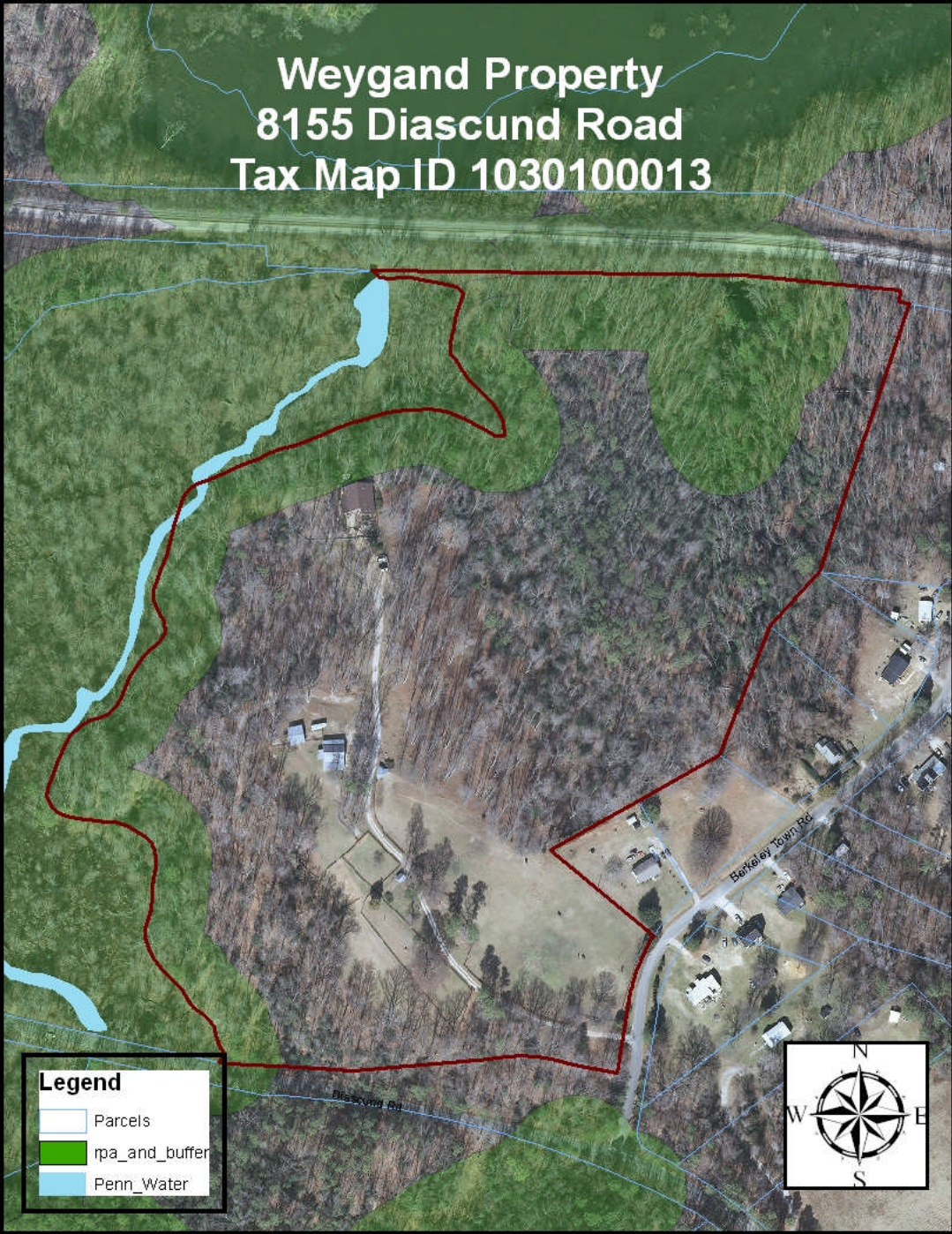
Date: 5.9.2011

The Property
of
Dennis and Christine Weygand
8155 Diascund Road

A Presentation to
The Board of Supervisors
of
James City County
June 14, 2011

Ed Overton, PDR Administrator

Weygand Property
8155 Diascund Road
Tax Map ID 1030100013



Legend

- Parcels
- rpa_and_buffer
- Penn_Water



Dennis P. and Christine A. Weygand
8155 Diascund Road, Lanexa
34.03 acres













