

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

November 8, 2011

7:00 P.M.

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C. MOMENT OF SILENCE	
D. PLEDGE OF ALLEGIANCE – Angela Shaw, a fourth-grade student at Rawls Byrd Elementary School	
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M. OPEN 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. Board of Equalization
 - b. Economic Development Authority

N. ADJOURNMENT to 4 p.m. on November 22, 2011

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AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF OCTOBER 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 (absent)
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

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

C. TRANSFER OF DEVELOPMENT RIGHTS FEASIBILITY STUDY

Ms. Leanne Reidenbach, Senior Planner, introduced Mr. Aaron Engstrom from the consulting firm Design, Community & Environment (DC&E) who was in attendance and Mr. Bill Fulton, also of DC&E and available by video conference.

Mr. Engstrom explained that a Transfer of Development Rights (TDR) program is a market-based program to conserve open spaces in exchange for allowing extra development in a receiving area, an area planned for growth. He shared the results of the market analysis conducted by DC&E. The analysis concluded that a TDR program could complement the County's Purchase of Development Rights (PDR), greenspace, and Agricultural and Forestal District (AFD) programs. The analysis also concluded that a TDR is valued at \$40,000 each in the sending area and TDRs are valued between \$350 and \$15,000 each in the receiving area.

Mr. Engstrom and Mr. Fulton recommended two strategies for sending areas: permit landowners to exercise all development rights or cap on-site density below current zoning. They recommended three strategies for receiving areas: require developers to provide TDRs to achieve density up to the currently permitted maximum, require developers to provide TDRs to receive bonus densities beyond currently permitted maximums, or incorporate TDRs as a requirement in the rezoning process.

The analysis concluded that a TDR program is feasible, that demand would be weak now, but may increase in the future.

Mr. Engstrom shared a list of criteria for a successful TDR program, all of which were present in the County: adequate sending and receiving areas, adequate incentives for landowners and developers, and a clear process for participants to follow. He noted that in order for the County to meet all of the criteria, the Board would need to make some critical decisions regarding program implementation.

Ms. Reidenbach outlined some of the challenges that the County would need to address to implement a successful TDR program. She noted that one of the strategies proposed by the consultant, to require TDRs as part of a rezoning, is not currently legally allowed in Virginia. She stated that staff also noted the high transfer ratios would not fulfill the Board's initial guidance to not increase development potential within the County as a whole. She stated that staff also believes proffer waivers would shift the cost of a TDR program from the private sector to the public. Ms. Reidenbach also noted that floor area ratio caps would have to be added into the County's ordinances. She also noted the imbalance between the sending area and receiving areas and that State Code requires that the County establish enough receiving areas to be able to hold all the development rights that could be generated from designated sending areas and that staff recommended the Board not pursue a TDR program at this time.

Mr. McGlennon noted that he had spoken with Mr. Kennedy and that Mr. Kennedy hoped a final decision on a TDR program would not be made at the work session.

Mr. McGlennon stated that Mr. Kennedy had been interested in pursuing this and he has not changed his mind.

Ms. Jones said that she was respectful of Mr. Kennedy's desire not to make a final decision.

The Board agreed that they did not need another presentation on the issue.

Mr. Icenhour thanked Ms. Reidenbach for responding to his questions quickly and thoroughly. Mr. Icenhour noted that he hoped a TDR program would prevent the rural areas from being divided into three acre lots. He stated that he does not want to completely reject the idea at this time and suggested that a larger minimum lot size (such as 21 acres) could be used to determine and further narrow sending areas.

Mr. Middaugh asked the Board what they viewed as the next step and asked about the Rural Lands study.

Mr. Goodson stated that he feels the reason the Rural Lands study was not successful was because the discussion needs to take place at the Board level.

Mr. Icenhour agreed and stated that he also thought the non-residential component should have been discussed at the same time as the residential component. He also said that stakeholders should have been more involved.

Ms. Jones stated that it is vital to get the input of property owners.

Mr. McGlennon stated that he favored beginning a process to discuss the issue again and would involve those who do not own land in the rural areas.

The Board by consensus agreed that the previous study could be a good starting point, and that there are components of the previous study that it would like to retain.

Mr. Icenhour suggested a work session that would review the previous study.

D. LEGISLATIVE AGENDA

Mr. Leo Rogers, County Attorney, led discussion of the preliminary draft of the Legislative Agenda in preparation for the Board's meeting with the General Assembly members.

Mr. Middaugh noted that the Historic Triangle is seeking a more coordinated regional legislative agenda.

Mr. Goodson suggested removing the cigarette tax from the agenda. He suggested removing general items and keeping items more focused on the County.

The Board by consensus agreed to remove the cigarette tax.

Mr. Rogers noted that an item has been added to the Agenda that prevents the Virginia Department of Transportation (VDOT) from forcing localities to administer local projects. He noted another addition that the County opposes legislation that requires counties to assume responsibility for construction and maintenance of roads.

The Board by consensus agreed to remove an item supporting the ability to levy impact fees. The Board asked for more information about the item on Main Street Fairness.

Mr. McGlennon suggested that the priorities of the agenda be State funded for tourism, substance abuse and mental health treatment, and behavioral health and Comprehensive Services Act (CSA) funding.

The Board agreed to eliminate the items on restricting local taxing authority on real estate, changing the presumption of correctness for tax assessments, and the Dillon Rule.

Mr. McGlennon asked to add the High Growth Coalition to the legislative programs that the County supports.

The Board agreed to move the item regarding the maintenance of medians into Section 1 of the agenda. The Board also agreed to remove the item regarding increasing funding for substance abuse treatment.

Mr. Rogers raised the issue of the constitutional amendment on imminent domain. This amendment would consider issues such as lost access and lost profits in the determination of value. Mr. Rogers noted that this could be accomplished by law. A constitutional amendment would be much more difficult to change once approved.

The Board agreed to discuss this issue with the General Assembly.

E. CLOSED SESSION

Mr. McGlennon moved that the Board go into Closed Session for consultation with legal counsel and staff member pertaining to actual or probable litigation, pursuant to Section 2.2-3711(A)(7) of the Code of Virginia.

Following Closed Session at 6:24 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: Goodson, McGlennon, Icenhour, Jones (4). 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)(7) of the Code of Virginia, consultation with legal counsel and staff members pertaining to actual or probable litigation.

At 6:26 p.m., the Board took a break.

Robert C. Middaugh
Clerk to the Board

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AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF OCTOBER 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 (absent)
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

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

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Delegate Brenda Pogge led the Board and citizens in the Pledge of Allegiance.

E. PUBLIC COMMENT

1. Mr. Mark Rickards, Executive Director of Williamsburg Area Transit Authority (WATA), thanked the Board for its support of public transportation. He noted that WATA has experienced ridership growth for five consecutive years and that ridership on the traditional WATA routes surpassed \$1 million for the first time in FY 11. Total ridership for FY 11 was \$2.7 million including the Colonial Williamsburg routes. He also noted there would be funding challenges in the future.

2. Mr. Robert Richardson stated he did not think speakers should have to provide their address. He asked the Board to consider the Special Use Permit (SUP) for the St. Bede Mausoleum at its November 8 meeting.

3. Mr. Randy O’Neill, 109 Sheffield Road, spoke about the importance of children’s health and wellness.

4. Ms. Sue Sadler, 9929 Mountain Berry Court, expressed her opposition to Agenda 21.

5. Ms. Mary Lou Clark, 2035 Bush Neck Road, spoke in favor of the resolution on Jolly Pond Road that would begin the process to potentially reopen the road.

6. Mr. Keith Sadler, 9929 Mountain Berry Court, expressed his opposition to Agenda 21.

7. Mr. David Brown, 1502 Bush Neck Road, spoke in favor of reopening Jolly Pond Road.

8. Dr. Don Cherry, 31 Whittaker's Mill, spoke in support of the Enhancement Grant for the Route 60 East Corridor from the Colonial Williamsburg Area to the Busch Gardens/I-64 Interchange. He asked if the area in James City County that is four lanes could be reduced to three, advocated for more enhancements in the islands, and asked for wider bike paths.

9. Mr. Ed Oyer, 139 Indian Circle, commented on the Veterans Administration and his concern about the maintenance and upkeep of 101 Indian Circle. He discussed provisions of the State Code as it relates to the St. Bede mausoleum and expressed concern about a recent newspaper article that mentioned bailing out hotels.

10. Mr. Fred Patrick, 108 Deerwood Drive, asked the Board to reopen Jolly Pond Road and expressed concern that lights at the athletic fields at Blayton Elementary and Hornsby Middle Schools remain on until 10 p.m. even though no one is on the fields.

F. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon raised the issue of the preventative maintenance overlay the Virginia Department of Transportation (VDOT) recently applied to some subdivision streets in the County. He stated he has received complaints that this type of resurfacing is causing conditions that are dusty, rougher, and noisier. The material is running off to the side making walking and biking difficult. He asked the Board to support writing a letter to VDOT expressing that the County finds this type of resurfacing unacceptable in the future and that the County would like for them to take corrective action to the roads that have already been treated. The Board by consensus supported Mr. McGlennon's request.

Mr. Icenhour mentioned that he attended the opening of Youth Career Café at Thomas Nelson Community College.

Ms. Jones mentioned that she attended the Regional Issues Committee meeting, the Mayors and Chairs meeting, and the Hampton Roads Military and Federal Facilities Alliance meeting.

G. BOARD CONSIDERATION

1. Jolly Pond Road

Mr. Steven Hicks, Manager of Development Management, stated that the County requested that Timmons Group revisit recommendations made for the dam and road in 2008 with a focus on what actions would be necessary to reopen the road. As a result of this recent study, Timmons Group concluded that conditions have not worsened since 2007 and recommended that the County decommission Jolly Pond Road as a State road and open it as a County road. As part of assuming the road as a County road, Timmons Group recommended that the County implement a Continued Monitoring Program, which would consist of weekly monitoring visits and develop an Emergency Action Plan. Mr. Hicks stated that the earliest the road would open is in February 2012. He also stated that if the Board approved the resolution, the County is not obligated to continue to maintain the road and keep it open if there is a failure that would require significant funds to correct.

Mr. Icenhour made a motion to approve the resolution.

On a roll call vote, the vote was AYE: Goodson, McGlennon, Icenhour, Jones (4). NAY: (0).

RESOLUTION

JOLLY POND ROAD

WHEREAS, Timmons Group provided an update regarding the status of the impoundment of water by Jolly Pond Dam, the status of Jolly Pond Road, and the plan of action for any necessary repairs; and

WHEREAS, a site visit was conducted on August 25, 2011, by representatives of Timmons Group and James City County to observe current field conditions of the principal spillway, the emergency spillway, and the overall condition of the impounding structure in order to make recommendations regarding possible management and re-opening of the road by James City County; and

WHEREAS, the overall condition of the impounding structure does not appear to have changed significantly from previous observations in 2007 and 2008 and no additional risks of failure were observed; and

WHEREAS, among the options presented in the alternatives analysis study prepared by Timmons Group in 2008 was the option to institute an aggressive Continued Monitoring program and an Emergency Action Plan; and

WHEREAS, pursuant to § 33.1-150 of the Code of Virginia, 1950, as amended, the County may petition the Commonwealth Transportation Board for discontinuance of a road from the Secondary System of State Highways if such road appears to no longer serve public convenience warranting its maintenance by the Virginia Department of Transportation at public expense; and

WHEREAS, it no longer serves the public convenience for the portion of Jolly Pond that extends across the Jolly Pond Dam to be included in the Secondary System of State Highways; and

WHEREAS, the County desires to take this portion of road within the County road system, which will allow the eventual re-opening of Jolly Pond Road.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes implementation of the Continued Monitoring program and the Emergency Action Plan.

BE IT FURTHER RESOLVED that the Board hereby petitions the Commonwealth Transportation Board and requests the Virginia Department of Transportation take the necessary actions to discontinue the aforesaid portion of Jolly Pond Road as part of the Secondary System of State Highways pursuant to § 33.1-150, Code of Virginia, as amended.

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

H. CONSENT CALENDAR

Mr. Goodson requested that Item No. 4 be removed from the Consent Calendar.

1. Minutes –
 - a. October 11, 2011, Regular Meeting
2. Approval of the Peninsula Hazard Mitigation 2011 Update

RESOLUTION

APPROVAL OF THE PENINSULA HAZARD MITIGATION PLAN 2011 UPDATE

WHEREAS, James City County, is seeking Federal Emergency Management (FEMA) approval of its Hazard Mitigation Plan 2011 Update, recognizing the threat that natural hazards pose to people and property within our community; and

WHEREAS, undertaking hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences; and

WHEREAS, an adopted Peninsula Hazard Mitigation Plan 2011 Update is required as a condition for future funding for mitigation projects under multiple FEMA pre-and post-disaster mitigation grants and flood mitigation assistance; and

WHEREAS, James City County fully participated in the FEMA-prescribed mitigation planning process to prepare this Peninsula Hazard Mitigation Plan 2011 Update; and

WHEREAS, the Virginia Department of Emergency Management and Federal Emergency Management Agency, Region III, have reviewed the Peninsula Hazard Mitigation Plan 2011 Update and approval is contingent upon this official adoption of the participating governments and entities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the Peninsula Hazard Mitigation Plan 2011 Update as an official plan.

BE IT FURTHER RESOLVED that James City County will submit this adoption resolution to the Virginia Department of Emergency Management and Federal Emergency Management Agency, Region III, to enable the Plan Update's final approval.

3. Grant Appropriation - Litter Prevention and Recycling Grant - \$10,224

RESOLUTION

GRANT APPROPRIATION - LITTER PREVENTION AND RECYCLING GRANT - \$10,224

WHEREAS, the Department of Environmental Quality has awarded James City County a Litter Prevention and Recycling Grant in the amount of \$10,224.

4. Endorsement of the Proposed Virginia Transportation Enhancement Grant for Improvements to the Route 60 East Corridor from the Colonial Williamsburg Area to the Busch Gardens/I-64 Interchange

Mr. Hicks stated that planning for enhancements along the Route 60 East corridor has been ongoing among several stakeholders, including the three localities of James City County, the City of Williamsburg, and York County. The three jurisdictions are applying for a grant which requires the support of the Board of Supervisors for the process to go forward. The total project is split into three phases totaling about \$4 million. The resolution allows for the County Administrator to review the scope and cost for each phase before the County commits to its local share.

Mr. Goodson noted that he had spoken to Dr. Cherry about reducing the number of lanes from four.

Mr. Hicks stated the resolution allows for the County Administrator to review these types of issues.

Mr. Goodson made a motion to approve the resolution.

On a roll call vote, the vote was AYE: Goodson, McGlennon, Icenhour, Jones (4). NAY: (0).

RESOLUTION

ENDORSEMENT OF THE PROPOSED VIRGINIA TRANSPORTATION ENHANCEMENT

GRANT FOR IMPROVEMENT TO THE ROUTE 60 EAST CORRIDOR FROM THE COLONIAL

WILLIAMSBURG AREA TO THE BUSCH GARDENS/I-64 INTERCHANGE

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the sponsoring local jurisdiction requesting that the Virginia Department of Transportation (VDOT) establish an enhancement project in that jurisdiction; and

WHEREAS, the Williamsburg City Council held a public hearing in conjunction with the communities of Virginia's Historic Triangle – City of Williamsburg, James City County, and York County on October 13, 2011, to receive public comment on the proposed Virginia Transportation Enhancement Grant for improvements to the Route 60 East corridor in the three jurisdictions; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Commonwealth Transportation Board establish a project for the improvement of the Route 60 East Corridor located from the Colonial Williamsburg Historic Area to Busch Gardens in the jurisdictions of the City of Williamsburg, James City County, and York County.

BE IT FURTHER RESOLVED that James City County agrees to provide a minimum 20 percent of the total cost for planning and design, right-of-way, and construction of that portion of the project located in James City County.

BE IT FURTHER RESOLVED that James City County hereby agrees to enter into an agreement with VDOT to provide oversight that ensures the project is developed in accordance with all State and

Federal requirements for design, right-of-way acquisition, and construction of a Federally funded transportation project.

BE IT FURTHER RESOLVED that the James City County Administrator has the ability to review and revise the scope of work for the project as cost estimates are submitted to keep James City County's portion of the project within James City County's budget resources.

BE IT FURTHER RESOLVED that James City County will be responsible for maintenance and upkeep of the portions of the project that are located in James City County and constructed with Enhancement Program funds.

BE IT FURTHER RESOLVED that if James City County subsequently elects to cancel this project, James City County hereby agrees to reimburse VDOT for the total amount of costs properly attributed to James City County expended by the Department through the date the Department is notified of such cancellation. James City County also agrees to repay any funds previously reimbursed that are later deemed to be ineligible.

I. PUBLIC HEARINGS

1. Amendments to Appropriations in the Capital Budget

Mr. John McDonald, Manager of Financial and Management Services, noted that the Board adopted budgets that included spending that was identified with possible debt financing. The projects are able to be completed by using residual capital balances or in the case of one project, the Warhill community gymnasium, by being deferred. The resolution also appropriates the recently approved \$1 million Qualified School Construction Bond. As a result of these amendments, \$730,000 is available as a contingency for several projects currently under construction.

No one spoke during the Public Hearing.

Mr. McGlennon made a motion to approve the resolution.

On a roll call vote, the vote was AYE: Goodson, McGlennon, Icenhour, Jones (4). NAY: (0).

RESOLUTION

AMENDMENTS TO APPROPRIATIONS IN THE CAPITAL BUDGET

WHEREAS, the James City County Board of Supervisors has previously adopted capital budgets that anticipated the issuance of bonded indebtedness; and

WHEREAS, the construction climate has resulted in project savings that eliminate the need for new debt; and

WHEREAS, previous appropriations of debt proceeds need to be eliminated in the current Capital Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following adjustments in appropriations in the Capital Budget:

<u>Revenues:</u>	
2009/2010 Bond Proceeds	\$(4,494,577)
2011 Bond Proceeds	(3,500,000)
2012 Bond Proceeds	<u>1,000,000</u>
	<u>\$(6,994,577)</u>

<u>Expenditures:</u>	
Blayton Elementary School	\$(2,790,704)
Community Gymnasium	(3,210,463)
Hornsby Middle School	(1,723,410)
Public Facility Improvements	<u>730,000</u>
	<u>\$(6,994,577)</u>

2. Case No. HW 0002-2011 and HW 0003-2011. Jamestown and Warhill High Schools Athletic Field Lighting

Mr. Luke Vinciguerra, Planner, stated that James City County’s Department of Parks and Recreation has requested height waivers to illuminate the athletic fields at Jamestown and Warhill High Schools by constructing four 80-foot, six 70-foot, and two 60-foot light poles at Warhill High School and four 80-foot, four 70-foot, and five 60-foot light poles at Jamestown High School. Mr. Vinciguerra noted that the lights focus downward and there would be no spillage beyond the property lines. Staff recommended approval.

Mr. Icenhour referenced earlier comments from the public and asked staff to ensure that lights are operated in a way to conserve energy.

Mr. Goodson asked staff to explore the potential for using the light poles as cell towers.

No one spoke during the Public Hearing.

Mr. McGlennon made a motion to approve the resolutions.

On a roll call vote, the vote was AYE: Goodson, McGlennon, Icenhour, Jones (4). NAY: (0).

RESOLUTION

CASE NO. HW-0002-2011. JAMESTOWN HIGH SCHOOL ATHLETIC FIELD LIGHTING

WHEREAS, Mr. Dan Smith, on behalf of James City County (JCC) Parks and Recreation, has applied for a height limitation waiver to allow for the construction of four 80-foot tall, four 70-foot tall, and six 60-foot tall light poles; and

WHEREAS, the light poles will be at Jamestown High School which is located at 3751 John Tyler Hwy and is further identified as JCC Real Estate Tax Map No. 4610100002d; and

WHEREAS, a public hearing was advertised, adjoining property owners and homeowners associations notified, and a hearing scheduled on Case HW-0002-2011; and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-535.9 of the James City County Zoning Ordinance have been satisfied in order to grant a height limitation waiver to allow the erection of structures in excess of 60 feet.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. HW-0002-2011 which permits the construction of athletic field lighting with the following conditions:

1. Height and Location: Light poles shall be placed at the height and general locations as shown in the document titled "Jamestown High School Light Pole Placement & Location Map."
2. Lighting: Athletic fields will be illuminated with Musco brand lighting or other lighting of equivalent design as determined by the Planning Director to prevent off-site light spillage.

RESOLUTION

CASE NO. HW-0003-2011. WARHILL HIGH SCHOOL ATHLETIC FIELD LIGHTING

WHEREAS, Mr. Dan Smith on behalf of James City County (JCC) Parks and Recreation has applied for a height limitation waiver to allow for the construction of four 80-foot tall, six 70-foot tall, and two 60-foot tall light poles; and

WHEREAS, the light poles will be located at Warhill High School which is located at 4615 Opportunity Way and is further identified as JCC Real Estate Tax Map No. 3210100018; and

WHEREAS, a public hearing was advertised, adjoining property owners and homeowners associations notified, and a hearing scheduled on Case HW-0003-2011; and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-535.9 of the James City County Zoning Ordinance have been satisfied in order to grant a height limitation waiver to allow the erection of structures in excess of 60 feet.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. HW-0003-2011 which permits the construction of athletic field lighting with the following conditions:

1. Height and Location: Light poles shall be placed at the height and general locations as shown in the titled "Warhill High School Light Pole Placement & Location Map."
2. Lighting: Athletic fields will be illuminated with Musco brand lighting or other lighting of equivalent design as determined by the Planning Director to prevent off-site light spillage.

J. BOARD CONSIDERATION

1. Resolution to Rescind Approval of Commercial Districts Zoning Ordinances

Ms. Jones stated the item would be deferred to the November 8 meeting.

K. PUBLIC COMMENT

1. Mr. Scott Walter, 210 Matoaka Court, stated his support for Mr. Goodson's comments that Route 60 be reduced from four lanes as part of the enhancement grant. He asked if the multipurpose trail could be used for bicycles, and asked for clarification about the buffer between the CSX tracks and Route 60.

Mr. Hicks clarified that a buffer would not be created, but rather the existing buffer would be cleaned up.

2. Mr. Robert Richardson spoke about the requirement for speakers to provide their address.

3. Mr. Ed Oyer stated that citizens do not want their tax dollars used to subsidize businesses.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh reminded citizens to check their polling place as many have changed as a result of redistricting. He encouraged citizens to vote on Election Day.

M. BOARD REQUESTS AND DIRECTIVES

None

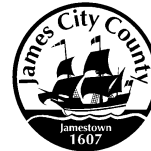
N. ADJOURNMENT to 7 p.m. on November 8, 2011.

Mr. McGlennon made a motion to adjourn.

On a roll call vote, the vote was AYE: Goodson, McGlennon, Icenhour, Jones (4). NAY: (0).

At 8:11 p.m., Ms. Jones adjourned the Board until 7 p.m. on November 8, 2011.

Robert C. Middaugh
Clerk to the Board



MEMORANDUM COVER

Subject: Grant Award – Bulletproof Vest Partnership (BVP) - \$6,890

Action Requested: Shall the Board approve the resolution that accepts the BVP grant award?

Summary: The James City County Police Department has been awarded a Bulletproof Vest Program (BVP) grant from the Office of Justice Programs’ Bureau of Justice Assistance for \$6,890 (\$3,445 grant/\$3,445 local match). The funds are to be used to purchase approximately ten replacement bulletproof vests for officers.

The Bulletproof Vest Program has typically been a recurring grant program made available each year to law enforcement agencies throughout the United States. This grant expires August 31, 2013, and will allow the County to replace vests, as needed, or purchase vests for new officers, throughout the grant period.

Each sworn officer within the Department is issued a bulletproof vest as part of their normal equipment. Currently, 99 bulletproof vests are issued. Unless recalls are made or the vest is damaged, the lifespan of vests is typically five years. The vests used by the Department are engineered for superior performance and are the first to integrate high-performance ballistic materials with a temperature-regulating carrier for maximum comfort. Additionally, the vest carriers utilize Thor Shield technology, a fabric designed to dissipate the electric charge delivered by electronic control devices, such as TASER.

The grant requires a match of \$3,445, which is available in the Special Projects/Grants Fund.

Staff recommends adoption of the attached resolution to appropriate funds.

Fiscal Impact: Requires a 50% 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.: G-2

Date: November 8, 2011

MEMORANDUM

DATE: November 8, 2011
TO: The Board of Supervisors
FROM: Emmett H. Harmon, Police Chief
SUBJECT: Grant Award - Bulletproof Vest Program – \$6,890

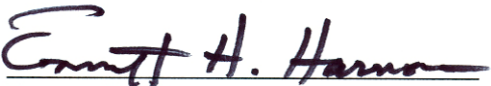
The James City County Police Department has been awarded a Bulletproof Vest Program (BVP) grant from the Office of Justice Programs' Bureau of Justice Assistance for \$6,890 (\$3,445 grant/\$3,445 local match). The funds are to be used to purchase approximately ten replacement bulletproof vests for officers.

The Bulletproof Vest Program has typically been a recurring grant program made available each year to law enforcement agencies throughout the United States. This grant expires August 31, 2013, and will allow us to replace vests, as needed, or purchase vests for new officers, throughout the grant period.

Each sworn officer within the Department is issued a bulletproof vest as part of their normal equipment. Currently, 99 bulletproof vests are issued. Unless recalls are made or the vest is damaged, the lifespan of vests is typically five years. The vests used by the Department are engineered for superior performance and are the first to integrate high-performance ballistic materials with a temperature-regulating carrier for maximum comfort. Additionally, the vest carriers utilize Thor Shield technology, a fabric designed to dissipate the electric charge delivered by electronic control devices, such as TASER.

The grant requires a match of \$3,445, which is available in the Special Projects/Grants Fund.

Staff recommends adoption of the attached resolution to appropriate funds.


Emmett H. Harmon

CONCUR:

Robert C. Middaugh

EHH/tlc
GA_bpv_mem

Attachment

RESOLUTION

GRANT AWARD – BULLETPROOF VEST PROGRAM (BVP) - \$6,890

WHEREAS, the James City County Police Department has been awarded a Bulletproof Vest Program (BVP) grant from the Office of Justice Programs’ Bureau of Justice Assistance for \$6,890 (\$3,445 grant/\$3,445 local match); and

WHEREAS, the grant requires a match of \$3,445, which is available in the Special Projects/Grants Fund; and

WHEREAS, the funds are to be used to purchase approximately ten replacement bulletproof vests for officers.

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

Revenues:

BVP-FY 12	\$3,445
Special Projects/Grants Fund	<u>3,445</u>
Total	<u>\$6,890</u>

Expenditures:

BVP – FY 12	<u>\$6,890</u>
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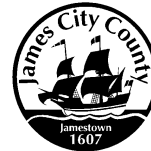
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of November, 2011.

GA_bpv_res



MEMORANDUM COVER

Subject: Grant Appropriation - Neighbors Drive/Richmond Road Project Planning Grant - \$30,000

Action Requested: Shall the Board approve the resolution to amend the Community Development Budget to allow the revenue and expenses from the Planning Grant?

Summary: The Virginia Department of Housing and Community Development (VDHCD) has awarded James City County a \$30,000 Community Development Block Grant (CDBG) Project Planning Grant. Funds from this grant will be used to pay for engineering and conceptual design services, community assessments, needs analyses and prioritization, activation and organization of target area residents and stakeholders, and updated surveys of residents and potential beneficiaries. These activities are intended to provide necessary data to support the submission of a 2012 Comprehensive Community Improvement Grant to address significant road improvement needs, correct drainage issues, eliminate substandard housing, construct new affordable housing units, and debris removal within the 5700-6000 block area of Richmond Road in James City County Neighbors Drive/Richmond Road area.

Staff recommends adoption of the attached resolution authorizing an appropriation of the \$30,000 CDBG Project Planning Grant to the Community Development Fund budget.

Fiscal Impact: A local match is not required; therefore, there is no fiscal impact.

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: G-3

Date: November 8, 2011

M E M O R A N D U M

DATE: November 8, 2011

TO: The Board of Supervisors


FROM: A. Vaughn Poller, Housing and Community Development Administrator

SUBJECT: Grant Appropriation – Neighbors Drive/Richmond Road Project Planning Grant – \$30,000

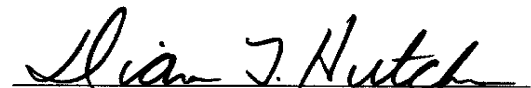
The Virginia Department of Housing and Community Development (VDHCD) has awarded James City County a \$30,000 Community Development Block Grant (CDBG) Project Planning Grant. Funds from this grant will be used to pay for engineering and conceptual design services, community assessments, needs analyses and prioritization, activation and organization of target area residents and stakeholders, and updated surveys of residents and potential beneficiaries. Additional activities to be pursued include obtaining easements and user agreements, development of cost estimates, and review and revision of an existing concept plan and Preliminary Engineering Report in preparation for subdivision plan design and development. These activities are intended to provide necessary data to support the submission of a 2012 Comprehensive Community Improvement Grant to address significant road improvement needs, correct drainage issues, eliminate substandard housing, construct new affordable housing units, and debris removal within the 5700-6000 block area of Richmond Road in James City County Neighbors Drive/Richmond Road area. The project planning area includes all properties fronting on Neighbors Drive and Richmond Road between the Prime Outlet Mall and Wellesley Boulevard. County staff will complete housing inspections, property research, and other project planning activities.

The CDBG Project Planning Grant does not require a local cash match.

Staff recommends adoption of the attached resolution authorizing an appropriation of the \$30,000 CDBG Project Planning Grant to the Community Development Fund budget.


A. Vaughn Poller

CONCUR:


Diana F. Hutchens

AVP/nb
GA_NeighDRichR_mem

Attachment

RESOLUTION

GRANT APPROPRIATION – NEIGHBORS DRIVE/RICHMOND ROAD PROJECT

PLANNING GRANT – \$30,000

WHEREAS, the Virginia Department of Housing and Community Development (VDHCD) has awarded James City County a \$30,000 Community Development Block Grant (CDBG); and

WHEREAS, the grant will fund the cost of engineering services for planning and conceptual design of infrastructure and, in part, County staff resources to complete housing inspections, property research, CDBG construction grant application preparation, and the project planning activities in the Neighbors Drive/Richmond Road area; and

WHEREAS, there is no local match required.

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

Revenue:

CDBG Project Planning Grant	<u>\$30,000</u>
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Expenditure:

CDBG Project Planning	<u>\$30,000</u>
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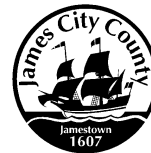
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of November, 2011.

GA_NeighDRichR_res



MEMORANDUM COVER

Subject: Grant Award – Virginia E-911 Services Board Public Safety Answering Point (PSAP) – \$2,000

Action Requested: Shall the Board approve the resolution that appropriates grant funds awarded from the Virginia E-911 Services Board?

Summary: The James City County Fire Department Emergency Communications Division has been awarded a grant in the amount of \$2,000 from the Virginia E-911 Services Board under the FY 12 Public Safety Answering Point (PSAP) Grant Program for the Wireless E-911 PSAP Education Program.

The funds are to be used for 9-1-1/public safety communications education and training. The grant award is for lodging and registration only and is a reimbursement grant.

Staff recommends adoption of the attached resolution to appropriate funds.

Fiscal Impact: The grant does not require a local match, though any costs in excess of the award or for costs other than lodging and registration will be paid by the Emergency Communications Division.

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: G-4

Date: November 8, 2011

MEMORANDUM

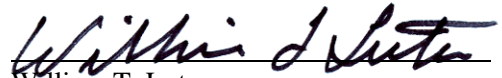
DATE: November 8, 2011
TO: The Board of Supervisors
FROM: William T. Luton, Fire Chief
SUBJECT: Grant Award – Virginia E-911 Services Board Public Safety Answering Point (PSAP) – \$2,000

The James City County Fire Department Emergency Communications Division has been awarded a grant in the amount of \$2,000 from the Virginia E-911 Services Board under the FY 12 Public Safety Answering Point (PSAP) Grant Program for the Wireless E-911 PSAP Education Program.

The funds are to be used for 9-1-1/public safety communications education and training. The grant award is for lodging and registration only and is a reimbursement grant.

The grant does not require a local match, though any costs in excess of the award or for costs other than lodging and registration will be paid by the Emergency Communications Division.

Staff recommends adoption of the attached resolution to appropriate funds.


William T. Luton

CONCUR:

Robert C. Middaugh

WTL/nb
GA_PSAP_mem

Attachment

RESOLUTION

GRANT AWARD – VIRGINIA E-911 SERVICES BOARD PUBLIC SAFETY

ANSWERING POINT (PSAP) – \$2,000

WHEREAS, the James City County Fire Department Emergency Communications Division has been awarded a \$2,000 grant from the Virginia E-911 Services Board under the Public Safety Answering Point (PSAP) Grant Program for the Wireless E-911 PSAP Education Program; and

WHEREAS, the funds are to be used for 9-1-1/public safety communications education and training; and

WHEREAS, the grant does not requires a local match.

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

Revenue:

PSAP Grant-Education	<u>\$2,000</u>
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Expenditure:

PSAP Grant-Education	<u>\$2,000</u>
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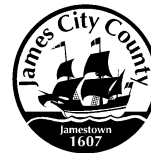
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of November, 2011.

GA_PSAP_res



MEMORANDUM COVER

Subject: Grant Award - Virginia Department of Emergency Management (VDEM) - \$34,692

Action Requested: Shall the Board approve the resolution that appropriates grant funds awarded from the Virginia Department of Emergency Management (VDEM)?

Summary: The James City County Fire Department’s Division of Emergency Management has been awarded a Local Emergency Management Performance Grant (LEMPG) (CFDA No. 97.042) in the amount of \$34,692. This grant is awarded to the County by the VDEM using funds from the United States Department of Homeland Security’s 2011 LEMPG grant cycle. The purpose of the grant is to enhance the County’s Emergency Management Program.

Staff recommends adoption of the attached resolution to appropriate funds.

Fiscal Impact: The grant requires a 100 percent in-kind match, which is met through the Fire Department Emergency Management Division’s regular operating budget.

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: G-5

Date: November 8, 2011


MEMORANDUM

DATE: November 8, 2011
TO: The Board of Supervisors
FROM: William T. Luton, Fire Chief
SUBJECT: Grant Award – Virginia Department of Emergency Management – \$34,692

The James City County Fire Department’s Division of Emergency Management has been awarded a Local Emergency Management Performance Grant (LEMPG) (CFDA No. 97.042) in the amount of \$34,692. This grant is awarded to the County by the Virginia Department of Emergency Management (VDEM) using funds from the United States Department of Homeland Security’s 2011 LEMPG grant cycle. The purpose of the grant is to enhance the County’s Emergency Management Program. The grant requires a 100 percent in-kind match, which is met through the Division of Emergency Management’s regular operating budget.

In the past, funds from this annual grant have been used to renovate the Emergency Operations Center (EOC), provide technology and communication updates for the EOC, and provide planning funds to update our Emergency Operations Plan.

Staff recommends adoption of the attached resolution to appropriate funds.


William T. Luton

CONCUR:

Robert C. Middaugh

WTL/nb
GA_VDEManage_mem

Attachment

RESOLUTION

GRANT AWARD – VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT – \$34,692

WHEREAS, the James City County Fire Department’s Division of Emergency Management has been awarded a Local Emergency Management Performance Grant (LEMPG) in the amount of \$34,692 from the Virginia Department of Emergency Management (VDEM) using funds from the United States Department of Homeland Security’s 2011 LEMPG grant cycle; and

WHEREAS, the funds are to be used toward the enhancement of the County’s Emergency Management Program; and

WHEREAS, the grant requires a 100 percent in-kind match, which is met through the Division of Emergency Management’s regular operating budget.

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

Revenue:

VDEM-LEMPG	<u>\$34,692</u>
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Expenditure:

VDEM-LEMPG	<u>\$34,692</u>
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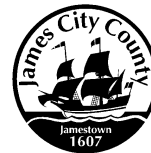
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of November, 2011.

GA_VDEManage_res



MEMORANDUM COVER

Subject: Adoption of the James City County Emergency Operations Plan 2011

Action Requested: Shall the Board approve the resolution to adopt the James City County Emergency Operations Plan 2011?

Summary: The Commonwealth of Virginia and James City County recognize the threats natural technological and human-caused hazards pose to the citizens and property within our community. The James City County Emergency Operations Plan addresses its responsibilities and chain of command as required by the Virginia Emergency Services and Disaster Laws of 2000, as amended. The plan has been reviewed by the Virginia Department of Emergency Management which requires its adoption by the Board of Supervisors.

Staff recommends adoption of the attached resolution.

Fiscal Impact: Adoption of the plan meets the requirements of the Virginia Emergency Services and Disaster Laws, as amended, and includes the County in the mutually supportive statewide emergency management system.

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: G-6

Date: November 8, 2011

MEMORANDUM

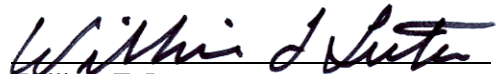
DATE: November 8, 2011
TO: The Board of Supervisors
FROM: William T. Luton, Fire Chief
SUBJECT: Adoption of the James City County Emergency Operations Plan 2011

The Commonwealth of Virginia and James City County recognize the threats that natural, technological, and human-caused hazards pose to citizens and property within our community.

The Virginia Emergency Services and Disaster Laws of 2000, as amended, require the Commonwealth and each County and City within the Commonwealth, to develop and maintain an Emergency Operations Plan which addresses its responsibilities and iterates its chain of command. This plan for James City County has been developed to meet that responsibility and to include the County in the mutually supportive statewide emergency management system.

This plan was developed and updated with the assistance of the Commonwealth of Virginia Department of Emergency Management which has reviewed its contents for compliance. This endeavor must be approved and adopted by the Board of Supervisors. A resolution that complies with Commonwealth of Virginia requirements is attached.

Staff recommends approval of the attached resolution.


William T. Luton

CONCUR:

Robert C. Middaugh

WTL/nb
EOperPlan2011_mem

Attachment

RESOLUTION

ADOPTION OF THE JAMES CITY COUNTY EMERGENCY OPERATIONS PLAN 2011

WHEREAS, the Commonwealth of Virginia and James City County recognize the threats that natural, technological, and human-caused hazards pose to citizens and property within our community; and

WHEREAS, the safety and protection of the citizens and property is of foremost concern to the Board of Supervisors of James City County; and

WHEREAS, the Virginia Department of Emergency Management has reviewed the James City County Emergency Operations Plan; and

WHEREAS, the Board of Supervisors desires and the Virginia Department of Emergency Management requires the adoption of appropriate planned protective measures.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the James City County Emergency Operations Plan dated October 2011.

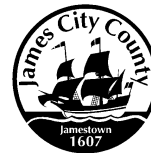
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of November, 2011.

EOperPlan2011_res



MEMORANDUM COVER

Subject: SUP-0006-2011. 126 Shellbank Drive Accessory Apartment

Action Requested: Shall the Board approve the special use permit for an accessory apartment at 126 Shellbank Drive subject to the provided conditions?

Summary: Roger Hunt has proposed an approximately 250-square-foot expansion of an existing legally nonconforming accessory apartment on his home in First Colony to house his parents.

At its meeting on October 5, 2011, the Planning Commission recommended approval of this application.

Staff recommends approval of this special use permit subject to the provided conditions in the attached resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

N/A

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Staff Report
2. Resolution
3. Location map
4. Unapproved minutes of the October 5, 2011, Planning Commission meeting
5. Proposed floor plan and elevations
6. Adjacent property owner letter

Agenda Item No.: H-1

Date: November 8, 2011

**SPECIAL USE PERMIT-0006-2011. 126 Shellbank Drive Accessory Apartment
Staff Report for the November 8, 2011, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

October 5, 2011, 7:00 p.m.
November 8, 2011, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Roger Hunt

Land Owner: Robert and Sylvia Hunt Life Estate

Proposal: 250-square-foot expansion of an existing nonconforming accessory apartment on their existing 2,111-square-foot single-family dwelling to be occupied by elderly parents.

Location: 126 Shellbank Drive, First Colony

Tax Map/Parcel No.: 4510200005

Parcel Size: 0.885 acres

Zoning: R-1, Limited Residential

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors approve this proposal with the conditions in the attached resolution. Staff finds the proposal to be compatible with the surrounding zoning and development since the completed apartment will maintain the appearance of a single-family residence and will retain the residential character of the area. Staff also finds the proposal to be consistent with the 2009 Comprehensive Plan.

Staff Contact: Leanne Reidenbach Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

The Planning Commission unanimously recommended approval of this Special Use Permit (SUP) application at its October 5, 2011, meeting by a vote of 7-0.

Proposed Changes Made Since Planning Commission Meeting

There have not been any changes made since the Planning Commission meeting. After the Planning Commission meeting, staff received the letter in Attachment No. 5 from an adjacent property owner with concerns over the ability of the property owner to rent the accessory apartment to a non-family member. After consultation with the County Attorney's office, staff determined that a condition that restricted rentals would not be enforceable.

PROJECT DESCRIPTION

Mr. and Mrs. Roger Hunt have applied for an SUP to allow the expansion of their existing single-family dwelling for the purpose of adding an accessory apartment to be occupied by their elderly parents. The house was originally built in the 1960s and included an accessory apartment for family use at that time. The apartment has been used continuously to house family members. The Hunts have proposed to expand this existing nonconforming accessory apartment to make it more handicap accessible for use by Mr. Hunt's elderly parents and bring the apartment into compliance with the Zoning Ordinance.

The finished area of the existing main house is approximately 2,111 square feet and the existing accessory apartment is approximately 500 square feet. The applicant is proposing to add approximately 250 square feet onto the rear and front of the existing accessory apartment.

R-1, Limited Residential, allows accessory apartments as specially permitted uses in accordance with Section 24-32 of the James City County Code. Section 24-32 states "Accessory apartments shall comply with the following requirements:

- (1) Only one accessory apartment shall be created within a single-family dwelling;
- (2) The accessory apartment shall be designed so that the appearance of the building remains that of a one-family residence. New entrances shall be located on the side or rear of the building and the apartment may not occupy more than 35 percent of the floor area of the dwelling;
- (3) For purposes of location and design, the accessory apartment is part of the main structure and shall meet all setback, yard, and height regulations applicable to main structures in the zoning district in which it is located; and
- (4) Off-street parking shall be required in accordance with section 24-54 of this chapter."

Staff has reviewed the proposed design and is satisfied all requirements have been met. Only one accessory apartment is proposed, with entrances on the side of the structure from the existing front porch into the proposed sunroom. The proposed apartment addition will compose 35 percent of the floor area of the dwelling in order to provide enough room to make it handicap accessible. In R-1, Limited Residential, the side yard setback is 15 feet and the rear yard setback is 35 feet. Both of these are met with the proposal as no expansions are proposed to the side and there is approximately 165 feet to the rear yard setback.

Access and Parking

The existing driveway is accessed from Shellbank Drive. Section 24-59 of the Zoning Ordinance requires single-family residences with accessory apartments to provide three parking spaces. There is an existing gravel pull-off on the side of the driveway that is sufficient to fit two cars. An additional car can park at the end of the driveway in proximity to the existing side entrance to the apartment.

Public Utilities

The project is inside the Primary Service Area; however, it is served by private well and septic. The Virginia Department of Health (VDH) has reviewed the proposal and deemed that Construction Clearance from VDH would be required. The applicant has already secured this clearance for the proposed expansion. No expansion to the drainfield is necessary as no new bedrooms are proposed to be added.

Surrounding Zoning and Land Use

The property is surrounded by R-1, Limited Residential property within First Colony and is bordered by the James River on the front of the property. Even with the expansion, the size of the dwelling is still in line with the adjacent residences. In order to minimize potential impacts to the existing neighborhoods, staff proposes the conditions listed in the attached resolution.

COMPREHENSIVE PLAN

This site is designated Low Density Residential on the 2009 Comprehensive Plan Land Use Map. Recommended uses include single-family homes, duplexes, accessory units, cluster housing, and recreation areas. The Comprehensive Plan also recognizes least-cost housing as serving a significant public benefit, particularly when it provides housing opportunities for elderly citizens and promotes accessory apartments as a way to achieve this goal. The proposal, with the listed conditions, is consistent with the land use designation and housing strategies identified in the 2009 Comprehensive Plan.

RECOMMENDATION

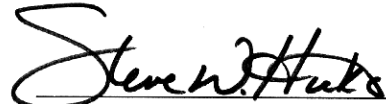
Staff recommends that the Board of Supervisors approve this proposal with the conditions specified in the attached resolution.



Leanne Reidenbach

Allen J. Murphy, Jr.

CONCUR:



Steven W. Hicks

LR/AJM/gb
Sup06-11AccApt.doc

ATTACHMENTS:

1. Resolution
2. Location map
3. Unapproved minutes of the October 5, 2011, Planning Commission meeting
4. Proposed floor plan and elevations (under separate cover)
5. Adjacent property owner letter

RESOLUTION

CASE NO. SUP-0006-2011. 126 SHELLBANK DRIVE ACCESSORY APARTMENT

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

WHEREAS, Mr. Roger Hunt has applied for an SUP to allow the expansion of an existing nonconforming accessory apartment on his single-family dwelling (“Apartment”); and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0006-2011; and

WHEREAS, the proposed Apartment is depicted on the plan prepared by Roger S. Guernsey, dated May 13, 2011, and entitled “Hunt Residence Alterations;” and

WHEREAS, the proposed Apartment will be constructed in its entirety on property zoned R-1, Limited Residential, further identified as Parcel (2-5) on James City County Real Estate Tax Map No. (45-1) in First Colony; and

WHEREAS, the Planning Commission, following its public hearing on October 5, 2011, voted 7-0 to recommend approval of Application No. SUP-0006-2011.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve SUP Application No. SUP-0006-2011, as described herein, pursuant to the following conditions:

1. **Plan:** This SUP shall be valid for one accessory apartment generally as shown on the plans drawn by Roger S. Guernsey, titled Hunt Residence Alterations, and dated May 13, 2011. The accessory apartment shall not exceed 35 percent of the total floor area of the dwelling.
2. **Deed Restriction:** Prior to the issuance of a Certificate of Occupancy (CO) for the accessory apartment expansion, the applicant shall be responsible for recording with the Clerk of the Circuit Court a deed restriction, approved by the County Attorney, on the property. The deed restriction shall stipulate that the accessory apartment shall be used, occupied, and maintained in accordance with the conditions set forth in the Board of Supervisors’ resolution approving the SUP. A copy of the Board of Supervisors’ resolution shall be attached to the deed restriction as an exhibit. A court-certified copy of the recorded deed restriction shall be submitted to Building Safety and Permits and the Proffer Administrator along with the CO application.
3. **Rental of Apartment:** The owner of the property shall occupy the principal dwelling as long as the accessory apartment is rented.
4. **Parking:** A minimum of three off-street parking spaces shall be maintained at all times for use by the occupants of the principal dwelling and the accessory apartment.

5. **Commencement:** Within 18 months of the issuance of this SUP, the accessory apartment shall receive a CO, or the SUP shall become void.
6. **Severance Clause:** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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 8th day of November, 2011.

Sup06-11AccApt_res

JCC-SUP-0006-2011

126 Shellbank Dr. Accessory Apartment



UNAPPROVED MINUTES OF THE OCTOBER 5, 2011

PLANNING COMMISSION MEETING

SUP-0006-2011, Shellbank Drive Accessory Apartment

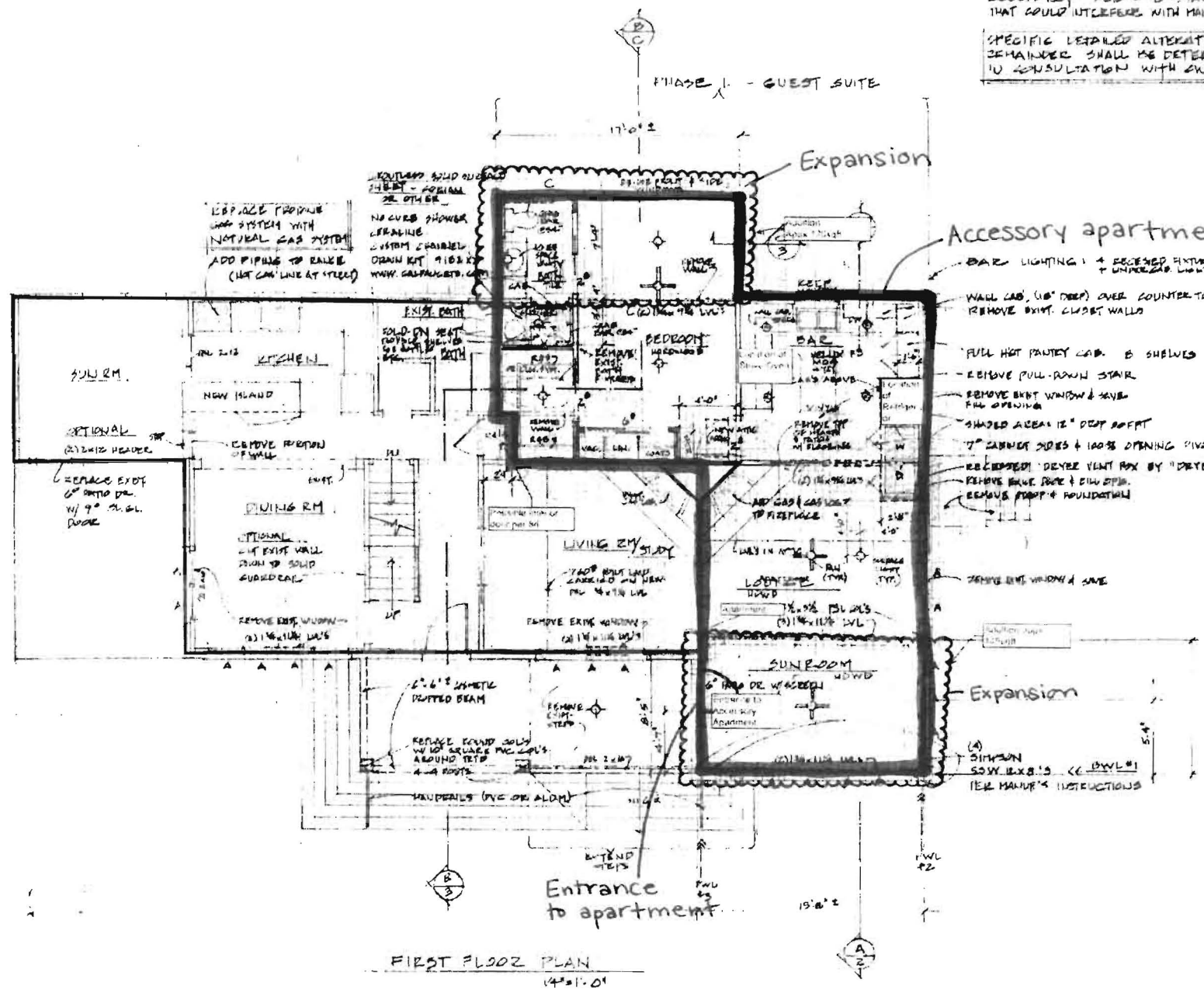
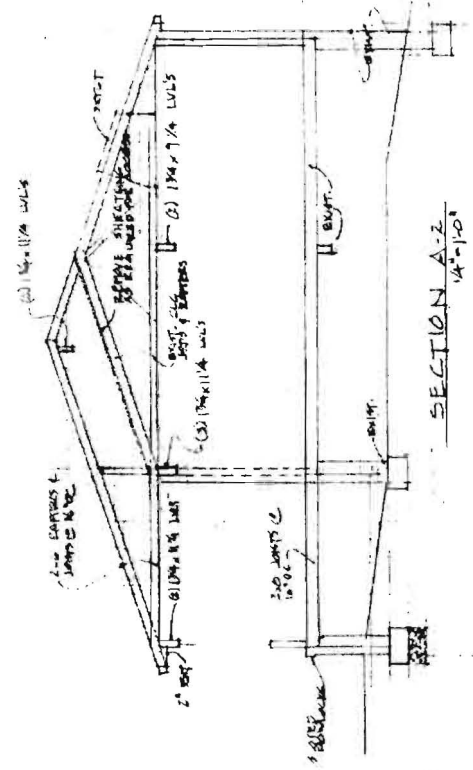
Ms. Reidenbach stated Mr. Roger Hunt has applied for a special use permit (SUP) to allow a 250 square foot expansion of an existing nonconforming accessory apartment at 126 Shellbank Drive. The apartment was built with the house in the 1960s and has been consistently used by the family. The SUP will make the apartment more accessible to Mr. Hunt's parents and bring the accessory apartment into compliance with the Zoning Ordinance. The parcel is zoned R-1, Limited Residential and designed Low Density Residential on the Comprehensive Plan. Staff recommends approval of the accessory apartment with the proposed conditions.

Mr. Fraley opened the public hearing. Hearing none, Mr. Fraley closed the public hearing.

Mr. Poole stated given the zoning, designation, and the fact that the residence was originally constructed with an accessory apartment, he would support the application.

Mr. Poole moved to recommend approval of the accessory apartment.

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



WINDOW SCHEDULE		
NO.	SIZE	TYPE
A	24" x 36"	SLIDING
B	24" x 48"	"
C	24" x 60"	"

PHASING:
 GUEST SUITE ALTERATIONS ARE TO BE COMPLETE WITH A CERTIFICATE OF OCCUPANCY PRIOR TO STARTING WORK THAT COULD INTERFERE WITH MAIN HOUSE LIVING.
 SPECIFIC DETAILED ALTERATIONS OF DEMANDER SHALL BE DETERMINED IN CONSULTATION WITH OWNER.

REVISIONS	BY
0/2/11	SM

Roger S. Guernsey, Architect
 113 Shellbank Drive, Williamsburg, VA 23185
 757-229-9496
 rogerguernsey@gmail.com



Hunt Residence Alterations
 126 Shellbank Drive, Williamsburg, VA 23185

Date	5-13-11
Scale	AS SHOWN
Drawn	ESG
Job #	21013
Sheet	2
Of	4 Sheets

Millicent Gilley

124 Shellbank Drive
Williamsburg, VA 2185

October 16, 2011

James City County Planning Division
101 Mounts Bay Rd.
Williamsburg, VA 23187
Attn: Lee Ann Rodenback



Re: Special Use Permit SUP0006-2011

Dear Lee Ann,

In regard to the application by the owner of 126 Shellbank Drive for a Special Use Permit, I would like to convey to you a little of the history of the existing improvements and my position on the matter.

When the Hunts built the house, they had put an apartment in it for Mrs. Hunt's parents. The apartment was built onto the end of the residence adjacent to my home. As such, I feel I am most directly affected by its presence and the use thereof.

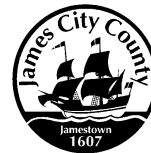
When Mrs. Hunt's parents were no longer living in it, 25 or 30 years ago, the Hunts' choose to rent it out. Some renters have been very nice but one was dealing in drugs. I'm sure the Hunts did not realize this but we could see the sales go down next door to us. That renter in particular as well as the others to a lesser extent, made my husband and I feel uncomfortable in our own home.

I have not researched the history of the zoning ordinances in James City County. I recognize that the existing apartment may well have been built before the present zoning laws were enacted and as such, is permitted by right of prior existence. Due to my experiences with non-family members living in the apartment in the past, I have felt somewhat betrayed by the county zoning laws that would permit such in our neighborhood. It was a relief to me to learn that the property ownership had passed to the Hunt's son with his parents, the prior owners, now occupying the apartment.

Whereas I whole heartedly support the extended family all living there, I'm concerned about what happens when the Senior Hunts are no longer living in the apartment. This is a single family neighborhood and I would not want to go back to the days when the apartment was occupied by non-family members with no vested interest in the neighborhood when I would be, once again, made to feel like I was living in an apartment complex. If the use permit can be restricted conditionally to use only for family members of the property owner, I am in support of it. However, if it cannot be issued with such a condition, then I am strongly opposed to it.

Sincerely,

Mrs. H.J. Gilley



MEMORANDUM COVER

Subject: Case No. SUP-0009-2011. Hornsby Middle School Temporary Classroom Trailers

Action Requested: Shall the Board approve the resolution that allows the placement of three temporary classroom trailers at Hornsby Middle School until July 2017?

Summary: Mr. Bruce Abbott applied on behalf of WJCC Schools to install three temporary classroom trailers on school property located at 850 Jolly Pond Road. The request will accommodate the projected growth of student population at the school until 2017.

Staff recommends approval of the special use permit with the conditions listed in the attached resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No
N/A

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Staff Report
2. Resolution
3. Location Map
4. Request Letter from Mr. Alan Robertson, WJCC Schools Facility Manager

Agenda Item No.: H-2
Date: November 8, 2011

SPECIAL USE PERMIT-0009-2011. Hornsby Middle School Temporary Classroom Trailers Staff Report for the November 8, 2011, Board of Supervisors Public Hearing

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

PUBLIC HEARINGS

Board of Supervisors:

Building F Board Room; County Government Complex

November 8, 2011, 7:00 p.m.

SUMMARY FACTS

Applicant:

Mr. Bruce Abbott, AES Consulting Engineers

Land Owner:

Williamsburg-James City County (WJCC) Public Schools

Proposal:

To install three temporary classroom trailers (additional six classrooms) until July 2017

Location:

850 Jolly Pond Road

Tax Map/Parcel No.:

3020100011

Parcel Size:

80.5 acres

Zoning:

PL, Public Land

Comprehensive Plan:

Federal, State, and County land

Primary Service Area:

Outside

STAFF RECOMMENDATION

Staff finds this proposal to be compatible with surrounding land uses and the 2009 Comprehensive Plan. Staff recommends that the Board of Supervisors approve this Special Use Permit (SUP) application with the attached conditions.

Staff Contact:

Jose Ribeiro

Phone: 253-6685

PROJECT DESCRIPTION

Mr. Bruce Abbott has applied for an SUP on behalf of WJCC Public Schools to install three temporary classroom trailers at Hornsby Middle School located at 800 Jolly Pond Road. The site is also the location of Blayton Elementary School. The joint elementary and middle school project was approved by the Board of Supervisors on February 26, 2008 (SUP-0030-2007).

According to the applicant, each of the three classroom trailers will measure 24 feet by 60 feet and accommodate two classrooms. Each classroom will have a capacity of 23 students. All classroom trailers are projected to be installed on the site by the fall of 2012 in order to support an estimated 85 students over the school capacity (Attachment No. 4).

The applicant expects that these trailers will be in use until 2017. The three classroom trailers would be located south of the school building near a paved path with vehicular access restricted to fire trucks. The Fire Department has reviewed this application and has no objections to the location of the proposed trailers. Staff notes that all previously approved classroom trailers, owned or leased by the WJCC Schools, have been removed from their respective school sites, including four classroom trailers previously located at the Eastern State Hospital.

PUBLIC IMPACTS

James City Service Authority (JCSA):

The school site is located outside the Primary Service Area (PSA). The applicant has indicated that the three classroom trailers will not be connected to water or sewer. The nearest restroom will be located less than 300 feet from the proposed location of the classroom trailers.

Engineering and Resource Protection:

Staff has offered no objections to the SUP application. Staff notes that during the administrative review process, information showing the location of all utilities and storm water management will be submitted for review.

Virginia Department of Transportation (VDOT):

VDOT staff has reviewed and offered no objections to the SUP application.

COMPREHENSIVE PLAN

The 2009 Comprehensive Plan states that areas designated as Federal, State, and County Land are publicly owned lands, which include the Eastern State Hospital, military installation, County office and facilities, and larger utilities such as the Hampton Roads Sanitation District Treatment Plant. Staff finds the proposed use consistent with the Comprehensive Plan as it is an accessory to a recommended land use. From a land use perspective, the installation of three temporary classroom trailers will have a minimal impact on the school site and adjacent properties.

All pertinent County agencies have reviewed this SUP application and have no objections to this proposal.

RECOMMENDATION

Staff finds this proposal to be compatible with surrounding land uses and the 2009 Comprehensive Plan. Staff recommends that the Board of Supervisors approve this SUP application with the conditions listed in the attached resolution.

Jose-Ricardo Linhares Ribeiro

Allen J. Murphy, Jr.

CONCUR:



Steven W. Hicks

JRLR/AJM/gb
Sup09-11trailers.doc

ATTACHMENTS:

1. Resolution
2. Hornsby Middle School Site Exhibit
3. Location Map
4. Request Letter from Mr. Alan Robertson, WJCC Schools Facility Manager

Sup09-11trailers.doc

RESOLUTION

CASE NO. SUP-0009-2011. HORNSBY MIDDLE SCHOOL

TEMPORARY CLASSROOM TRAILERS

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

WHEREAS, Mr. Bruce Abbott has applied, on behalf of Williamsburg-James City County Public Schools, for an SUP to install three temporary classroom trailers at Hornsby Middle School, located at 850 Jolly Pond Road, and further identified as James City County Real Estate Tax Map No. 3020100011.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of an SUP for the installation of three temporary classroom trailers as described herein and shown on the attached site location maps with the following conditions:

1. No more than three classroom trailers shall be permitted at Hornsby Middle School.
2. This SUP for Hornsby Middle School shall expire on July 1, 2017.
3. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

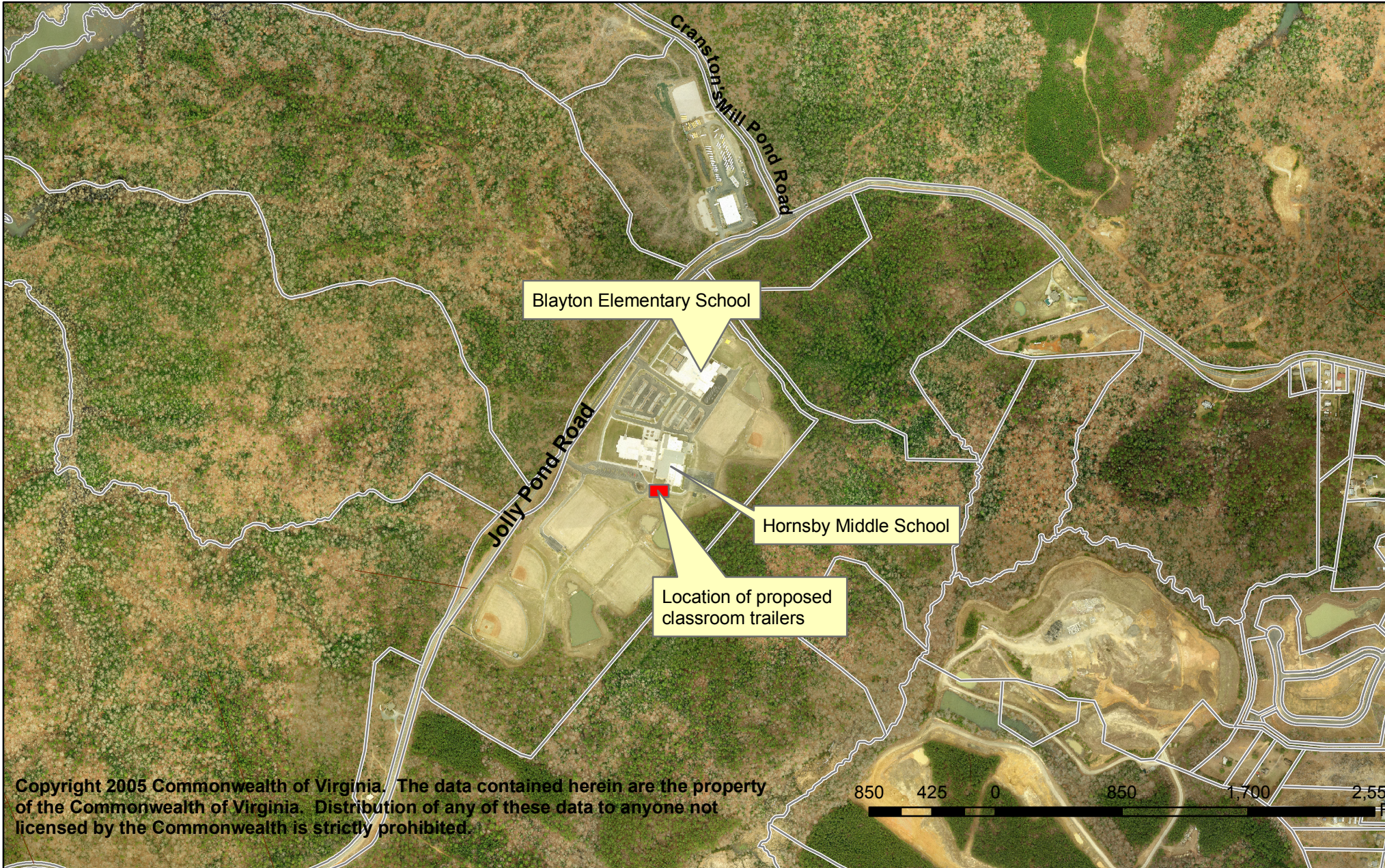
Robert C. Middaugh
Clerk to the Board

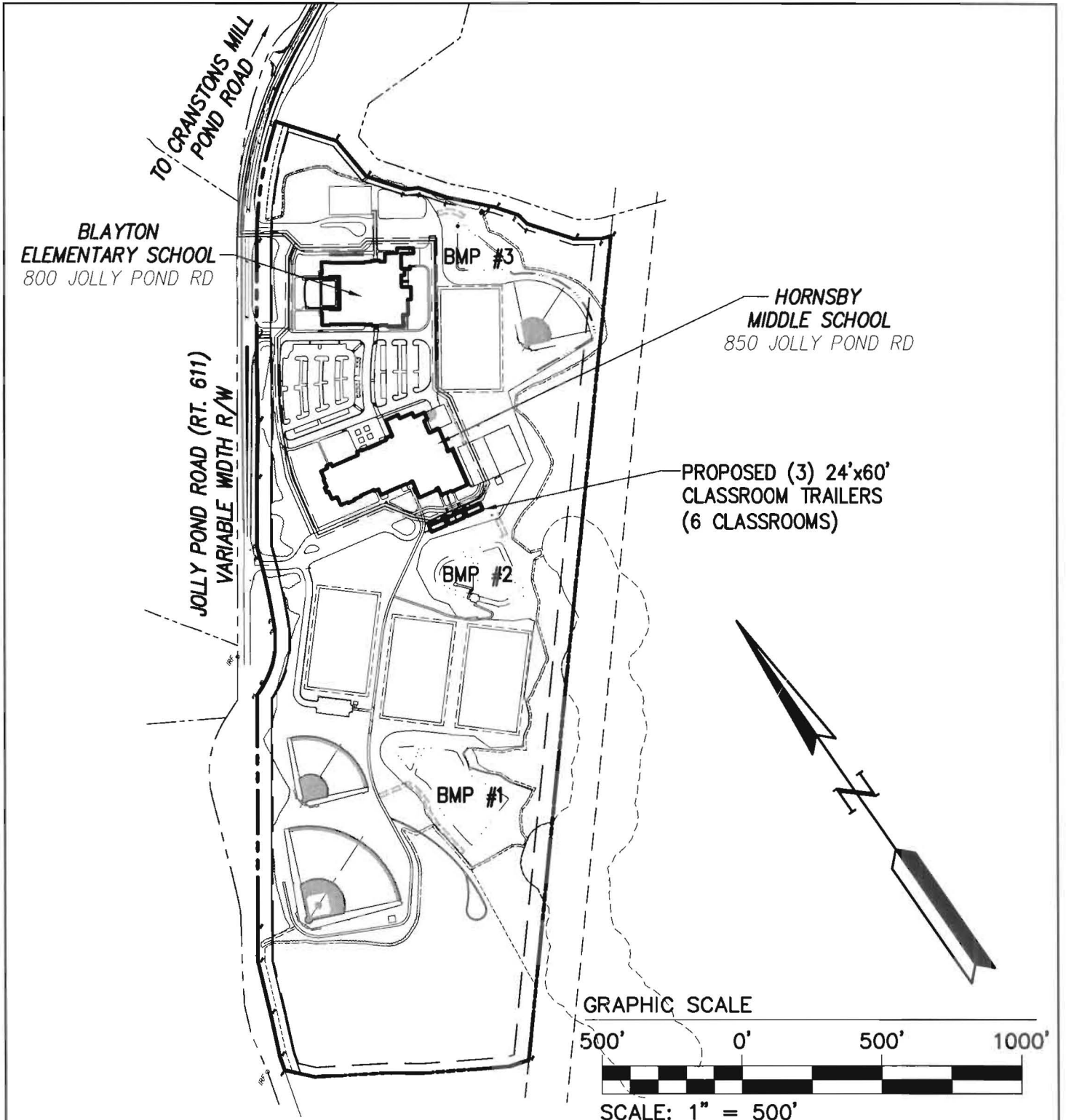
Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of November, 2011.

Sup09-11trailers_res

JCC-SUP-0009-2011

Hornsby Temporary Classroom Trailers





TRAILER CLASSROOMS
TO
HORNSBY MIDDLE SCHOOL
W/JCC PUBLIC SCHOOLS

POWHATAN DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts: LBA	Scale: 1"=500'
Project Number: W10119-E-07	Date: 10/4/11



5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
Phone: (757) 253-0040
Fax: (757) 220-8994
www.aesva.com

Hampton Roads | Central Virginia | Middle Peninsula



Memorandum

To: Allen Murphy
From: Alan Robertson *AR*
Subject: Adding Trailers to Hornsby Middle School
Date: September 27, 2011

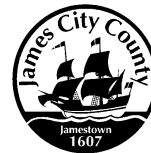
We are requesting an SUP to add (3) three trailers (6) six classrooms at Hornsby Middle School for fall, 2012. We anticipate an enrollment at Hornsby that year of 949 students, some 85 over capacity. Those additional students will be accommodated by the trailers. These trailers will be in use at Hornsby for at least the next five years, during which time the school enrollment will grow to 966 students.

The WJC staff and School Board considered the option of expanding space at Hornsby to house the growth in student population. After much discussion, the Board opted to use trailers instead.

Working closely with the County and AES, we are submitting for a Special Use Permit and site plan approval to install needed classrooms. We feel this plan will meet the needs of our students and requirements of the County. Please call me if you need any additional information.

Thanks for your help with this matter.





MEMORANDUM COVER

Subject: Resolution to Rescind Approval of Commercial Districts Zoning Ordinances

Action Requested: Shall the Board rescind approval of the Commercial Districts Zoning Ordinances enacted at the October 11, 2011, meeting?

Summary: Attached is a resolution to rescind approval of the amendments made to the Commercial Districts Zoning Ordinances at your October 11 meeting. It has been brought to staff's attention that there are discrepancies in various versions of the ordinances reviewed by the Board of Supervisors, Planning Commission, and Policy Committee. The resolution directs the Planning Commission to review the ordinances at its December 7 meeting to address the known discrepancy of fast food restaurants and to ensure that no other discrepancies exist.

Staff acknowledges that discrepancies exist and believes that reconsideration is in order.

Staff recommends approval of the attached resolution.

Fiscal Impact: _____

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: I-1
Date: November 8, 2011

MEMORANDUM

DATE: November 8, 2011
TO: The Board of Supervisors
FROM: Robert C. Middaugh, County Administrator
SUBJECT: Resolution to Rescind Approval of Commercial Districts Zoning Ordinances

This item has been placed on the Board of Supervisors agenda by Chairman Jones at the request of Mr. Kennedy. Mr. Kennedy's request is for the Board to consider rescission of the Commercial ordinance amendments passed at the October 11 meeting of the Board. This item was deferred at the October 25 meeting.

Attached is a resolution to rescind approval of the amendments made to the Commercial Districts Zoning Ordinances at your October 11 meeting. Specifically rescinded by the resolution are the following:

- Article I, Section 24-11, Commercial Special Use Permits
- Article III, Section 24-147, Development Review Committee Criteria
- Article V, Division 9, Limited Business, LB
- Article V, Division 10, General Business, B-1
- Article V, Division 11, Limited Business/Industrial, M-1
- Article V, Division 12, General Industry, M-2

It has been brought to staff's attention that there are discrepancies in various versions of the ordinances reviewed by the Board of Supervisors, Planning Commission, and Policy Committee. The resolution directs the Planning Commission to review the ordinances at its December 7 meeting to address the known discrepancy of fast food restaurants and to ensure that no other discrepancies exist.

Staff acknowledges that discrepancies exist and believes that reconsideration is in order. If rescinded, the ordinances in place prior to the October 11 approval of the amendments would take effect.

Staff recommends approval of the attached resolution.

Robert C. Middaugh

RCM/nb
RescCDZoing_mem2

Attachment

RESOLUTION

TO RESCIND APPROVAL OF COMMERCIAL DISTRICTS ZONING ORDINANCES

WHEREAS, the Board of Supervisors, at its October 11 meeting, approved amendments to the Commercial Districts Zoning Ordinances, specifically the following:

Article I, Section 24-11, Commercial Special Use Permits;
Article III, Section 24-147, Development Review Committee Criteria;
Article V, Division 9, Limited Business, LB;
Article V, Division 10, General Business, B-1;
Article V, Division 11, Limited Business/Industrial, M-1; and
Article V, Division 12, General Industry, M-2; and

WHEREAS, the Chairman of the Planning Commission had identified discrepancies between what was considered by the Planning Commission and its Policy Committee, and the ordinances considered by the Board; and

WHEREAS, there are discrepancies between the version seen by the Board at its work session and the version that the Board considered at its October 11 meeting.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby rescinds the approval of the Commercial Districts Zoning Ordinances as described above at the October 11 meeting.

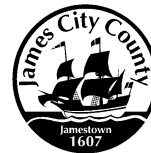
BE IT FURTHER RESOLVED that the Board of Supervisors directs the Planning Commission to review the Commercial Districts Zoning Ordinances at its December 7 meeting, address the known discrepancy of fast food restaurants, and ensure that no other discrepancies exist.

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 8th day of November, 2011.



MEMORANDUM COVER

Subject: 2012 Draft Legislative Program

Action Requested: No Action.

Summary: Attached for your review is the 2012 Draft Legislative Program. No action is required on the 2012 Draft Legislative Program at this time.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachment:

1. Memorandum

Agenda Item No.: I-2

Date: November 8, 2011

MEMORANDUM

DATE: November 8, 2011
TO: The Board of Supervisors
FROM: Leo P. Rogers, County Attorney
Robert C. Middaugh, County Administration
SUBJECT: 2012 Draft Legislative Program

Attached for your review is the 2012 Draft Legislative Program. No action is required on the 2012 Draft Legislative Program at this time. This document is being provided in advance of a work session to be held on November 22, 2011, with the County's General Assembly delegation. Following this work session, the 2012 Final Legislative Program will be considered by the Board for adoption at its regular meeting.

Leo P. Rogers

CONCUR:

Robert C. Middaugh

LPR/RCM/nb
12LegProg_mem

Attachment

**JAMES CITY COUNTY
DRAFT 2012 LEGISLATIVE PROGRAM**

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

1-1. INCLUSION OF JAMES CITY COUNTY AMONG THOSE LOCALITIES WHICH MAY ENACT AGRICULTURAL AND FORESTAL DISTRICTS OF LOCAL SIGNIFICANCE

Amend Virginia Code §§ 15.2-4402 and 15.2-4407 to include James City County among those localities which may establish agricultural and/or forestal districts of local significance.

1-2. AMEND TAX REVENUE SHARE IN LOCAL TOURISM ZONES

Amend Virginia Code § 58.1-3851.1 to remove references to "one percent" of sales tax revenues in favor of the revenue collected from "the one percent sales tax."

1-3. INCREASED CIVIL CHARGES FOR INDIVIDUALS WHO VIOLATE CHESAPEAKE BAY PRESERVATION ORDINANCES

Amend Virginia Code § 10.1-2109.E(2) to permit localities to provide for a one-time payment of civil charges for each violation in an amount not to exceed \$25,000 for each violation.

1-4. INCREASED CIVIL PENALTIES FOR OWNERS OF PROPERTY UPON WHICH EXCESSIVE TRASH AND/OR UNCUT GRASS IS PRESENT

Amend Virginia Code § 15.2-901.C to allow localities to assess civil penalties in the amount of \$200 for the first violation and up to \$1000 for each subsequent violation of an ordinance adopted pursuant to Virginia Code § 15.2-901.

1-5. LOCALITY AGREEMENTS TO ADMINISTER VDOT PROJECTS

Amend Virginia Code § 33.1-75.3 to provide that the governing body of locality must agree to locally administer a Virginia Department of Transportation (VDOT) Project. Such an amendment will assure local buy-in on VDOT projects and avoid an unfunded mandate.

1-6. MAINTENANCE OF MEDIANS

James City County supports legislation authorizing the Virginia Department of Transportation (VDOT) to enter into median maintenance agreement with localities provided that there is no reduction in VDOT funding for the maintenance of state-owned medians.

**JAMES CITY COUNTY
2011 LEGISLATIVE PROGRAM**

Part II. Position/Legislation Supported by the County

2-1. STATE FUNDING FOR TOURISM

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

2-2. APPLICATION OF TRANSIENT OCCUPANCY TAX TO TRAVEL COMPANIES AND INTERNET SALES

James City County supports a clarification of Virginia Code § 58.1-3819 et seq., to make sure that the transient occupancy tax applies to the entire amount charged for rooms by travel companies and on Internet sales regardless of any discounted rates paid by such companies for such rooms. This would provide equal taxing of room sales by Virginia businesses and Internet sales companies.

2-3. INTER-CITY RAIL IN SOUTHEAST VIRGINIA

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

2-4. TRANSPORTATION FUNDING

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

2-5. MAINTENANCE OF NEW AND EXISTING SECONDARY ROADS

James City County opposes any legislation that would transfer to counties the responsibilities to construct, maintain or operate new or existing road without adequate state funding.

2-6. BEHAVIORAL HEALTH AND COMPREHENSIVE SERVICES ACT ("CSA") FUNDING

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

2-7. SUBSTANCE ABUSE AND MENTAL HEALTH TREATMENT

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

2-8. TAX EQUITY BETWEEN CITIES AND COUNTIES

James City County supports equal taxing authority for cities and counties.

2-9. STATE FUNDING FOR PUBLIC EDUCATION, PRE-K, K-12 AND HIGHER EDUCATION

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

2-10. ADEQUATE FUNDING FOR PUBLIC LIBRARIES

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

2-11. PROVIDE ADEQUATE FUNDING FOR STATE MANDATES

Given the difficult budget year faced by the Commonwealth and localities, James City County calls upon the General Assembly to oppose unfunded mandates and to reduce existing State mandates commensurate with any reduction in State funding to localities. This is consistent with Governor McDonald's initiative to reduce imposing unfunded mandates on localities.

2-12. MAIN STREET FAIRNESS ACT / STREAMLINED SALES TAX AGREEMENT

James City County supports legislation enabling Virginia to endorse the Streamlined Sales Tax Agreement and to become a full member of the Streamlined Sales Tax Governing Board.

2-13. LEGISLATIVE PROGRAMS OF THE VIRGINIA MUNICIPAL LEAGUE, THE VIRGINIA ASSOCIATION OF COUNTIES AND THE VIRGINIA COALITION OF HIGH GROWTH COMMUNITIES

James City County supports the legislative programs of the Virginia Municipal League, the Virginia Association of Counties and the Virginia Coalition of High Growth Communities.