

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

May 8, 2012

7:00 P.M.

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. MOMENT OF SILENCE**
- D. PLEDGE OF ALLEGIANCE** – Craig Donvito, 11th grade student at Jamestown High School
- E. PRESENTATION** – None
- F. PUBLIC COMMENT**
- G. BOARD REQUESTS AND DIRECTIVES**
- H. CONSENT CALENDAR**
 - 1. Minutes –
 - a. April 24, 2012, Budget Work Session
 - b. April 24, 2012, Regular Meeting
 - 2. Grant Award/Purchase Order – Office of Emergency Medical Services EMS Training Equipment Special Initiative Grant – \$105,029
 - 3. Contract Award – Replacement Ambulance – \$238,930
 - 4. Grant Award – Virginia E-911 Services Board Public Safety Answering Point (PSAP) – \$2,000
 - 5. Grant Application - Capital Improvement Program Strategy to Meet TMDL Water Quality Goals – National Fish and Wildlife Foundation Local Government Capacity Building Initiative - \$150,000
- I. PUBLIC HEARINGS** –
 - 1. Case No. SUP-0003-2012. David Nice Building Expansion
 - 2. Case No. SUP-0001-2012/Z-0001-2012. Williamsburg Seventh-day Adventist Church Expansion
- J. BOARD CONSIDERATIONS**
 - 1. FY 2013 Budget Adoption
- K. PUBLIC COMMENT**
- L. REPORTS OF THE COUNTY ADMINISTRATOR**
- M. BOARD REQUESTS AND DIRECTIVES**
- N. CLOSED SESSION** - none
- O. ADJOURNMENT** - to 7 p.m. on May 22, 2012

AT A BUDGET WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH DAY OF APRIL 2012, 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
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Vice Chairman, Roberts District
James G. Kennedy, Stonehouse District
W. Wilford Kale, Jr., Jamestown District

Robert C. Middaugh, County Administrator

C. BUDGET WORK SESSION

Mr. Middaugh made opening remarks, stating that this budget is the result of years of planning, leadership of the Board, and the hard work of employees. He further stated that the budget includes no new taxes and that the average real estate tax bill declines by \$130 due to reassessments. He said the budget fully funds the request of the Schools and includes funds for a raise in the second year.

Mr. Middaugh said that the budget assumes an increase in the collection of delinquent taxes due to the establishment of a proposed position in the Treasurer's Office that will focus on delinquent taxes. He said overall he believed revenue estimates were conservative.

Mr. McGlennon asked for historical context about how quickly revenues rebounded after the last recessions.

Mr. Icenhour asked about the percent and amount of delinquent taxes.

Mr. Kennedy asked the average time of delinquency.

Mr. Middaugh highlighted that the budget contains an increase in the Advanced Life Support (ALS)/ Basic Life Support (BLS) fee and also includes a fee for the Police to check houses upon request for people who are on vacation. The proposed ALS/BLS fee would keep it equal to that of the City of Williamsburg.

Mr. Kennedy expressed concerns about the house check fee.

Mr. McGlennon said that he was open-minded about the fee, as it was possible that Police checking on houses of those who are on vacation could be taken away from where they are most needed.

Discussion began on expenditures with a discussion on the Virginia Retirement System (VRS).

Mr. Middaugh explained that the budget includes the mandated 5 percent increase in salary to offset the mandatory 5 percent employee contribution in VRS as approved by the General Assembly. Mr. Middaugh proposed a 5.7 percent salary increase to completely offset the VRS contribution.

Mr. Kennedy asked that the County Attorney research the constitutionality of the General Assembly that required local governments to give a salary increase.

Mr. Middaugh noted that health insurance is increasing 8.8 percent and recommended that the County absorb the cost for most plans since there is no salary increase in the budget. He also noted that the budget increases in motor fuels and stays on schedule with vehicle replacement.

Mr. Middaugh noted that the overtime budget in the Police Department is increasing because it has been miscalculated for the current fiscal year.

Mr. McGlennon asked when staffing was last increased. There was discussion about the number of police officers per 1,000 population.

Mr. Middaugh stated that he did not believe this was a useful measure to determine the appropriate level of staffing. He said that crime rates and how safe the citizens feel are better indicators. Mr. Middaugh stated that contract services in the Treasurer's Office increased due to credit card fees that allow citizens to pay for services with a credit card. He reiterated that the position to increase the collection of delinquent taxes is in this budget.

Mr. Middaugh said that a new position was proposed for Real Estate Assessments, specifically another position to maintain the County's Geographic Information System (GIS) system. The Planning budget is reduced by one position; the Zoning Enforcement budget includes additional funds to increase the County's ability to pursue more major cleanups and grass/trash violations. The Engineering and Resource Protection budget eliminates a position through attrition. The Building Safety and Permits includes \$50,000 for removal and securing of unsafe structure.

Mr. Allen Murphy, Acting Manager of Development Management and Planning Director, said that the \$50,000 would not address all unsafe structures in the County.

Mr. Kennedy said that the County needs to establish criteria for this program.

Mr. Middaugh noted that there were also funds in the Housing and Community Development budget to address the needs of people living in these structures.

Discussion continued on the Facilities Maintenance budget, and Mr. Middaugh stated that a new position was proposed here to maintain the growing number of County facilities.

Mr. Kennedy asked about the potential for sharing resources with the Schools.

Mr. John Horne, Manager of General Services, said that the Schools staff is stretched very thin as they have lost resources. He said this position would improve preventative maintenance as well as responding to specific issues or problems.

Mr. Kennedy asked how far behind the County is in preventative maintenance and if one position can make a difference.

Mr. Horne said the County is keeping up with HVAC and electrical systems. It is the general building section, which includes painting, plumbing, and security systems, where the County is falling behind in preventative maintenance.

Mr. Middaugh stated that additional funds for contractual services and two new positions are also being requested in the Grounds Maintenance budget. This would allow the County to increase attention to maintenance of medians, stormwater facilities, and trails.

Mr. Kennedy asked that the new expenses be divided into new positions and the salary increases for existing employees.

Mr. Middaugh stated that the Parks and Recreation's budget reflects the elimination of a position. He also stated that a new program is proposed for the James River Community Center in an effort to engage more citizens in the community surrounding the Community Center and a new program to replace the 4th-grade Learn to Swim Program.

Mr. McGlennon asked about the nature of the neighborhood based program.

Mr. John Carnifax, Director of Parks and Recreation, said that the Department has restructured, while eliminating a position, and hired a person to concentrate solely on the James River Community Center and increasing participation in the area's neighborhoods. Mr. Carnifax also said the Department has revised its financial assistance program.

Mr. McGlennon asked about revenue estimates, noting that there were no significant increases anticipated.

Mr. Carnifax replied that trends did not indicate that revenues would increase substantially in the next year, but that could change if the economy improves as families tend to reduce expenditures on recreation during difficult economic times.

With regard to outside agencies, Mr. Middaugh said the proposed budget level funds most agencies. Mr. Middaugh noted that the budget reduces the budget for Community Action Agency's (CAA) Neighborhood Basketball League, specifically targeted for the banquet. Mr. Middaugh noted that the funds for Housing Partnerships have been moved into the Housing and Community Development's budget. He also noted that one new agency, Grove Christian Outreach Center, is funded. He said this agency has been active and effective in delivering services. He suggested eliminating funding for the After Prom events and the Med Flight program.

Mr. Kennedy asked if James City County was the only locality funding CAA.

Mr. Middaugh said the City funds CAA, and York County provides a small amount of funding.

Mr. Kennedy asked about funding compared to service levels to the three jurisdictions.

Mr. Kale asked about the After Prom events and suggested that many in the County contribute to this program and wondered if the County should remove itself as a sponsor.

Mr. Kennedy asked about the Hampton Roads Partnership.

Mr. Middaugh responded that the Partnership had been put on notice by all of the Hampton Roads localities last year. The consensus of the Board was to eliminate the funding for Hampton Roads Partnership.

Mr. Kennedy asked what would be done with the funds being eliminated from the Hampton Roads Partnership.

Ms. Suzanne Mellen, Assistant Manager of Financial and Management Services, said that an errata sheet would be presented at the next work session.

Mr. Middaugh noted that the economic development incentives were for Owens-Illinois. He also noted the funds reserved for a salary increase for FY 13 and hoped to add funds to it.

Mr. Icenhour asked what happened to unused contingency and why the personnel contingency was so high in FY 12.

Ms. Mellen responded that it was due to the bonuses awarded to employees.

Ms. Mellen stated she had answers to questions asked earlier. She stated that grass/trash liens are added to the property owner's account and become a delinquency. Equipment maintenance increases are partly attributable to the expiration of warranties at the Law Enforcement Center (LEC). She also stated that the Grounds positions cost about \$25,000 each in salary.

Ms. Jones recessed the Board until April 30 at 6 p.m.

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 APRIL 2012, 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
John J. McGlennon, Vice Chairman, Roberts District
W. Wilford Kale, Jr., Jamestown District
James G. Kennedy, Stonehouse District
James O. Icenhour, Jr., Powhatan District

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

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Ryan Springsteen, fourth-grade student at J.B. Blayton Elementary School led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATIONS - None

F. PUBLIC COMMENT

1. Mr. Alan Lutz, 511 River Bluffs, Williamsburg, representing the River Bluffs Condominium Association, expressed his concerns about the proposed Dominion Virginia utility line stating that it would have an unfavorable visual impact on the area. He urged the Board to support the resolution urging the undergrounding of the proposed utility line underneath the James River.

2. Mr. Richard Swanenburg, 4059 South Riverside Drive, Lanexa, addressed the Board concerning a watershed study contract.

3. Ms. Mary Lou Clark, 2035 Bush Neck Road, Williamsburg, thanked the Board and County staff for their efforts in opening Jolly Pond Road.

4. Mr. Keith Sadler, 9929 Mountain Berry Court, Toano, addressed the Board concerning the County's purchase of land for greenspace. He read from a newspaper article which stated that all greenspace purchases ceased in 2008. He stated that he recalled numerous acquisitions made in the last several years and asked that Board to clarify this statement to set the record straight. He stated that presently the County has over 36 percent of land preserved in open space and questioned if the County needed any more greenspace.

5. Mr. Joe Swanenburg, 3026 The Point Drive, Lanexa, addressed the Board regarding Agenda 21 and International Council for Local Environmental Initiatives (ICLEI). He also expressed concerns about County staff belonging to the American Planning Association (APA), which he stated was Agenda 21.

6. Ms. Sue Sadler, 9929 Mountain Berry Court, Toano, invited the citizens and the Board to hear Ms. Rosa Corey, Democrats Against U.N. Agenda 21 on May 21 at the Crowne Plaza.

7. Mr. John Rogers, 8953 Pocahontas Trail, Williamsburg, informed the Board that, as owner of Oinkers BBQ, he is trying to get a sign on the interstate from Virginia Logo. He stated that his business is 2.1 miles off the interstate from the Busch Gardens exit. He stated that he was refused because he was informed his business was too far from the interstate. He stated that Pierce's BBQ has a sign and that business is over 3.7 miles from the interstate. He asked if someone from the County could look into this matter.

8. Mr. Ed Oyer, 139 Indian Circle, Williamsburg, expressed dissatisfaction to the Board on the slurry paving that was done on his street by the Virginia Department of Transportation (VDOT).

9. Ms. Georgeanna Neal-Polling, 2500 Sanctuary Drive, Williamsburg, addressed the Board concerning the school budget. Ms. Jones advised Ms. Neal-Polling that the Board will be holding a public hearing for the budget and that comments regarding the budget would be welcomed at that time. Ms. Neal-Polling asked if she could continue her comments. Ms. Jones stated that she was fine with her continuing. Ms. Neal-Polling expressed concern about importance of the health clinic staff.

G. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon stated that Mr. Lutz admirably compressed a complex case regarding the Dominion Virginia Power utility line into three minutes. He requested that the people in the audience, who were present to express support for the resolution regarding the undergrounding of the Dominion Virginia Power Utility Line, please stand or raise their hand. Mr. McGlennon also stated that he sympathized with Mr. Oyer's comments. He stated that he has heard a lot of similar comments from people throughout the County whose neighborhood roads have experienced this new kind of treatment.

Ms. Jones requested that when the County is hearing citizen concerns about the slurry paving, those concerns be communicated to VDOT and have the contractor return and make improvements.

Mr. Icenhour passed an envelope to Mr. Middaugh containing letters from the Seasons Trace and Heron Run Homeowners Associations and a petition from 81 homeowners to VDOT regarding the 35 mile per hour speed limit on their main road. He stated that they are asking to have it put back to 25 miles per hour. Mr. Icenhour mentioned that a lot of Jolly Pond residents called and thanked him for his efforts in opening Jolly Pond Road. He stated that there used to be no parking signs next to the ball field along Jolly Pond Road. He stated that a sign or two may be missing and he requested that County staff make sure that the signs are put back. Mr. Icenhour mentioned that at the intersection of Jolly Pond and Centerville Roads, the weeds are four feet tall and are beginning to impact visibility. He stated that he would like the weeds cut.

Mr. Kennedy stated that he wanted to set the record straight about an article in the paper regarding the Purchase of Development Rights (PDR) Program and greenspace. He stated that the prior Board of Supervisors had considered three properties for the PDR Program. He stated that all three properties were purchased and stated that two are still pending. He stated that five properties were available for greenspace acquisition and that the Board was in agreement on some of the ones that were rejected.

Ms. Jones stated that she had the privilege to attend the Go Ape ribbon cutting ceremony at Freedom Park. She stated that she is pleased to have them in James City County. She stated that she also attended a ribbon cutting ceremony for the Habitat Restore. She stated that the Restore is a tremendous asset to the community. She stated that she attended the Earth Day Fair on Friday, April 20. Ms. Jones advised the Board that she attended a Regional Issue Committee meeting in the morning and was provided with an update on the Coordinated Comprehensive Review, which is available on the internet.

H. CONSENT CALENDAR

1. Minutes –
 - a. April 10, 2012, Regular Meeting

Mr. Icenhour made a motion to approve the Consent Calendar. Mr. Icenhour asked Mr. Middaugh for enlightenment on the dedication of streets in the length of time experienced on the completion of the streets and the actual dedication.

Mr. Middaugh stated that from the time the road is actually completed, VDOT has a review and approval process that takes years. He stated that one of the requirements is that there are three homes constructed on the road section in question. He stated that it is a process that is administered with VDOT and the developer. He stated that the County's role is to petition VDOT when it is time for VDOT to take the road when all the requirements have been filled.

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

2. Reimbursement Grant Award – Purchase of Development Rights (PDR) Program - \$110,952

RESOLUTION

REIMBURSEMENT GRANT AWARD – PURCHASE OF DEVELOPMENT RIGHTS (PDR)

PROGRAM – \$110,952

WHEREAS, the James City County Purchase of Development Rights (PDR) Program has been awarded a reimbursement grant in the amount of \$110,952 from the Office of Farmland Preservation, Virginia Department of Agriculture and Consumer Services, pursuant to the Code of Virginia, § 3.2-201; and

WHEREAS, the grant funds will reimburse James City County for up to 50 percent of eligible expenses, not to exceed \$110,952, incurred in purchasing one or more conservation easements on qualifying rural lands; and

WHEREAS, qualifying expenses include the easement purchase price, title insurance premium, property appraisal fees, property survey fees, and fees for outside legal counsel; and

WHEREAS, the grant requires no additional match.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of reimbursements as a result of this grant and the appropriation of these reimbursements to the PDR Program.

Revenue:

Purchase of Development Rights Program \$110,952

Expenditure:

Purchase of Development Rights Program \$221,904

BE IT FURTHER RESOLVED that the Board of Supervisors authorizes the County Administrator to execute the Intergovernmental Agreement with the Virginia Department of Agriculture and Consumer Services.

3. Contract Award – Furnishings for Buildings D and E Renovations - \$124,006.39

RESOLUTION

CONTRACT AWARD – FURNISHINGS FOR BUILDINGS D AND E RENOVATIONS –

\$124,006.39

WHEREAS a Request for Proposals (RFP) for furnishings to Buildings D and E renovations was publicly advertised and staff reviewed proposals from seven firms interested in performing the work; and

WHEREAS upon evaluating the proposals, staff determined that FSI Office was the most fully qualified and submitted the proposal that best suited the County's needs as presented in the RFP.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the \$124,006.39 contract for furnishings for Buildings D and E to FSI Office.

4. Dedication of Peleg's Way

RESOLUTION

DEDICATION OF PELEG'S WAY

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described in the

attached Additions Form AM-4.3 to the secondary system of State highways, pursuant to § 33.1-229 of the Code of Virginia, and the Department's Subdivision Street Requirements.

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

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

5. Dedication of Streets in the Retreat Subdivision Phases One and Two

RESOLUTION

DEDICATION OF STREETS IN THE RETREAT SUBDIVISION PHASES ONE AND TWO

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

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

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

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

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

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

6. Section 8 Housing Choice Voucher Program Public Housing Agency (PHA) Plan

RESOLUTION

SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

PUBLIC HOUSING AGENCY (PHA) PLAN

WHEREAS, the James City County Office of Housing and Community Development (OHCD) is designated as the Public Housing Agency, VA041, and authorized to operate the Section 8 Housing Choice Voucher Program within James City County; and

WHEREAS, the Quality Housing and Work Responsibility Act of 1998 created the Public Housing Agency (“PHA”) Five-Year and Annual Plan requirement; and

WHEREAS, OHCD has prepared the Steamlined Five-Year PHA Plan for Fiscal Years 2013-2017, including Annual Plan for FY 2012 (“PHA Plan”) and provided opportunities for public review and comment in accordance with U.S. Department of Housing and Urban Development (HUD) regulations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the submission of the PHA Plan to HUD and the Chairman of the Board of Supervisors to execute the PHA Certifications of Compliance with the PHA Plans and Related Regulations form.

I. PUBLIC HEARING

1. FY 13-14 Budget

Ms. Sue Mellen, Assistant Manager of Financial and Management Services, provided the Board with an overview of the proposed Fiscal Year 2013-2014 two-year biennial proposed budgets. She stated that since FY 2008, the County has eliminated over 64 regular County positions, which is approximately 10 percent of the County workforce. She advised the Board that in FY 2012, the County set aside \$6 million to address financial challenges in FY 2013. She provided the Board with a spending history from 2008 and general fund budget comparison from FY 2008 to FY 2014. She stated that the proposed budget maintains the current \$0.77 real estate tax rate. She advised the Board that residential property assessments dropped 5.67 percent, indicating that many homeowners will see a lower real estate tax bill in the first billing of FY 2013. She indicated that the majority of the budget increase is attributed to the mandated Virginia Retirement System (VRS) cost increases for the County and the School system. She provided a breakdown of the County’s general fund revenue sources and indicated that the largest source being real estate revenues. She informed the Board that real estate revenues declined \$2.85 million. She stated that included in the proposed budget is an increase in the ambulance transport fees. She stated that the increase in ambulance transport fees keeps pace with the City of Williamsburg’s proposal and is expected to generate about \$228,000. She stated that also included in the budget is a new fee for house security checks performed by the Police Department and a proposal to increase delinquent tax collections, which will generate \$319,000. She informed the Board that there are positive tax trends in personal property taxes, sales, meals, and lodging categories. Ms. Mellen provided a general revenue fund spending breakdown with largest percentage going to the Williamsburg/James City County School System and with an operating budget at 46.3 percent. She stated that, overall the County’s general fund spending will go up by 1.1 percent. She stated that the proposed budget fully funds the School’s request and funds the VRS mandated costs. Ms. Mellen stated that the new delinquent collection effort will fund a position in the Treasurer’s Office. She stated that the proposed budget also provides for a grounds crew position for stormwater maintenance facilities, trails and sidewalks. Ms. Mellen advised the Board that there are capital improvements proposed in the budget for Public Safety and Schools. She stated that a new seasonal synthetic ice rink at New Town is also included in the budget. Ms. Mellen stated that the FY 2014 budget is included for planning purposes, which includes a modest increase in revenues, a support position for the Police Department and sets asides funding for a salary increase for County employees. Ms. Mellen reviewed the budget schedule which indicated that the budget would be adopted on Tuesday, May 8.

Ms. Jones stated that the proposed budget fully funds the Schools. She stated that the County Board of Supervisors allocates the funding and that they do not tell the School how to spend the money. Ms. Jones opened the Public Hearing.

1. Ms. Jodi Consoli, 709 Queens Way, Williamsburg, representing the James City County Education Association, stated that education is the forefront of a democratic society and that the Association looks to the Board for leadership.

2. Ms. Trish Farinholt, 120 Dover Road, Williamsburg, requested that the Board fully fund the School Board's budget.

3. Ms. Dawn Forgit, 110 Deerwood Drive, Williamsburg, thanked the Board for its work in opening Jolly Pond Road and thanked the Board for fully funding the School budget.

4. Mr. Ed Oyer, 139 Indian Circle, Williamsburg, expressed concern with using the percentage method to show accomplishments on performance by the amount of work done by an employee. Mr. Oyer questioned why the County needs new school buses.

As no one else wished to speak, Ms. Jones closed the Public Hearing and no action was taken on the FY 13-14 budget.

J. BOARD CONSIDERATION

1. School Contract

Mr. Middaugh stated that at the last meeting, the Board deferred action on this matter until this meeting in order to meet with Mr. Kale. Mr. Middaugh stated that he has met with Mr. Kale and has successfully addressed his concerns. He stated that the contract remains unchanged and recommends it for the Board's approval.

Mr. McGlennon made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: McGlennon, Icenhour, Kale, Jones (4). NAY: Kennedy (1).

RESOLUTION #

JOINT RESOLUTION TO AMEND THE RESTATED CONTRACT FOR THE JOINT OPERATION OF SCHOOLS, CITY OF WILLIAMSBURG AND COUNTY OF JAMES CITY

DATE OF DOCUMENT: ~~March 27, 2007~~ _____, 2012

PREAMBLE

By Agreement dated October 9, 1980, the County School Board of James City County, Virginia, and the County of James City, parties of the first part and the School Board of the City of Williamsburg,

Virginia and the City of Williamsburg, Virginia, parties of the second part entered into a restated contract for the operation of a joint school system, hereinafter referred to as the “Restated Contract.”

By Resolution dated October 9, 1980, the City of Williamsburg (hereinafter referred to as “City”) and the County of James City (hereinafter referred to as “County”) and their respective school boards amended the funding formula as set forth in the Restated Contract.

By Resolution dated February 27, 1989, the City of Williamsburg and County of James City and their respective school boards, further amended the Restated Contract to provide that James City County would fully pay all costs of constructing three schools as described therein and that the County would have all ownership equity in such schools.

By Resolution dated December 12, 1991, by the City, December 16, 1991, by the County, and December 17, 1991, by the School Boards, (hereinafter referred to as “1991 Resolution”) the parties further amended the Restated Contract by repealing in its entirety the October 9, 1980, Restated Contract and substituting therefore new provisions for all aspects of the contract.

By Resolution dated April 11, 1996, by the City and April 30, 1996, by the County (hereinafter referred to as the “1996 Resolution”), the parties amended the Restated Contract.

By Resolution dated October 9, 2001, by the County, and October 11, 2001, by the City (hereinafter referred to as the “2001 Resolution,”) the parties amended the restated contract.

By Resolution dated November 14, 2006, by the County and November 9, 2006, by the City (hereinafter referred to as the “2006 Amendment”), the parties amended the restated contract.

By Resolution dated March 27, 2007, by the County, and April 12, 2007, by the City (hereinafter referred to as the “2007 Amendment,”) the parties amended the restated contract.

By Resolution dated _____, 2012, by the County, and _____, 2012, by the City (hereinafter referred to as the “2012 Amendment,”) the parties amended the restated contract.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that effective July 1, 2007~~12~~, the funding formula of the *Restated Contract* is amended as follows:

1. Operational Costs. Beginning Fiscal Year 2007~~12~~/2008~~13~~, City’s contribution toward annual operational costs of the joint school system shall be:

a. A portion of the total operational costs jointly approved by County and City for each fiscal year which portion shall be equivalent to the percentage of City students enrolled in the joint system determined as hereinafter set forth times an add-on factor that varies by year as follows:

<u>Year</u>	<u>Factor</u>
FY 2008 13	1.45 14
FY 2009 14	1.45 14
FY 2010 15	1.45 14
FY 2011 16	1.14
FY 2012 17	1.14

b. For the purposes of calculating the percentage of City students under subparagraph a above, the average school division daily membership shall be computed as of September 30 of the preceding fiscal year which date is here defined as the “determination date.” The percentage thus obtained, *and the percentage determined for the two preceding fiscal years shall be averaged and the average* shall be used in applying the formula to the next fiscal year; provided, certain City/County student populations will be excluded from the funding formula set forth in 1a above as follows:

- Nonresidents (children living in other localities)
- Residents of halfway houses, group homes, detention centers, mental hospitals, or other institutions with no home address in either the City or County.
- Children for whom the school division cannot assign a home address in City or County.
- *Children who reside in hotels, motels, campgrounds, or some other type of non-residential property.*

Both City and County shall be entitled to review all pertinent school enrollment records to verify such calculations. Should either City or County, after reviewing such records wish to contest the accuracy of the calculation for any year, it must elect to do so by December 31 immediately following the September 30 calculation cutoff date. The contesting party shall give written notice to the other on or before December 31 specifying the basis of its disagreement. Upon receipt of such notice, the parties shall meet together as soon as is reasonable practicable and shall in good faith attempt to resolve the dispute. Should such efforts fail, each party shall appoint a certified public accountant as its arbitration representative. Such representatives shall choose an attorney at law duly licensed to practice in Virginia as a third arbitrator. The decision of the arbitrators shall bind both parties. Each party shall compensate its own accountant and the fees of the attorney shall be equally shared by the parties.

“Operational Costs” are all costs of operating the joint school system other than Capital Project Costs and shall include, but not be limited to: Administration, operation of school plants, routine maintenance of school plants, instructional costs, F.I.C.A. taxes and other employer funded employment benefits, repair and replacement of furnishing and equipment.

c. ~~The School board shall be permitted to retain and determine the use of any year-end surplus operating funds up to an amount equal to \$500,000. Any operating funds that exceed that amount shall be dedicated to, the Capital Budget for the following year for projects appearing in the adopted five-year capital improvement programs of both the City and the County.~~ *Based on § 22.1-100 of the Code of Virginia, local school funds unexpended in any year shall become a part of the appropriated funds of the City and County for the School Board for the following year. However, based on a spending plan submitted by the School Board, unexpended local funds at year-end may be appropriated by the City and County for school purposes beyond those previously funded.*

d. City and County shall pass through any and all of their shares of the State Sales Tax for schools to the schools. The School Board shall determine how such funds shall be used.

e. City and County shall have a responsibility to their respective citizens to assure that funding provided to the school system is spent wisely and efficiently in achieving quality of education for the students.

The funding formula calculated for operational costs in Section 1, above, shall be used to determine the funding by City and County for all Capital Project Costs approved by their respective governing bodies, ~~except that the City's share of funding for the fourth middle school, ninth elementary school, and any school additions primarily of classroom space shall be three and one quarter percent (3 1/4%) of the Capital Project costs. The foregoing notwithstanding, if any new school other than the fourth middle school and the~~

ninth elementary school are ~~is~~ to be contracted for during the five-year term of this agreement, ~~none of which are currently contemplated by the parties~~, the City and County shall negotiate their respective participation at that time.

“Capital Project Costs” shall include: (a) All costs of land acquisition; all costs of land lease having a term of at least ten (10) years, including but not limited to rents and lease negotiation fees and costs; (b) all construction costs of new buildings including all architectural, engineering, consultation and other design and development costs related thereto; (c) all costs of equipping new buildings, building additions and renovations and other structures or facilities; (d) all construction costs for major renovations of and/or additions to existing buildings, structures and facilities, including all architectural, engineering, consultation and other design and development costs related thereto (“major” being defined for purposes of subsections (d), (e), and (f) as an expenditure in excess of \$50,000); (e) all major studies such as engineering, feasibility, etc., related to existing or proposed school facilities, sites, properties, equipment, etc., (f) all costs for acquisition of major equipment and mechanical systems whether new or replacement; (g) expansion of existing school bus fleet.

City and County agree, for any School capital project with an estimated cost of \$1 million or more, to appropriate funds to the project in two phases:

Phase 1 shall include site acquisition and sufficient engineering and design services to produce reliable cost estimates. Constructability, peer review and value engineering reports shall be reviewed and critically evaluated. The expected capital improvement impact of any required school attendance zone redistricting shall also be evaluated during Phase 1. This includes identification of additional buses or design changes to existing school facilities to meet new zone requirements.

Phase 2 shall come at the conclusion of Phase 1 and shall result in an appropriation of sums sufficient for construction.

Any capital project balance not to exceed \$500,000 may be retained by the School Board if these funds are invested in a capital project included in the adopted five-year capital improvement programs of both City and County. Project balances exceeding \$500,000 shall be ~~returned to the City and County in the same proportion as they were contributed~~ *considered in the same way as unexpended local funds in the operating budget, paragraph 1(c) of this agreement.*

FURTHER RESOLVED that paragraphs 3 through 6 of the Restated Contract are hereby amended and restated as follows:

3. Termination. Either the Williamsburg City Council or the James City County Board of Supervisors may elect to terminate this contract at any time by giving written notice to the other. Unless City and County shall agree otherwise, termination shall become effective at the close of the school year next following the school year during which notice was given.

In the event of termination, the City shall have one hundred percent (100%) equity in all school facilities located within the City's corporate limits and the County shall have one hundred percent (100%) equity in all school facilities located in the County; provided, however, that the non-situs locality shall have an equity interest in any real property located in the other locality which was used for school purposes, equal to all capital contributions made by the non-situs locality for the erection or improvement of buildings on such real property subsequent to July 1, 1997; provided, however, that City's capital contributions made under the provisions of this contract attributed to the construction of Matoaka Elementary School, *Hornsby Middle School, and Blayton Elementary School* ~~and the unnamed fourth middle and ninth elementary schools~~ shall be considered as an increase in City's equity position in Warhill High School or any other currently operating school buildings chosen by City. City relinquishes all equity interest in Matoaka Elementary School, *Hornsby*

Middle School, and Blayton Elementary School and the unnamed fourth middle and ninth elementary schools effective November 1, 2006.

In event that any building previously used for educational purposes under this contract ceases to be used as such, and is declared surplus by a resolution of the School Board, then full ownership of such building, the land upon which it is located, together with all other related facilities, shall vest in the locality in which the building is located; provided, however, that the non-situs locality shall have an equity interest in such building and land, equal to all capital contributions made by the non-situs locality for the erection or improvement of such building subsequent to July 1, 1997.

“Facilities” shall include all real and personal property located at a school site. School-owned real property not identified with a specific school site and owned as of June 30, 2002, shall be distributed 26% to City and 74% to County. Real property acquired after June 30, 2002, shall be distributed based on the proportional funding at the time the acquisition/construction is made. Personal property not identified with a specific school site shall be distributed between City and County on a formula that represents the average operating budget funding percentage as calculated using the five most recent annual budgets. Such non school site property includes, but is not limited to, central administration and operations real and personal property, school buses, vehicles and equipment not used primarily at a particular school.

In applying the above percentages to non school site property, the current values of such properties shall be determined as follows:

Real Property - Fair market value based on comparable sales and highest and best use.

School Buses - As shown in most recent issue of valuation booklet for school buses, "Yellow Book" published by Yellow School Buses, P.O. Box 261, Los Angeles, CA 90078 or if out of publication, as determined by other mutually agreeable method.

Other Personal - Acquisition cost depreciated over five (5) years with ten percent (10%) salvage value.

4. School Board Membership. Effective July 1, 1993, City's School Board shall consist of two (2) members and County's School Board shall consist of five (5) members. The two School Boards shall serve as one Board for all decisions regarding operation of the joint school system including the hiring and firing of the superintendent.

5. Review of Contract. The Restated Contract as here amended shall be reviewed by City and County prior to the fiscal year beginning July 1, 2012~~7~~, and every fifth (5th) year thereafter. Each review shall commence not later than January of the previous fiscal year. The parties intend that any subsequent amendments to the Restated Contract shall result from the regularly scheduled reviews, and each party represents to the other its intent to withhold requests for further amendments until the time of such scheduled reviews unless urgent necessity dictates otherwise.

6. Effective Date of Amendments. All future amendments to the Restated Contract as here amended shall become effective on the July 1 following the fiscal year in which the parties reach written agreement as to such amendment.

IN WITNESS WHEREOF, Pursuant to resolution duly adopted, the City of Williamsburg, Virginia, on this ____ day of _____, 2012; the County of James City on the ____ day of _____, 2012.

2. Resolution Urging the Undergrounding of the Proposed 500 kV Utility Line Underneath the James River

Mr. Middaugh stated that this resolution was requested by Mr. McGlennon and deals specifically with the alternate line that has been proposed by Dominion Virginia Power, instead of running from its Chickahominy station in Charles City and crossing Charles City and James City County. The alternate suggestion runs from the Surry Nuclear Plant across the James River and through the lower portion of James City County. He stated that the resolution addresses and requests that Dominion Virginia Power not put the lines aerially over the river, but to put them under water. The resolution also requests Dominion Virginia Power to take care of the natural placement of the towers and the rights-of-way so as not to preclude parcel access or to interfere with acceptance of those roadways into the VDOT system for future operation or maintenance. Mr. Middaugh stated that the resolution authorizes the County Administrator and the County Attorney to take action on behalf of the Board to promote this resolution to assure that it is properly heard by the State Corporation Commission and that the County's opinions are carried forward, weighed in, and considered carefully.

Mr. McGlennon thanked the County Administrator and County Attorney for preparing the resolution. Mr. McGlennon stated that the resolution is just the first step in convincing Dominion Virginia Power and the State Corporation Committee that the best alternative is not to go over the James River, but rather to seek an alternative.

Mr. McGlennon made a motion to approve the resolution.

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

RESOLUTION

URGING THE UNDERGROUNDING OF THE PROPOSED 500 kV UTILITY

LINE UNDERNEATH THE JAMES RIVER

WHEREAS, Virginia Electric and Power Company, d/b/a/ Dominion Virginia Power (Dominion), has proposed an alternative route for a new 500 kV electric transmission line, known as the Surry-Skiffes Creek Alternative; and

WHEREAS, the Surry-Skiffes Creek route travels over approximately 14,500 linear feet of the James River, reaches land in James City County at the BASF property, crosses Route 60, and runs adjacent to the existing Whispering Pines mobile home park; and

WHEREAS, the James River is part of the Captain John Smith Chesapeake National Historic Trail, the nation's first all water national historic trail; and

WHEREAS, the James River is also designated as a Virginia Scenic River and as an "America's Founding River," designations that recognize the importance of the river in the nation's history and as a scenic and tourism resource that should be protected; and

WHEREAS, the James River is on the Nationwide Rivers Inventory (NRI), a listing of river segments that are believed to possess one or more "outstandingly remarkable" natural or cultural values judged to be of more than local or regional significance; and

WHEREAS, a 1979 Presidential Directive requires all federal agencies to seek to avoid or mitigate actions that would adversely affect one or more NRI segments; and

WHEREAS, the visual impact of the power lines crossing the James River will be a significant detriment to the visual and historic nature of the river; and

WHEREAS, putting the electrical transmission lines on towers across the James River will have a detrimental impact on tourism, tourist attractions, existing and proposed transient occupancy along the James River, and property values of nearby waterfront properties; and

WHEREAS, installing the electrical transmission lines under the James River will not only eliminate the adverse impacts it will also provide a safer and better long-term solution to providing electrical power Dominion customers; and

WHEREAS, the transmission line in James City County crosses several industrial parcels of economic significance to the County, which access might be adversely affected by the transmission line tower placement and preclude VDOT acceptance of roads to access the industrial parcels; and

WHEREAS, the visual impact on residential development should be minimized to the extent feasible.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby urges Dominion to place the proposed Surry-Skiffes Creek electrical transmission lines underground for that portion which crosses the James River.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby urges Dominion to locate any transmissions line towers in the County in such a manner to both allow appropriate access to impacted parcels and the ability to have parcel access roads accepted in the VDOT system.

BE IT FURTHER RESOLVED that the Board of Supervisors directs the County Administrator and County Attorney to intervene on behalf of James City County in the State Corporation Commission permitting process to all appropriate actions to see that the Dominion 500 kV electric transmission line is built under the James River.

K. PUBLIC COMMENTS

1. Mr. Ed Oyer, 139 Indian Circle, Williamsburg, addressed the Board regarding the recent home fires in Chesapeake and Suffolk spreading from one structure to multiple structures and stated his concerns about cluster developments. Mr. Oyer also commented about accountability of the proposed budget.

2. Mr. Richard Thacker, 4032 Kings Oak, Williamsburg, thanked the Board for passing the resolution encouraging Dominion Virginia Power to seek underwater access for its power needs. Mr. Thacker expressed his concerns about another alternative of Dominion Virginia Power utilizing its current easement that goes through a high residential area with a narrow right-of-way for its 500-kV utility line.

L. REPORT OF THE COUNTY ADMINISTRATOR

Mr. Middaugh announced that copies of the budget are available online at the County's website. He stated that there is a community budget meeting video available on the You Tube page or on the County's On-Demand Community Channel.

Mr. Middaugh stated that the Board will be going into Closed Session to discuss an appointment to the Clean County Commission, Board of Equalization, and the Planning Commission. Mr. Middaugh also stated that the Board will be discussing the PDR Easement in Closed Session.

M. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon commented on Mr. Thacker's concern and stated that the County has already taken a position against the utilization of the easement that runs through the residential community.

Mr. Icenhour spoke about the Community Action Agency (CAA) and stated that the Board has not made any appointments to the CAA Board. He stated that the CAA Board is not in compliance. Mr. Icenhour requested that staff solicit input from folks interested in serving on the CAA.

Mr. Kennedy expressed concern with a matter that he read in the newspaper regarding the Board of Supervisors having friction with the School Board. He stated that he does not know of any friction. He stated that the County has a good working relationship with the School Board and hopes that it continues. He stated that it is natural during the course of budget talks to ask questions about line items.

Ms. Jones stated that she agreed with Mr. Kennedy's concerns and stressed that the Boards have a positive working relationship.

Mr. Icenhour agreed with Mr. Kennedy and commended the School Board for making tough budget decisions.

N. CLOSED SESSION

Mr. McGlennon made a motion for the Board to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for consideration of a personnel matter(s), the appointment of individuals to County boards and/or commissions and pursuant to Section 2.2-3711(A)(3) of the Code of Virginia to consider the acquisition/disposition of a parcel/parcels of property for public use.

On a roll call vote, the vote was: AYE: McGlennon, Icenhour, Kale, Kennedy, 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)(1) of the Code of Virginia, consideration of a personnel matter(s), the appointment of individuals to County boards and/or commissions.

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, consideration of acquisition/disposition of a parcel/parcels of property for public use.

Mr. McGlennon made a motion to certify that the Board only talked about what they said they were going to speak about in the Closed Session.

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

Mr. McGlennon moved for the appointment of Ms. Elizabeth Peterson to the Clean County Commission and the recommendation of Ms. Vickie Nase to the Board of Equalization from the Circuit Court.

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

Mr. Kale moved for the appointment of Ms. Robin Bledsoe as the Jamestown Representative on the Planning Commission for a two-year term ending January 31, 2014.

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

O. ADJOURNMENT

Mr. McGlennon made a motion to adjourn the Board until 6 p.m. April 30, 2012.

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

Robert C. Middaugh
Clerk to the Board

042412bos_min

MEMORANDUM COVER

Subject: Grant Award and Purchase Order – Office of Emergency Medical Services (OEMS) EMS Training Equipment Special Initiative Grant – \$105,029

Action Requested: Shall the Board appropriate the grant funds awarded from the Commonwealth of Virginia Department of Health, Office of Emergency Medical Services (OEMS) and approve the purchase from Laerdal Medical Corporation in the amount of \$105,029 for EMS training equipment?

Summary: The James City County Fire Department has been awarded an EMS Training Equipment Special Initiative Grant for Accredited Advanced Life Support (ALS) Training Programs in the amount of \$105,029 from the Commonwealth of Virginia Department of Health, OEMS.

The funds are to be used for the purchase of one adult and one baby manikin for training ALS providers in Virginia. The training equipment package funded by the grant has been approved by OEMS to assure compliance with the Virginia equipment requirements for accredited EMS ALS training programs. Pricing for the equipment package of \$105,029 is based upon the State contract on eVA for the purchasing of manikins, Contract No. E194-831 with Laerdal Medical Corporation.

This cooperative procurement action is authorized by Chapter 1, Section 5, of the James City County Purchasing Policy and the Virginia Public Procurement Act. By participating in this cooperative procurement action, staff believes the County will increase efficiency, reduce administrative expenses, and benefit from an accelerated delivery process.

Staff recommends adoption of the attached resolution to appropriate funds and authorize issuance of a purchase order to Laerdal Medical Corporation in the amount of \$105,029 for EMS training equipment.

Fiscal Impact: The grant requires no match. The OEMS grant will fund the entire purchase price under the condition that the County issue a purchase order for the funded equipment prior to May 15, 2012.

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: May 8, 2012

MEMORANDUM

DATE: May 8, 2012

TO: The Board of Supervisors

FROM: William T. Luton, Fire Chief

SUBJECT: Grant Award and Purchase Order – Office of Emergency Medical Services (OEMS) EMS Training Equipment Special Initiative Grant – \$105,029


The James City County Fire Department has been awarded an EMS Training Equipment Special Initiative Grant for Accredited Advanced Life Support (ALS) Training Programs in the amount of \$105,029 from the Commonwealth of Virginia, Department of Health, Office of Emergency Medical Services (OEMS).

The funds are to be used for the purchase of one adult and one baby manikin for training ALS providers in Virginia. The training equipment package funded by the grant has been approved by OEMS to assure compliance with the Virginia equipment requirements for accredited EMS ALS training programs. Pricing for the equipment package of \$105,029 is based upon the State contract on eVA for the purchasing of manikins, Contract No. E194-831 with Laerdal Medical Corporation.

This cooperative procurement action is authorized by Chapter 1, Section 5, of the James City County Purchasing Policy and the Virginia Public Procurement Act. By participating in this cooperative procurement action, staff believes the County will increase efficiency, reduce administrative expenses, and benefit from an accelerated delivery process.

The grant requires no match. The OEMS grant will fund the entire purchase price under the condition that the County issue a purchase order for the funded equipment prior to May 15, 2012.

Staff recommends adoption of the attached resolution to appropriate funds and authorize issuance of a purchase order to Laerdal Medical Corporation in the amount of \$105,029 for EMS training equipment.


William T. Luton

CONCUR:

Robert C. Middaugh

WTL/nb
GA-OEMSTrainEquip_mem

Attachment

RESOLUTION

GRANT AWARD AND PURCHASE ORDER – OFFICE OF EMERGENCY MEDICAL

SERVICES (OEMS) EMS TRAINING EQUIPMENT SPECIAL INITIATIVE GRANT –

\$105,029

WHEREAS, the James City County Fire Department has been awarded an EMS Training Equipment Special Initiative Grant for Accredited Advanced Life Support (ALS) Training Programs in the amount of \$105,029 from the Commonwealth of Virginia Department of Health, Office of Emergency Medical Services (OEMS); and

WHEREAS, the funds are to be used for the purchase of EMS training equipment for training ALS providers in Virginia; and

WHEREAS, the training equipment package funded by the grant has been approved by OEMS and pricing for the equipment package is based upon the State contract with Laerdal Medical Corporation for the purchasing of manikins; and

WHEREAS, cooperative procurement action is authorized by Chapter 1, Section 5, of the James City County Purchasing Policy and the Virginia Public Procurement Act; 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 the following budget appropriation to the Special Projects/Grants fund:

Revenue:

EMS Training Equipment Special Initiative Grant	<u>\$105,029</u>
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Expenditure:

EMS Training Equipment Special Initiative Grant	<u>\$105,029</u>
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BE IT FURTHER RESOLVED that the Board of Supervisors hereby authorizes the issuance of a purchase order to Laerdal Medical Corporation for EMS training equipment in the amount of \$105,029.

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 May,
2012.

OEMS Training Equip_FY12_bos_res

MEMORANDUM COVER

Subject: Contract Award - Replacement Ambulance - \$238,930

Action Requested: Shall the Board approve the contract to FESCO Emergency Sales in the amount of \$238,930 for a replacement ambulance?

Summary: The James City County Fire Department received a Rescue Squad Assistance Fund (RSAF) grant from the Commonwealth of Virginia Department of Health, Office of Emergency Medical Services (OEMS) to provide funding for a replacement ambulance. The Board of Supervisors appropriated the grant on January 24, 2012.

The Fire Department, Fleet, and Purchasing staff have determined the most efficient procurement method for this purchase was to use a cooperative purchasing contract issued by the Houston-Galveston Area Council (HGAC) to FESCO Emergency Sales as a result of a competitive sealed Invitation to Bid. The HGAC contract contains wording allowing other localities to purchase from the contract.

This cooperative procurement action is authorized by Chapter 1, Section 5 of the James City County Purchasing Policy and the Virginia Public Procurement Act. By participating in the cooperative procurement action, staff believes the County will increase efficiency, reduce administrative expenses, and benefit from an accelerated delivery process.

Fire Department technical staff researched the design, construction, and field performance of the 2013 Horton medium-duty ambulance, worked closely with FESCO Emergency Sales to design a vehicle that will meet the Department's needs, and negotiated a price of \$238,930 for the replacement ambulance.

The RSAF grant will fund \$215,000 of the purchase price. The remainder will be funded from a Capital Improvements Program (CIP) account for replacement of Fire/EMS equipment.

Staff recommends adoption of the attached resolution authorizing contract award to FESCO Emergency Sales in the amount of \$238,930 for the 2013 Horton medium-duty ambulance.

Fiscal Impact: Funded through an RSAF grant and the CIP budget.

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum
2. Resolution

Agenda Item No.: H-3

Date: May 8, 2012

M E M O R A N D U M

DATE: May 8, 2012

TO: The Board of Supervisors

FROM: William T. Luton, Fire Chief

SUBJECT: Contract Award – Replacement Ambulance – \$238,930

The James City County Fire Department received a Rescue Squad Assistance Fund (RSAF) grant from the Commonwealth of Virginia Department of Health, Office of Emergency Medical Services (OEMS) to provide funding for a replacement ambulance. The Board of Supervisors appropriated the grant on January 24, 2012.

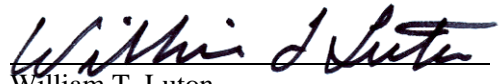
The Fire Department, Fleet, and Purchasing staff has determined the most efficient procurement method for this purchase was to use a cooperative purchasing contract issued by the Houston-Galveston Area Council (HGAC) to FESCO Emergency Sales as a result of a competitive sealed Invitation to Bid. The HGAC contract contains wording allowing other localities to purchase from the contract.

This cooperative procurement action is authorized by Chapter 1, Section 5 of the James City County Purchasing Policy and the Virginia Public Procurement Act. By participating in the cooperative procurement action, staff believes the County will increase efficiency, reduce administrative expenses, and benefit from an accelerated delivery process.

Fire Department technical staff researched the design, construction, and field performance of the 2013 Horton medium-duty ambulance, worked closely with FESCO Emergency Sales to design a vehicle that will meet the Department's needs, and negotiated options to the cooperative purchasing contract for a price of \$238,930 for the replacement ambulance.

The RSAF grant will fund \$215,000 of the purchase price. The remainder will be funded from a Capital Improvements Program (CIP) account for replacement of Fire/EMS equipment.

Staff recommends adoption of the attached resolution authorizing contract award to FESCO Emergency Sales in the amount of \$238,930 for the 2013 Horton medium-duty ambulance.


William T. Luton

CONCUR:

Robert C. Middaugh

WTL/nb
CA_RAmbulance_mem

Attachment

RESOLUTION

CONTRACT AWARD – REPLACEMENT AMBULANCE – \$238,930

WHEREAS, funds are available in a Rescue Squad Assistance Fund (RSAF) grant award and the FY 2012 Capital Improvement Fund (CIP) budget for the purchase of a replacement ambulance; and

WHEREAS, cooperative procurement action is authorized by Chapter 1, Section 5 of the James City County Purchasing Policy and the Virginia Public Procurement Act, and the Houston-Galveston Area Council issued a cooperative purchasing contract to FESCO Emergency Sales as a result of a competitive sealed Invitation for Bid; and

WHEREAS, Fire Department, Fleet, and Purchasing staff determined the contract specifications meet the County's performance requirements for an ambulance and negotiated a price of \$238,930 with FESCO Emergency Sales for a 2013 Horton medium-duty ambulance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with FESCO Emergency Sales for a 2013 Horton medium-duty ambulance in the amount of \$238,930.

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 May, 2012.

CA_RAmbulance_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 13 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.: H-4

Date: May 8, 2012

MEMORANDUM

DATE: May 8, 2012

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 13 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_VAE911PSAP_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 require 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 May, 2012.

GA_VAE911PSAP_res

MEMORANDUM COVER

Subject: Capital Improvement Program Strategy to Meet TMDL Water Quality Goals - National Fish and Wildlife Foundation Local Government Capacity Building Initiative Grant Application - \$150,000

Action Requested: Shall the Board approve the resolution that authorizes the County Administrator to sign and submit appropriate documents and to provide such additional information as may be required for the submittal of the Local Government Capacity Building Initiative (LGCBI) proposal?

Summary: The County is eligible to apply for the National Fish and Wildlife Foundation Chesapeake Bay Stewardship Fund; LGCBI for \$150,000. The LGCBI funds will be used in developing a capital improvement program strategy to meet the County's anticipated Total Maximum Daily Load (TMDL) requirements. The LGCBI is an opportunity to leverage National Fish and Wildlife Foundation funds to assist James City County in meeting TMDL requirements anticipated in the County's next State Municipal Separate Storm Sewer System (MS4) Permit, due in July 2013.

Staff recommends the Board of Supervisors authorize the County Administrator to apply for \$150,000 in National Fish and Wildlife Foundation Funds by approving the attached resolution.

Fiscal Impact: The Funds will provide \$150,000 of technical assistance. No match is required for this program. Existing staff are already working on these issues and will continue to do so should the application be successful.

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: May 8, 2012

MEMORANDUM

DATE: May 8, 2012

TO: The Board of Supervisors

FROM: Frances C. Geissler, Stormwater Director

SUBJECT: Capital Improvement Program Strategy to Meet TMDL Water Quality Goals - National Fish and Wildlife Foundation Local Government Capacity Building Initiative Grant Application - \$150,000

Attached for your consideration is a resolution authorizing the County Administrator to submit an application to the National Fish and Wildlife Foundation Chesapeake Bay Stewardship Fund; Local Government Capacity Building Initiative (LGCBI). The National Fish and Wildlife Foundation (NFWF) is a private foundation that uses public and private funding sources to develop programs to protect aquatic resources. The grant would be used to develop a capital improvement program strategy to meet the County's anticipated Total Maximum Daily Load (TMDL) requirements. The Local Government Capacity Building Initiative is an opportunity to use NFWF funds to assist James City County in meeting TMDL requirements anticipated in the County's next State Municipal Separate Storm Sewer System (MS4) Permit, due in July 2013.

James City County contains a wealth of natural waterways including the James, York, and Chickahominy Rivers and the College, Diascund, Gordon, Mill, Powhatan, Skimino, Taskinas, Ware, and Yarmouth Creeks. Similar to other coastal communities, many of these waterways suffer from water quality impairments so that the waterway does not meet State water quality standards. To begin to improve this situation, the Commonwealth of Virginia and the Environmental Protection Agency have been developing TMDLs for these streams and rivers. TMDLs are required by the Federal Clean Water Act when waterways do not meet water quality standards.

To date, TMDLs addressing elevated bacteria have been prepared for Skiffes Creek (part of the Warwick River TMDL), Mill Creek, Powhatan Creek, Ware Creek, Taskinas Creek and Skimino Creek. These address specific stream impairments that affect County streams. A nutrient and sediment TMDL has been prepared for the Chesapeake Bay, including all of James City County. At this time, a PCB TMDL is underway for the James and Chickahominy Rivers. Furthermore, TMDL Implementation Plans have been prepared for bacteria for the Mill and Powhatan Creeks and for nutrients and sediment for the Chesapeake Bay. James City County will be expected to take actions to implement the completed TMDLs in the next MS4 permit cycle beginning in July 2013.

James City County's watershed management planning program has been very effective at identifying erosion and sediment problems in County waterways. Recent watershed plans have also included estimates of nutrient reductions from proposed capital projects. Despite the solid foundation the watershed plans provide, there is still a need to integrate other TMDL requirements into the County's MS4 permit, particularly in the area of reducing bacteria.

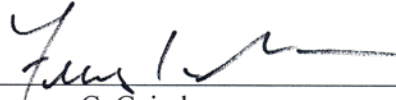
The LGCBI will provide \$150,000 directly to a local consultant to provide technical assistance to begin to integrate bacteria reduction efforts into the County's Capital Improvement Program and to better document the activities currently underway. While there is no match required for this funding, staff believes that the Board's ongoing support for the County's capital program will reflect positively on the County's commitment to water quality improvements.

Capital Improvement Program Strategy To Meet TMDL Water Quality Goals - National Fish and Wildlife
Foundation Local Government Capacity Building Initiative Grant Application - \$150,000

May 8, 2012

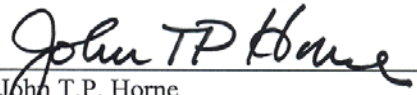
Page 2

Through this effort staff expects recommendations regarding possible enhancements to our current program, specific actions to improve implementation of bacteria reduction measures, and specific actions for implementation of TMDLs on County-owned property. We will also develop a more thorough understanding of how current actions are already contributing to the TMDL implementation process.



Frances C. Geissler

CONCUR:



John T.P. Horne

FCG/gb
TMDL-App_mem

Attachment

RESOLUTION

CAPITAL IMPROVEMENT PROGRAM STRATEGY TO MEET TMDL WATER

QUALITY GOALS - NATIONAL FISH & WILDLIFE FOUNDATION LOCAL GOVERNMENT

CAPACITY BUILDING INITIATIVE GRANT APPLICATION - \$150,000

WHEREAS, the National Fish and Wildlife Foundation is soliciting proposals to restore the habitats and water quality of the Chesapeake Bay and its tributaries through the Chesapeake Bay Stewardship Fund; and

WHEREAS, the National Fish and Wildlife Foundation is providing financial assistance to selected local governments to overcome specific challenges and barriers to improving water quality through the Local Government Capacity Building Initiative (LGCBI); and

WHEREAS, James City County wishes to apply for \$150,000 in LGCBI funds to be used in developing a capital improvement program strategy to meet the County's anticipated Total Maximum Daily Load (TMDL) requirements; and

WHEREAS, James City County has allocated almost \$ 5 million over the past five-year period to capital improvements for water quality; and

WHEREAS, James City County has undertaken watershed-based planning since 2002, committing almost \$1 million in funds to accomplish the same; and

WHEREAS, the project will result in a comprehensive approach to water quality improvements, building on the County's current program, documenting the variety of contributions James City County has made towards water quality improvements; and

WHEREAS, the project will benefit James City County citizens in ensuring that available capital improvement funds are used in an efficient and effective manner to promote the safety and general welfare through improved water quality.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby wishes to apply for \$150,000 of LGCBI Funds for the Capital Improvement Program Strategy to Meet TMDL Goals Project.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to sign and submit appropriate documents, including an application with all understandings and assurances contained therein, and to provide such additional information as may be required for the submittal of the LGCBI proposal.

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 May,
2012.

TMDL-App_res

MEMORANDUM COVER

Subject: Case No. SUP-0003-2012. David Nice Building Expansion

Action Requested: Shall the Board approve this Special Use Permit (SUP) for an approximately 1,700-square-foot expansion to the existing David Nice Builders office on Ware Creek Road?

Summary: Mr. Brandon Nice has applied for a Special Use Permit (SUP) to allow for an expansion to an existing contractor's office on a parcel in an A-1, General Agricultural District, located at 4575 Ware Creek Road. The expansion includes a 828 square foot increase to the building footprint. The immediate plans for expansion are to include the 828 square foot first floor conference room. In order to provide flexibility for future expansion, Mr. Nice has requested a second floor be added to this application. The proposed expansion will ultimately be two stories, so the total expansion will be approximately 1,656 square feet. The existing building is 4,415 square feet. The exterior of the new expansion will match the color and materials of the existing building.

Staff finds the proposal to have minimal additional impacts beyond the existing building on the property and is compatible with the 2009 Comprehensive Plan.

Staff recommends approval of this application with 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. Staff Report
2. Resolution
3. Unapproved Minutes from the April 4, 2012, Planning Commission Meeting
4. Location Map
5. Close-up Map
6. Master Plan

Agenda Item No.: I-1

Date: May 8, 2012

**SPECIAL USE PERMIT-0003-2012. David Nice Building Expansion
Staff Report for the May 8, 2012, 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

April 4, 2012, 7:00 p.m.

May 8, 2012, 7:00 p.m.

SUMMARY FACTS

Applicant:

Brandon Nice, David A. Nice Builders, Inc.

Land Owner:

DNB Office LLC

Proposal:

To allow an expansion to an existing contractor's office in an A-1, General Agricultural District.

Location:

4575 Ware Creek Road

Tax Map/Parcel No.:

1410100015B

Parcel Size:

.93 acres

Zoning:

A-1, General Agricultural

Comprehensive Plan:

Rural Lands

Primary Service Area:

Outside

STAFF RECOMMENDATION

Staff finds the proposal to have minimal additional impacts beyond the existing building on the property and that is compatible with the 2009 Comprehensive Plan. Staff recommends the James City County Board of Supervisors approve this application with the attached resolution.

Staff Contact:

Jason Purse, Senior Planner

Phone: 253-6689

PLANNING COMMISSION RECOMMENDATION

On April 4, 2012, the Planning Commission voted 5-0 (one absent) to recommend approval of this application.

Proposed Changes Made Since Planning Commission Meeting

None.

PROJECT DESCRIPTION

Mr. Brandon Nice has applied for a Special Use Permit (SUP) to allow for an expansion to an existing contractor's office on a parcel in an A-1, General Agricultural District, located at 4575 Ware Creek Road. The expansion includes an approximately 828 square foot increase to the building footprint. The immediate plans for expansion are to include the 828 square foot first floor conference room. In order to provide flexibility for future expansion, Mr. Nice has requested a second floor be added to this application. The proposed expansion will ultimately be two stories, so the total expansion will be approximately 1,656 square feet. The existing building is 4,415 square feet. The exterior of the new expansion will match the color and materials of the existing building.

Project History

When the building at 4575 Ware Creek Road was first used as an office (in 1988), contractor's offices were a permitted use in the A-1, General Agricultural District. The ordinance was amended in 1989 to make all contractors' offices SUPs. In 1999, when the applicant sought to construct a one-story addition, an SUP was required and was subsequently approved to allow the addition. The SUP was amended again in 2003 (SUP-0023-2003) to allow for a second story to be built on the office.

A warehouse for the business and two single-family residences are located on the adjacent 25.4-acre parcel. SUP-0019-1993 permitted the construction and use of the warehouse.

The conditions for this expansion are the same as the previous applications. However, one condition was removed that limited the number of employees to 20. Since the size of the building and associated parking indirectly limit the amount of space available for employees, staff is comfortable with removing that condition while still ensuring minimal additional impacts on the surrounding area due to this expansion.

Surrounding Zoning and Development

The site is surrounded by parcels zoned A-1, General Agricultural. Several single-family residences on one to three-acre parcels are located nearby on Ware Creek Road. Behind the office on a separate parcel, there is a warehouse belonging to David A. Nice Builders, Inc. Across Ware Creek Road a large lot is used for agriculture and is partially wooded.

PUBLIC IMPACTS

Environmental

The Engineering and Resource Protection Division has no comments on the Master Plan or development proposal at this time. At the time of site plan development an erosion and sediment control plan and stormwater management plan will be needed for the expansion area. The additional impervious area will have a minimal effect on the site.

Public Utilities

The site is located outside the Primary Service Area (PSA) and is currently served by private well and septic systems. The Health Department has requested additional information, which will be required during the site plan review for this application.

Traffic

The property shares a driveway with the nearby warehouse and two single-family residences. The expansion is proposed as a conference room, so it will therefore generate few, if any, additional trips to and from the site. Since a commercial entrance is already in existence and the number of trips is not substantially different from the previous use, no changes are proposed with respect to the existing entrance.

COMPREHENSIVE PLAN

The site is identified by the 2009 Comprehensive Plan as Rural Lands. Principal suggested uses include agricultural and forestal activities, together with certain recreational public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings. Retail and other commercial uses serving Rural Lands are encouraged to be located at planned commercial locations on major thoroughfares inside the PSA. However, a few of the smaller direct agricultural or forestal-support uses, home-based occupations, or certain uses which require very low intensity settings relative to the site in which it will be located may be considered on the basis of a case-by-case review, provided such uses are compatible with the natural and rural character of the area, in accordance with the Rural Lands Development Standards.

The David Nice building expansion meets the requirement of “certain uses which require very low intensity settings relative to the site in which it will be located.” This project has been in existence since before the ordinance required an SUP for contractor’s offices in A-1. The minimal expansions to the office building have stayed within the design standards for Rural Lands. The existing office has the appearance of a single-family residential structure and the expansion will match the materials and colors of the existing structure. The two-story expansion will have minimal additional impact on the surrounding properties. No other changes are proposed on the site at this time.

RECOMMENDATION

Staff finds the proposal to have minimal additional impacts beyond the existing building on the property and that is generally compatible with the 2009 Comprehensive Plan. Staff recommends the James City County Board of Supervisors approve this application with the attached resolution.

1. **Master Plan:** This Special Use Permit (the “SUP”) shall be valid for an addition, not to exceed 1,700 square feet to the existing 4,415-square-foot building located at 4575 Ware Creek Road and also identified as James City County Real Estate Tax/Map Parcel No. 1410100015B (the “Property”). Development and use of the Property shall be generally in accordance with and bound by the Master Plan entitled “David A. Nice Builders Conference Room Addition,” prepared by Mike Suerdieck , dated December 6, 2011 and updated March 2, 2012 (the “Master Plan”), with such minor changes as the Director of Planning determines does not change the basic concept or character of the development.
2. **Commencement of Use:** If construction has not commenced on the project within 12 months from the issuance of the SUP, the permit shall become void. Construction shall be defined as obtaining permits for building construction and a final framing inspection of the addition.
3. **Architectural Review:** The building materials and colors of the addition shall match those of the existing office building. The colors and building materials shall be submitted to the Director of Planning or his designee for review and approval prior to final site plan approval.
4. **Lighting:** All new exterior lighting fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Director of Planning prior to final site plan approval. “Glare” shall be defined as more than 0.1 foot-candle at the property line or any direct view of the lighting source from the adjoining properties.
5. **Severance Clause:** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



Jason Purse

CONCUR:

Allen J. Murphy, Jr.

JP/nb
Sup03-12DNiceBExp.doc

Attachments:

1. Resolution
2. Unapproved Minutes from the April 4, 2012, Planning Commission Meeting
3. Location Map
4. Close-up Map
5. Master Plan

RESOLUTION

CASE NO. SUP-0003-2012. DAVID NICE BUILDING EXPANSION

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. Brandon Nice has applied for an SUP to allow an expansion to the existing David A. Nice Builders, Incorporated office building in an A-1 zoning district; and

WHEREAS, the proposed expansion is not to exceed 1,700 square feet; and

WHEREAS, the property is located at 4575 Ware Creek Road on land zoned R-8, Rural Residential, and can be further identified as James City County Real Estate Tax Map/Parcel No. 1410100015B; and

WHEREAS, the Planning Commission of James City County, following its public hearing on April 4, 2012, recommended approval of this application by a vote of 5-0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2009 Comprehensive Plan Land Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing, does hereby approve the issuance of SUP 0003-2012 as described herein with the following conditions:

1. Master Plan: This Special Use Permit (the "SUP") shall be valid for an addition, not to exceed 1,700 square feet, to the existing 4,415-square-foot building located at 4575 Ware Creek Road and also identified as James City County Tax Map/Parcel No. 1410100015B (the "Property"). Development and use of the Property shall be generally in accordance with and bound by the Master Plan entitled "David A. Nice Builders Conference Room Addition", prepared by Mike Suerdieck and dated December 6, 2011 and updated on March 2, 2012 (the "Master Plan"), with such minor changes as the Director of Planning determines does not change the basic concept or character of the development.
2. Commencement of Use: If construction has not commenced on the project within 12 months from the issuance of the SUP, the permit shall become void. Construction shall be defined as obtaining permits for building construction and a final framing inspection of the addition.
3. Architectural Review: The building materials and colors of the addition shall match those of the existing office building. The colors and building materials shall be submitted to the Director of Planning or his designee for review and approval prior to final site plan approval.

4. Lighting: All new exterior lighting fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Director of Planning prior to final site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the property line or any direct view of the lighting source from the adjoining properties.
5. 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:

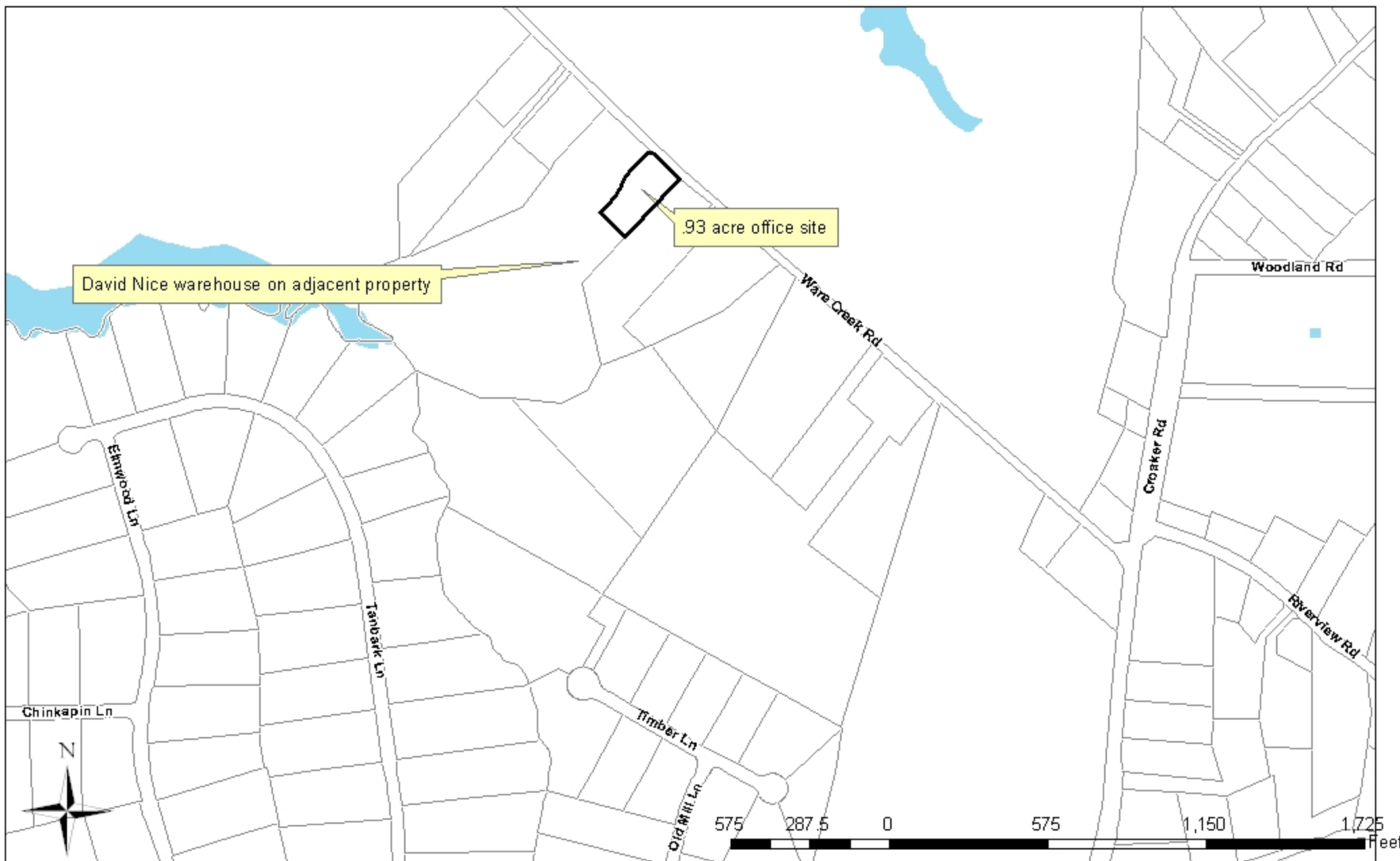
Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May, 2012.

Sup03-12DNiceBExp_res

SUP-0003-2012

David Nice Building Expansion



SUP-0003-2012

David Nice Building Expansion



UNAPPROVED MINUTES OF THE APRIL 4, 2012

PLANNING COMMISSION MEETING

SUP-0003-2012, David Nice Building Expansion

Mr. Ribeiro stated that Mr. Brandon Nice has applied for an SUP to allow for an expansion to an existing contractor's office building on a .93 acre parcel located at 4575 Ware Creek Road. He stated that the parcel is zoned A-1, General Agriculture and is shown as Rural Lands on the Comprehensive Plan.

Mr. Ribeiro stated that an existing 4,415 square foot building is located onsite. He stated that the expansion includes an approximately 828 square foot increase to the building footprint. He stated that the immediate plans for expansion are to include an 828 square foot, first floor conference room. He stated that in order to provide flexibility for potential future expansion, Mr. Nice has requested that a second floor be added to this application. He stated that the proposed expansion will ultimately be two stories, and approximately 1,656 square feet.

Mr. Ribeiro stated that when the building at 4575 Ware Creek Road was first used as an office, in 1988, contractor's offices were a permitted use in the A-1, General Agricultural District. He stated that the Ordinance was amended in 1989 to make all contractors' offices specially permitted uses. He stated that since that time the building has been expanded twice, receiving SUP's in 1999 and 2003. He stated that the conditions for this expansion are the same as the previous applications. He stated, however, one condition was removed that limited the number of employees to 20. He stated that since the size of the building, and associated parking, indirectly limits the amount of space available for employees, staff is comfortable with removing the condition while ensuring minimal additional impacts on the surrounding area due to this expansion.

Mr. Ribeiro stated that the site is identified by the 2009 Comprehensive Plan as Rural Lands. He stated that principal suggested uses include agricultural and forestal activities, together with certain recreational public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings. He stated, however, certain commercial uses which require very low intensity settings relative to the site in which it will be located may be considered on a case-by-case basis, provided such uses are compatible with the natural and rural character of the area, in accordance with the Rural Lands Development Standards.

Mr. Ribeiro stated that staff finds the proposal to have minimal additional impacts beyond the existing building and is compatible with the 2009 Comprehensive Plan. He stated that the existing office has the appearance of a single-family residential structure and the expansion will match the materials and colors of the existing structure. He stated that the two story expansion will have minimal additional impacts on the surrounding properties.

Mr. Ribeiro stated that staff recommends that the Planning Commission recommend

approval of this application to the BOS.

Mr. Maddocks asked why the change was made to the Zoning Ordinance in 1989 requiring an SUP for a contractor's office in A-1.

Mr. Murphy stated that the A-1 Zoning designation has evolved over the past 30 years. He stated when he began over 30 years ago, many commercial uses were permitted in A-1 along with residential and agricultural uses. He stated that over the years changes were made. He stated ultimately the decision was made to require an SUP for contractors' offices. He stated that this empowers the legislative body to evaluate and determine the appropriateness of this type of business on a case-by-case basis.

Mr. Krapf stated that in the packet of materials there were two renderings provided. He stated that one is of a single story building and the other is of a two story building. He asked which of the two is the applicant proposing.

Mr. Ribeiro stated that the applicant will be building the single-story structure at this time; with intention to add a second story should they need more space several years down the road. He stated that the applicant wanted to eliminate future SUP amendments for a possible addition.

Mr. O'Connor asked if the applicant had discussed the possibility of adding onto the back of the building instead of adding the second story.

Mr. Nice stated that they do not intend on adding to the back of the building after the proposed addition is complete. He stated that if business demands it the only expansion would be the second story addition seen in the rendering provided.

Mr. Maddocks made a motion to approve the application with the conditions listed in the staff report.

In a unanimous voice vote, the motion was approved (5-0; Woods, absent).

MEMORANDUM COVER

Subject: Z-0001-2012/SUP-0001-2012. Williamsburg Seventh-day Adventist Church Expansion

Action Requested: Shall the Board approve the proposed amendment to the scenic easement proffer and construction of a 5,500-square-foot expansion to the existing house of worship?

Summary: This application proposes to amend existing proffers for maintenance within a scenic easement along a Community Character Corridor and to allow the construction of a 5,500-square-foot multi-purpose building accessory to a house of worship. The Special Use Permit (SUP) would also bring the entire site into conformance with the Zoning Ordinance as the existing house of worship was constructed at a time when such a use was permitted by right. On April 4, 2012, the Planning Commission recommended approval of this application by a vote of 5-0 (one absent).

Staff recommends approval of this application with the conditions listed in the staff report and acceptance of the amended and restated proffers.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Resolution (SUP)
2. Resolution (Proffer Amendment)
3. Master Plan
4. Proffers dated March 2012
5. Unapproved minutes from the April 4 Planning Commission meeting
6. Community Impact Statement (CIS) dated February 21, 2012 (revised) and prepared by AES Consulting Engineers
7. Elevations (date stamped February 28, 2012)
8. Location maps

Agenda Item No.: I-2

Date: May 8, 2012

**Z-0001-2012/SUP-0001-2012. Williamsburg Seventh-day Adventist Church Expansion
Staff Report for the May 8, 2012, 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:

Building F Board Room; County Government Complex

March 7, 2012, 7:00 p.m. (deferred)

April 4, 2012, 7:00 p.m.

Board of Supervisors:

May 8, 2012, 7:00 p.m.

SUMMARY FACTS

Applicant:

Mr. James S. Peters of AES Consulting Engineers

Land Owner:

Potomac Conference Corporation of Seventh-day Adventists

Proposal:

To amend existing proffers allowing for maintenance of a scenic easement along a Community Character Corridor and to allow the construction of a 5,500-square-foot multi-purpose building accessory to a house of worship. The Special Use Permit (SUP) request will bring the entire site into conformance with the Zoning Ordinance.

Location:

3989 John Tyler Highway

Tax Map/Parcel No.:

4610100002B

Parcel Size:

9.2 acres

Zoning:

R-1, Limited Residential, with proffers

Comprehensive Plan:

Low Density Residential

Primary Service Area:

Inside

STAFF RECOMMENDATION

Staff finds that the proposed building addition is consistent with the surrounding zoning and development and compatible with the 2009 Comprehensive Plan. In addition, staff finds the amendment to the scenic easement proffer language is consistent with the Zoning Ordinance. Staff recommends approval of this application with the conditions listed in the staff report and acceptance of the amended proffers.

Staff Contact:

Jose Ribeiro, Senior Planner

Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

On April 4, 2012, the Planning Commission recommended approval of this application by a vote of 5-0 (one absent).

Proposed Changes Made Since Planning Commission Meeting

None.

PROJECT DESCRIPTION

The 9.2-acre parcel where the house of worship is currently located was originally part of a larger tract of land of approximately 363 acres. In 1986, the entire tract was rezoned from A-2, Limited Agricultural, to R-1, Limited Residential, with proffers (Case No. **Z-0021-1986**). In 1987, a proffer amendment request to exempt 9.2 acres from existing proffers was approved by the Board of Supervisors (Case No. **Z-0018-1987**); the approval also established a set of proffers for the house of worship. In the same year, the 9.2-acre area became its own parcel through the subdivision process.

The property is located on the south side of John Tyler Highway between the St. George's Hundred subdivision and Williamsburg Community Chapel. These properties are zoned R-1, Limited Residential, and R-8, Rural Residential, respectively. South of the property is the Jamestown Hundred subdivision, zoned R-2, General Residential. North of and across John Tyler Highway, there are large undeveloped parcels owned by the County zoned R-8, Rural Residential.

The property is comprised of a one-story building of approximately 6,260 square feet, a parking lot area for 39 vehicles, and a right-in/right-out vehicular access from John Tyler Highway. The terrain is mostly flat and heavily wooded providing a natural buffer from adjacent residential subdivisions. The property fronts on John Tyler Highway, a Community Character Corridor (CCC), according to the 2009 Comprehensive Plan. Originally created as part of the rezoning of the larger 363-acre tract of land, a scenic easement of approximately 145-foot average depth is currently in place along the property's frontage.

A proffer amendment request has been filed, on behalf of the Potomac Conference Corporation of Seventh-day Adventists, to amend the existing scenic easement proffer. The purpose of the amendment is to allow for greater flexibility in the maintenance of the scenic easement area and for better visibility of the existing church building. An SUP request to allow the addition of a 5,500-square-foot multi-purpose building has been submitted concurrently for consideration.

Proffer Amendment

The amendment seeks to establish new language to allow for the maintenance of the easement area, such as pruning of understory shrubs and the removal of dead or diseased materials. Currently, the proffer reads:

“Scenic easements shall be reserved across the Property 145 feet deep adjacent to and parallel with the center line of Route 5. Existing trees, shrubbery, and vegetation within said scenic easement shall remain “as is” provided however, the Owner shall have the right to install and construct over, under, across and through the scenic easements such new entrance, drainage structures, stormwater management facilities, utilities and entrance signs as may be necessary in accordance with the terms of this Agreement and approved by the Site Plan Review Committee of the County's Planning Commission.”

As proposed, the amendment adds the following language (*in italics*):

“Scenic easements shall be reserved across the Property 145 feet deep, adjacent to and parallel with the center line of Route 5. Existing trees, shrubbery and vegetation within said scenic easement shall remain “as is” provided, however, the Owner shall also have the right to install and construct over, under, across and through the scenic easements such new entrance drainage structures, storm water management facilities, *pedestrian accommodations*, utilities and entrance signs as may be necessary in accordance with the terms of this Agreement and approved by the Planning Director or his designee. *With the prior approval of the Planning Director or his designee, the owner may perform the following maintenance within the scenic easement: (1) selective removal of over-story trees under an 8" caliper Diameter Breast Height (“DBH”), and selective removal of understory trees less than a 2" caliper (DBH), (2), selected over-story trees may be limbed up to a maximum height of 10' above grade, (3) selected understory trees may be limbed up to a maximum height of 6' above grade, (4) understory shrubs may be pruned but not removed, and (5) any dead, diseased or dying*

plants may be removed. The owner may install new plant material such as trees and shrubs as needed to maintain scenic appearance and provide for the longevity of the root mat. All new plants shall be suitable for climatic zone 7a. In order to maximize plant success, all plantings shall be suitable to survive maintenance-free at their mature stage. Any further modification may be made with prior inspection and approval by the Planning Director or his designee."

The proposed amendment is consistent with the requirements of Section 24-98(e) (3) of the Zoning Ordinance-Landscape area(s) along right(s)-of-way. Pedestrian accommodations have been added to the list of structures allowed within the Scenic Easement. Staff further notes that the existing proffer refers to the "Site Plan Review Committee of the County's Planning Commission" as the party responsible for reviewing any requests to encroach into the scenic easement. This language has been modified to "Planning Director or his designee" to be consistent with recent revisions to the Zoning Ordinance approved by the Board of Supervisors. Staff supports the amendment to the scenic easement, as proposed. The archaeological survey proffer has been deleted as it has already been satisfied (refer to discussion under Public Impacts-Archaeology Section):

"The Owner shall cause to be prepared for review and approval by the County a Phase I and II, as appropriate, archaeological study for the Property. A Phase I study shall include reconnaissance, systematic surface collection and shovel test pits every 90-150 feet. A phase II study shall include shovel test pits every 25-40 feet with site identification and examination as appropriate."

SUP

The purpose of the SUP request is to allow the construction of an accessory building of approximately 5,500 square feet. The addition, to be attached to the rear of the existing house of worship, is proposed as a "multi-purpose" building, with areas for meetings, classrooms, and storage. The proposed expansion will not increase the seating capacity of the existing use. Issuance of an SUP is necessary because houses of worship and accessory uses are specially permitted uses in the R-1 zoning district. Further, the SUP request will bring the entire use into conformance with the Zoning Ordinance as the use is currently a legally non-conforming use. When the house of worship was originally constructed, the use was a by-right use and did not require legislative approval.

PUBLIC IMPACTS

Archaeology

A Phase I Archaeological Survey for the Williamsburg Seventh-day Adventist Church was prepared in March of 1990 by the William and Mary Archaeological Project Center. The survey identified no archaeological sites within the project area and recommended no further archaeological investigation of the project. The Department of Historic Resources has reviewed the 1990 survey and concurs with its findings and does not recommend further survey for the proposed addition.

Engineering and Resource Protection

This site lies within the tidal mainstream subarea of the Powhatan Creek Watershed and therefore subject to Special Stormwater Criteria (SSC) under the Powhatan Creek Watershed Management Plan. All proposed impervious cover and a portion of the existing impervious cover from the site will be treated by two on-site stormwater management features, which will be expanded to meet water quality and flow attenuation requirements.

Staff comments: According to information provided by the applicant, the current impervious surface for the entire site corresponds to approximately 0.70 acres or 7.61 percent of the entire site. The proposed expansion and improvements to the parking area and sidewalks will increase the impervious surface to 1.26 acres or 13.65 percent of the entire site. The expansion project will follow new development criteria for water quality using the County's 10-point system. Several options exist to bring the site into the 10-point compliance system. Concept development information, as outlined in the master plan drawings and the CIS, demonstrates the intent to expand two existing on-site dry retention facilities in combination with

dedicated natural open space to achieve 10-point Best Management Practice (BMP) compliance for water quality. The detention facilities will be improved and upgraded to meet County BMP manual requirements. This will allow the expansion project to occur and master-plan the site for stormwater purposes for any future development/expansion plans also.

Public Utilities

The entire site is served by public water and sewer. A Water Conservation Agreement and Irrigation Standard (SUP Condition Nos. 8 and 9) will be reviewed and approved by the James City County Service Authority (JCSA) prior to final site plan approval.

Staff comments: JCSA staff has reviewed the master plan application and concurs with information provided by the applicant, while providing information that will need to be considered at the development plan design stage.

Transportation

The addition of the 5,500-square-foot building will have minimal impacts on traffic since it is not increasing the seating capacity of the existing use. The current peak hour traffic generation for this site occurs during Saturday mornings and in the afternoon. The hours of operation of the proposed addition will be the same as the existing use and at a different time and day of the week than its larger neighbor to the west, the Williamsburg Community Chapel. The site currently has a total of 39 parking spaces which meets and exceeds the minimum requirement for a 150-seating capacity house of worship. According to the master plan, a total of 40 parking spaces will be provided.

- **2007 County Traffic Counts:** On John Tyler Highway from the St. George's Hundred subdivision to Ironbound Road (near Five Forks campground) there were 11,303 trips.
- **2035 Daily Traffic Volume Projected (from 2009 Comprehensive Plan):** On John Tyler Highway between Ironbound Road and Centerville Road, 15,550 Annually Average Daily Trips (AADT) are projected - this road segment is not in the category of warranting improvement.

VDOT Staff comments: VDOT Staff has reviewed the SUP application and has issued comments which will be addressed by the applicant at the development plan design stage. VDOT has requested that a Traffic Analysis including existing AADT, a trip generation report, and a turn lane and taper warrant analysis be submitted to VDOT for review and approval prior to final site plan approval (Condition No. 3).

COMPREHENSIVE PLAN

The site is designated Low Density Residential (LDR) in the James City County 2009 Comprehensive Plan. LDR recommended uses include schools, churches, community-oriented facilities, very limited commercial establishments, and single-family homes. New development should be compatible with the character of adjoining uses and where the impacts of such new developments can be adequately addressed. According to the Residential Development Standards of the Comprehensive Plan, "uses such as houses of worship should only be approved when the following standards are met" (*with staff's response in italics*):

- i. Complement the residential character of the area;
The existing house of worship draws on average 60 parishioners on Saturday evenings. The expansion will not promote additional attendance. Architectural elements, such as scale, height, and mass of the proposed expansion, will be similar to the existing sanctuary building.
- ii. Have traffic, noise, lighting and other impacts similar to surrounding residential uses;
The proposed building expansion is not expected to generate any additional noise or traffic, as it is not increasing the seating capacity of the house of worship. SUP Condition No. 7 ensures that all new exterior fixtures, including building lighting, on the property, shall have recessed fixtures with no lens, bulb, or globe extending below the casing.
- iii. Generally be located on collector or arterial roads at intersections;
According to VDOT, John Tyler Highway is classified as an Urban Minor Arterial. The site is located between two major intersections, Greensprings Plantation Drive and Ironbound Road.
- iv. Provide adequate screening and buffering to protect the character of nearby residential areas;

The proposed addition will be located at the rear of the existing house of worship, approximately 240 feet away from the nearest residential property line (Jamestown Hundred subdivision). The site is heavily wooded providing a natural buffer between the church site and adjacent residential neighborhoods (Jamestown Hundred and St. George's Hundred subdivisions).

- v. Generally intended to support the residential community in which they are located;
The Williamsburg Seventh-day Adventist Church is a small congregation providing spiritual support for the community for the past 20 years.

RECOMMENDATION

Staff finds that the proposed building addition is consistent with the surrounding zoning and development and compatible with the 2009 Comprehensive Plan. In addition, staff finds the amendment to the scenic easement proffer language is consistent with the Zoning Ordinance. Staff recommends approval of this application with the conditions listed in the staff report and acceptance of the amended and restated proffers.

1. Master Plan: This SUP shall be valid for the existing church building and accessory uses, and the construction of a one-story multi-purpose building of approximately 5,500 square feet in size on the property located at 3989 John Tyler Highway and further identified as James City County (JCC) Real Estate Tax Map/Parcel No. 4610100002B (the "Property"). Development of the Property shall be generally in accordance with the Master Plan entitled "Master Plan for Special Use Permit Seventh Day Adventist Church," prepared by AES Consulting Engineers, dated January 25, 2012, and revised on February 23, 2012 (the "Master Plan") with such minor changes as the Planning Director determines does not change the basic concept or character of the development.
2. Land Use: The land use of the proposed 5,500-square-foot multi-purpose building shall be generally in accordance with information provided by the Community Impact Statement titled "Addition to Williamsburg Seventh-day Adventist Church," prepared by AES Consulting Engineers, dated January 25, 2012, and revised February 21, 2012.
3. Traffic Study Analysis: At the time of site plan application to the County, the applicant shall provide the Virginia Department of Transportation (VDOT) a Traffic Study Analysis identifying the Institute of Transportation Engineers (ITE) Code and use of the parcel, functional classification of the roadway, existing Annual Average Daily Traffic (AADT), Trip Generation Report, and Turn Lane and Taper Warrant Analysis for the Route 5 entrance. Said study shall be reviewed and approved by VDOT prior to final site plan approval. The applicant shall implement any requirements for traffic improvements deemed necessary by the Planning Director or his designee, prior to issuance of a certificate of occupancy for the expansion on the site.
4. Signs: All signs and sign locations shall be reviewed and approved by the Planning Director or his designee prior to final site plan approval.
5. Dumpsters: All new dumpsters shall be screened by landscaping and/or fencing in a location approved by the Planning Director or his designee prior to final site plan approval.
6. Architectural Elevations: Prior to final site plan approval, the Planning Director or his designee shall review and approve a final building elevations and architectural design for the proposed expansion. Such building shall be reasonably consistent, as determined by the Planning Director or his designee, with the architectural elevations date stamped February 28, 2012.
7. Lighting: All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Planning Director prior to final site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from the adjoining properties.

8. Water Conservation Agreement: The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the JCSEA prior to final site plan approval. The standards shall include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-resistant native and other adopted low-water-use landscaping materials and warm-season turf where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
9. Irrigation: In the design phase, the developer and/or designer engineer shall include the design of stormwater systems that can be used to collect stormwater for outdoor water use not met by existing wells for the Property. Only surface water collected from surface water impoundments or existing wells may be used for irrigating the Property. In no circumstances shall JCSEA public water supply be used for irrigation, except as otherwise provided by this condition.
10. Commencement of Construction: Construction on this project shall commence within 36 months from the date of approval of this SUP or this SUP shall be void. Construction shall be defined as the obtaining of permits for the construction of foundations and/or footings.
11. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Jose-Ricardo L. Ribeiro

CONCUR:

Allen J. Murphy, Jr.

JRLR/gb
Z1-12SUP1-12ChuExp.doc

ATTACHMENTS:

1. Resolution (SUP)
2. Resolution (Proffer Amendment)
3. Master Plan
4. Proffers dated March 2012
5. Unapproved Minutes from the April 4 Planning Commission meeting
6. Community Impact Statement (CIS) dated February 21, 2012 (revised) and prepared by AES Consulting Engineers
7. Elevations (date stamped February 28, 2012)
8. Locations maps

RESOLUTION

CASE NO. SUP-0001-2012. WILLIAMSBURG SEVENTH-DAY

ADVENTIST CHURCH EXPANSION

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

WHEREAS, Mr. James Peters has applied on behalf of Potomac Conference Corporation of Seventh-day Adventists for an SUP to bring the entire site into compliance with current zoning regulations and allow the construction of a 5,500-square-foot multi-purpose building accessory to a house of worship; and

WHEREAS, the proposed development is shown on a plan prepared by AES Consulting Engineers, titled "Master Plan for Special Use Permit Seventh Day Adventist Church," dated January 25, 2012, and revised on February 23, 2012; and

WHEREAS, the property is located at 3989 John Tyler Highway and can be further identified as JCC Real Estate Tax Map/Parcel No. 4610100002B; and

WHEREAS, the Planning Commission, following its public hearing on April 4, 2012, voted 5-0 to recommend approval of this application; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2009 Comprehensive Plan Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0001-2012 as described herein with the following conditions:

1. Master Plan: This SUP shall be valid for the existing church building and accessory uses, and the construction of a one-story multi-purpose building of approximately 5,500 square feet in size on the property located at 3989 John Tyler Highway and further identified as JCC Parcel No. 4610100002B (the "Property"). Development of the Property shall be generally in accordance with the Master Plan entitled "Master Plan for Special Use Permit Seventh Day Adventist Church," prepared by AES Consulting Engineers, dated January 25, 2012, and revised on February 23, 2012 (the "Master Plan") with such minor changes as the Planning Director determines does not change the basic concept or character of the development.
2. Land Use: The land use of the proposed 5,500-square-foot multi-purpose building shall be generally in accordance with information provided by the Community Impact Statement titled "Addition to Williamsburg Seventh-day Adventist Church," prepared by AES Consulting Engineers, dated January 25, 2012, and revised February 21, 2012.

3. Traffic Study Analysis: At the time of site plan application to the County, the applicant shall provide the Virginia Department of Transportation (VDOT) a Traffic Study Analysis identifying the Institute of Transportation Engineers (ITE) Code and use of the parcel, functional classification of the roadway, existing Annual Average Daily Traffic (AADT), Trip Generation Report, and Turn Lane and Taper Warrant Analysis for the Route 5 entrance. Said study shall be reviewed and approved by VDOT prior to final site plan approval. The applicant shall implement any requirements for traffic improvements deemed necessary by the Planning Director or his designee, prior to issuance of a Certificate of Occupancy for the expansion on the site.
4. Signs: All signs and sign locations shall be reviewed and approved by the Planning Director or his designee prior to final site plan approval.
5. Dumpsters: All new dumpsters shall be screened by landscaping and/or fencing in a location approved by the Planning Director or his designee prior to final site plan approval.
6. Architectural Elevations: Prior to final site plan approval, the Planning Director or his designee shall review and approve a final building elevations and architectural design for the proposed expansion. Such building shall be reasonably consistent, as determined by the Planning Director or his designee, with the architectural elevations date stamped February 28, 2012.
7. Lighting: All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Planning Director prior to final site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from the adjoining properties.
8. Water Conservation Agreement: The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (JCSA) prior to final site plan approval. The standards shall include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-resistant native and other adopted low-water-use landscaping materials and warm-season turf where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
9. Irrigation: In the design phase, the developer and/or designer engineer shall include the design of stormwater systems that can be used to collect stormwater for outdoor water use not met by existing wells for the Property. Only surface water collected from surface water impoundments or existing wells may be used for irrigating the Property. In no circumstances shall JCSA public water supply be used for irrigation, except as otherwise provided by this condition.

10. Commencement of Construction: Construction on this project shall commence within 36 months from the date of approval of this SUP or this SUP shall be void. Construction shall be defined as the obtaining of permits for the construction of foundations and/or footings.
11. 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 May, 2012.

SUP1-12ChuExp_res

RESOLUTION

CASE NO. Z-0001-2012. WILLIAMSBURG SEVENTH-DAY

ADVENTIST CHURCH EXPANSION

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, 1950, as amended, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-0001-2012, with Master Plan, to amend existing proffers applicable to the property owned by the Potomac Conference Corporation of Seventh-day Adventists; and

WHEREAS, the property is located at 3989 John Tyler Highway and can be further identified as James City County Real Estate Tax Map/Parcel No. 4610100002B; and

WHEREAS, the Planning Commission of James City County, following its public hearing on April 4, 2012, recommended approval by a vote of 5 to 0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds the proposed proffer amendment to the scenic easement consistent with the Zoning Ordinance and the 2009 Comprehensive Plan Land Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing, does hereby approve Case No. Z-0001-2012 and accept the voluntary adopted and restated proffers.

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 May, 2012.

Z1-12ChuExp_res

AMENDED AND RESTATED PROFFER AGREEMENT

THIS AMENDED AND RESTATED PROFFER AGREEMENT is made as of the ___ day of March, 2012 by POTOMAC CONFERENCE CORPORATION OF SEVENTH-DAY ADVENTISTS A DISTRICT OF COLUMBIA CORPORATION ("Owner").

RECITALS

A. Owner is the owner of a tract or parcel of land located in James City County (the "Property"), with address of 3989 John Tyler Highway, and being Tax Parcel 4610100002 B, more particularly described as follows:

All that certain lot, piece or parcel of land situated in James City County, Virginia, and more particularly described on a plat entitled "PRELIMINARY PLAT, SEVENTH DAY ADVENTIST CHURCH SITE, 9.22 ACRES ±, JAMES CITY COUNTY, VIRGINIA" dated 3/13/87, made by Paul C. Small of AES, a professional corporation.

B. The Property is zoned R-1, Limited Residential, with proffers. The Property is designated Low Density Residential on the County's Comprehensive Plan Land Use Map.

C. The existing proffers applicable to the Property are dated July, 31, 1987 and recorded in Deed Book 364, Page 449, and (the "Existing Proffers"). The existing rezoning applicable to the Property is dated June, 17, 1987 and identified as Z-0018-1987 (the "Existing Rezoning")

D. The Owner has requested the amendment of the Existing Proffers as hereinafter provided to allow for the maintenance of a scenic easement.

AMENDED AND RESTATED PROFFER AGREEMENT

NOW, THEREFORE, for and in consideration of the approval by James City County (the "County"), the acceptance of this amended and restated proffer agreement, and pursuant to § 15.2-2303, et seq. of the Code of Virginia, 1950, as amended and § 24-16 of the James City County Code, the Owner agrees that in addition to the regulations provided for in the Limited Residential District, R-1, but subject to the other current limitation set forth in the foresaid Codes, he will meet and comply with all of the following conditions for the development of the Property.

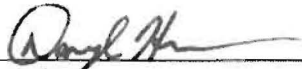
1. The Property may not be further subdivided.
2. Only one entrance to the Property shall be permitted from Route 5.
3. Scenic easements shall be reserved across the Property 145 feet deep, adjacent to and parallel with the center line of Route 5. Existing trees, shrubbery and vegetation within said scenic easement shall remain "as is" provided, however, the Owner shall also have the right to install and construct over, under, across and through the scenic easements such new entrance, drainage structures, storm water management facilities, pedestrian accommodations, utilities and entrance signs as may be necessary in accordance with the terms of this Agreement and approved by the Planning Director or his designee. With the prior approval of the Planning Director or his designee, the owner may perform the following maintenance within the scenic easement:
 - (1) selective removal of over-story trees under an 8" caliper Diameter Breast Height ("DHB"), and selective removal of understory trees less than a 2" caliper (DBH),
 - (2), selected over-story trees may be limbed up to a maximum height of 10' above grade,
 - (3) selected understory trees may be limbed up to a maximum height of 6'

AMENDED AND RESTATED PROFFER AGREEMENT

above grade, (4) understory shrubs may be pruned but not removed, and (5) any dead, diseased or dying plants may be removed. The owner may install new plant material such as trees and shrubs as needed to maintain scenic appearance and provide for the longevity of the root mat. All new plants shall be suitable for climatic zone 7a. In order to maximize plant success, all plantings shall be suitable to survive maintenance-free at their mature stage. Any further modification may be made with prior inspection and approval by the Planning Director or his designee.

4. The Property and all buildings or structures to be erected thereon shall be used solely for a Church and accessory uses including but not limited to an accessory school and off street parking as required.

POTOMAC CONFERENCE CORPORATION OF SEVENTH-DAY ADVENTISTS, A
DISTRICT OF COLUMBIA CORPORATION

By: 
Signature
Daryl Hevener
Printed Name
Associate Treasurer
Title

STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF Augusta, to-wit:

The foregoing instrument was acknowledged this 28th day of March, 2012,
by Daryl Hevener on behalf of Potomac Conference Corporation of Seventh - Day Adventists, a
District of Columbia Corporation;


NOTARY PUBLIC

My commission expires: June 30, 2015.
Registration No.: 7020703.



UNAPPROVED MINUTES OF THE APRIL 4, 2012

PLANNING COMMISSION MEETING

SUP-0001-2012/Z-0001-2012, Williamsburg Seventh day Adventist Church Expansion

Mr. Jose Ribeiro stated that James Peters of AES has applied on behalf of the Williamsburg Seventh-Day Adventist Church for a Special Use Permit (SUP) to allow the expansion of the existing church building. He stated that concurrent with the SUP application, the applicant is proposing an amendment to existing proffers regarding a scenic easement. He stated that this property is zoned R-1, Limited Residential with proffers, and is designated Low Density Residential in the Comprehensive Plan. The Comprehensive Plan also designates Route 5 as a Community Character Corridor.

Mr. Ribeiro stated that the church is located on a nine acre parcel on the south side of Route 5 between the Saint George's Hundred subdivision and the Williamsburg Community Chapel. He stated that the existing building is located in the center of the property. He stated that the perimeter and much of the property is covered by vegetation offering a natural buffer from adjacent properties.

Mr. Ribeiro stated that this property was originally part of a larger 363 acre parcel which was rezoned in 1986. He stated that in 1987 an application to amend approved proffers was granted by the Board of Supervisors (BOS). He stated that the purpose of the 1997 amendment was to exempt a 9.2 acre tract of land from approved proffers and to allow for the development of a church and accessory uses.

Mr. Ribeiro stated that one of the proffers associated with the church, retained from the original rezoning, established a scenic easement along the church property's frontage, 145 feet from the centerline of Route 5. He stated that the applicant has indicated a desire to maintain the scenic easement by removing, pruning, and planting vegetation. He stated that, as currently written, the proffer does not allow for this type of activity within the scenic easement. He stated that the purpose of this proffer amendment is to allow the applicant the flexibility to conduct maintenance of the vegetation within the scenic easement. He stated that given the environmentally sensitive nature of a scenic easement and the importance of Route 5 as Community Character Corridor, the amended and restated proffers would ensure that prior approval from the Planning Director must be granted before any alterations are made inside the easement.

Mr. Ribeiro stated that this proposal also requests an SUP to allow a 5,500 square foot expansion of the existing church building. He stated that according to the applicant, the expansion would not increase the seating capacity of the existing church (currently at 150 seats). He stated that the addition being proposed would contain a multi-purpose area for social gatherings, meetings, and classrooms. He stated that houses of worship are a specially permitted use in R-1. He stated that for specially permitted uses, any expansion or modification also requires an SUP. He stated that the church currently does not have an SUP since it was built at a

time when the Zoning Ordinance permitted houses of worship by-right in R-1. He stated that if approved, this SUP would bring the entire site into conformance with the current zoning regulations as well as allow the proposed 5,500 square foot expansion.

Mr. Ribeiro stated that the site is located within the Powhatan Creek watershed and therefore subject to Special Stormwater Criteria requirements. He stated that the site is relatively flat with two onsite stormwater management features treating water runoff. He stated that with the proposed building expansion and additional impervious surface, these two features will be upgraded. He stated that the proposed expansion will not increase the seating capacity of the church. He stated that staff finds that the proposed number of parking spaces (40), to be adequate for the use. He stated that the Virginia Department of Transportation (VDOT) has reviewed this application and has requested that additional information be provided at the site plan review stage for the entrance. He stated that condition number three ensures compliance with VDOT's request.

Mr. Ribeiro stated that Staff finds that the proposed building addition is consistent with the surrounding zoning and development and is compatible with the 2009 Comprehensive Plan. He stated, in addition, Staff finds the amendment to the scenic easement proffer language consistent with the Zoning Ordinance. He stated that Staff recommends the Planning Commission recommend approval of this application to the BOS with the conditions listed in the staff report and acceptance of the amended and restated proffers.

Mr. Maddocks asked for clarification, that the applicant only desires to conduct routine maintenance of the vegetation and not remove any trees or existing vegetation.

Mr. Ribeiro responded affirmatively.

Mr. Maddocks asked if residents in Jamestown Hundred would see the building with the proposed expansion.

Mr. Ribeiro stated that he visited the site with Senior Landscape Planner, Scott Whyte to better understand visibility concerns. He stated that he had spoken with a resident from Jamestown Hundred who was concerned with the visibility of the exposed facilities as well. He stated that she was also concerned about the potential noise generated during construction. Mr. Ribeiro provided pictures of the buffer at different distances. He stated that it is possible that one would be able to see portions of the building. He stated that the buffer is dense enough to shield the facilities from view for adjoining properties.

Mr. Basic stated he shares Mr. Maddocks' concerns. He stated that the existing vegetation does appear to be dense enough to obscure the view of the building. He stated that if the buffer was not there he would potentially ask for improvements to the architectural elevations.

Pastor Michael Messervy, 196 Racefield Drive spoke on behalf of Williamsburg Seventh day Adventist Church. He stated that the building was constructed in 1992. He stated that each weekend they have approximately 75 attendees for their services. He stated that worship services

are on Saturday at 10 a.m. He stated that the church is involved in a number of community partnerships with FISH, Faith In Action, Housing Partnership in Williamsburg and Hospice House. He stated that this project is seeking to finalize the construction of the support facility. He stated that the original building has sufficient space for worship services but the supportive facilities require more space. He stated that typically, after each service the congregation will have lunch together. He stated that the addition will give them a more appropriate setting for this activity. He stated that they also have several age-appropriate bible study classes but currently only have two classrooms. He stated that the proposed addition would add two new classrooms. He stated that the addition would also include more bathrooms and more kitchen space. He provided images of the aerial view.

Seeing no one else that wanted to comment, Mr. O'Connor closed the public hearing.

Mr. Krapf stated that the proposed language and amendment to the proffers will enhance the landscaping. He stated that he supports the building addition and the amendment to the proffer. He made a motion to approve the application.

In a unanimous roll call vote, the motion was approved (5-0; Woods, absent).

Z-0001-2012/SUP-0001-2012

Williamsburg Seventh-day Adventist Church Expansion



Z-0001-2012/SUP-0001-2012

Scenic Easement Location (approximate)



MEMORANDUM COVER

Subject: Appropriation Resolution FY 13 Budget

Action Requested: Shall the Board adopt the appropriation resolution for the FY 13 Budget?

Summary: Attached is the appropriation resolution for the FY 2013 Budget. The resolution reflects the County Administrator's Proposed Budget and the changes made by the Board at its last Budget Work Session, as shown in the attached errata sheet for the General Fund.

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.: J-1

Date: May 8, 2012

MEMORANDUM

DATE: May 8, 2012

TO: The Board of Supervisors

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

SUBJECT: Appropriation Resolution FY 2013 Budget

Attached is the appropriation resolution for the FY 2013 Budget. The resolution reflects the County Administrator's Proposed Budget and the changes made by the Board at its last Budget Work Session, as shown in the attached errata sheets for the General Fund.

Suzanne R. Mellen

SRM/nb
FY12Budget_mem

Attachment

RESOLUTION

RESOLUTION OF APPROPRIATION

WHEREAS, the County Administrator has prepared a two-year Proposed Budget for the fiscal years beginning July 1, 2012, and ending June 30, 2013, along with the fiscal year beginning July 1, 2013 and ending June 30, 2014, and a five-year Capital Improvements Program, four years of which are for information and fiscal planning purposes only; and

WHEREAS, it is now necessary to appropriate funds to carry out the activities proposed therein for the fiscal year beginning July 1, 2012, and ending June 30, 2013, and to set tax rates on real estate, tangible personal property, and machinery and tools, to provide certain revenue in support of those appropriations; and

WHEREAS, the Board wishes to adopt the second year of the operating and capital budgets for planning purposes, beginning July 1, 2013, and ending June 30, 2014.

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

1. The following amounts are hereby appropriated in the FY 2013 General Fund for the offices and activities in the amounts as shown below:

GENERAL FUND REVENUES

	<u>FY 2013</u>
General Property Taxes	\$ 108,120,000
Other Local Taxes	19,050,000
Licenses, Permits and Fees	7,245,000
Fines and Forfeitures	300,000
Revenue from Use of Money and Property	185,000
Revenue from the Commonwealth	25,513,000
Revenue from the Federal Government	7,000
Charges for Current Services	5,080,000
Miscellaneous Revenues	<u>130,000</u>
Total Revenues	<u>\$ 165,630,000</u>

GENERAL FUND EXPENDITURES

	<u>FY 2013</u>
General Administration	\$ 3,131,658
Court Services	3,557,710
Public Safety	21,963,681
Financial Administration	6,305,164
Development Management	3,399,163
General Services	8,469,440

Citizen and Community Services	5,301,068
Contribution - Outside Agencies	685,128
Nondepartmental	607,305
WJCC Schools	76,720,315
Contribution - School Debt Service	18,000,000
Library and Arts Center	4,120,251
Other Regional Entities	3,498,701
Health Services	1,630,845
Contributions - Other Funds	<u>8,239,571</u>
Total Expenditures	<u>\$ 165,630,000</u>

The appropriation for education includes \$76,720,315 as a local contribution to the Williamsburg-James City County Schools operations.

Year End Fund Balance	\$3,000,000
Contribution to Capital Projects	\$3,000,000

2. That the tax rates be set for the amounts shown below and revenues appropriated in the following classifications:

TAX RATES

Real Estate on each \$100 assessed value	\$0.77
Tangible Personal Property on each \$100 assessed value	\$4.00
Machinery and tools on each \$100 assessed value	\$4.00

3. That the ALS/BLS fees be set for the amounts shown below and revenues appropriated in the following classifications:

Basic Life Support (BLS)	\$450
Advance Life Support (ALS) 1	\$550
Advance Life Support (ALS) 2	\$800
Mileage	\$10

4. That the following amounts are hereby appropriated in other budgets in FY2013 for the activities in the amounts as shown below:

CAPITAL PROJECTS BUDGET

Revenues:

Transfer from the General Fund	\$ 2,000,000
Year-End General Fund Balance	3,000,000
Bond Financing	20,000,000
Jamestown Marina Rental Income	42,000
VDOT Revenue Sharing Reimbursement	<u>516,900</u>
Total Capital Projects Fund Revenues	<u>\$25,558,900</u>

Expenditures:

Schools	\$ 15,945,000
Public Safety	7,905,000
Administrative	265,300
General Services	1,363,740
Parks and Recreation	<u>79,860</u>

Total Capital Projects Fund Expenditures	<u>\$25,558,900</u>
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DEBT SERVICE BUDGET

Revenues:

General Fund - Schools	\$18,000,000
General Fund - Other	2,450,000
Build America Bonds	223,301
Investment Income	20,000
Fund Balance	<u>4,455,433</u>

Total Debt Service Fund Revenues	<u>\$25,148,734</u>
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<u>Current Year Expenditures:</u>	<u>\$25,148,734</u>
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Total Debt Service Fund Disbursements	<u>\$25,148,734</u>
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VIRGINIA PUBLIC ASSISTANCE FUND

Revenues:

From Federal/State	\$3,634,197
General Fund	1,587,616
Other	384,500
Grant	<u>23,983</u>

Total Virginia Public Assistance Fund Revenues & Fund Balance	<u>\$5,630,296</u>
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Expenditures:

Administration and Assistance	<u>\$5,630,296</u>
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Total Virginia Public Assistance Fund Expenditures	<u>\$5,630,296</u>
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COMMUNITY DEVELOPMENT FUND

Revenues:

General Fund	\$ 630,059
Grants	1,651,467
Program Income	107,000
Other	<u>737,000</u>

Total Community Development Fund Revenues & Fund Balance	<u>\$3,125,526</u>
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Expenditures:

Administration and Programs	<u>\$3,125,526</u>
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Total Community Development Fund Expenditures	<u>\$3,125,526</u>
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COLONIAL COMMUNITY CORRECTIONS FUND

Revenues:

From Federal/State	\$735,514
General Fund	34,470
Supervision Fees	57,474
Grants	40,665
Other	<u>80,244</u>

Total Colonial Community Corrections Fund Revenues	<u>\$948,367</u>
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Expenditures:

Administration and Programs	<u>\$948,367</u>
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Total Colonial Community Corrections Fund Expenditures	<u>\$948,367</u>
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SPECIAL PROJECTS/GRANTS FUND

Revenues:

Comprehensive Services Act (CSA)	\$319,300
CSA Local Match - General Fund	367,426
CSA School Share	112,000
Local Emergency Management Planning Grant	<u>34,692</u>

Total Special Projects/Grants Fund Revenues	<u>\$833,418</u>
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Expenditures:

Comprehensive Services Act	\$798,726
Local Emergency Management Planning Grant	<u>34,692</u>
Total Special Projects/Grants Fund Expenditures	<u>\$833,418</u>

TOURISM INVESTMENT FUND

Revenues:

Additional \$2 Per Night Room Tax	\$ 650,000
General Fund – from Room Tax Revenues	<u>1,170,000</u>
Total Tourism Investment Fund Revenues	<u>\$1,820,000</u>

Expenditures:

Tourism Activities	<u>\$1,820,000</u>
Total Tourism Investment Fund Expenditures	<u>\$1,820,000</u>

5. The County Administrator be authorized to transfer funds and personnel from time to time within and between the offices and activities delineated in this Resolution as he may deem in the best interest of the County in order to carry out the work of the County as approved by the Board of Supervisors during the coming fiscal year.
6. The County Administrator be authorized to transfer up to \$10,000 per occurrence from the contingency balance to one or more appropriation categories. No more than one transfer may be made for the same item causing the need for a transfer, unless the total amount to be transferred for the item does not exceed \$10,000. Total transfers for the year are not to exceed \$100,000.
7. The County Administrator be authorized to increase appropriations for non-budgeted revenue that may occur during the fiscal year as follows:
 - a) Insurance recoveries received for damage to any county property, including vehicles, for which County funds have been expended to make repairs; and
 - b) Refunds or reimbursements made to the county for which the county has expended funds directly related to that refund or reimbursement.
8. The County Administrator be authorized to administer the County's Personnel Policy and Pay Plan as previously adopted by the Board of Supervisors.
9. The County Administrator be authorized to transfer funds to and from the Personnel Contingency account and divisional personnel line items in order to capture turnover savings at a divisional level.

10. All outstanding encumbrances in all County funds at June 30, 2012, shall be an amendment to the FY2013 budget, and appropriated to the FY2013 budget to the same department and account for which they were encumbered in the previous year.
11. The County Administrator be authorized to make expenditures from the Donation Trust Fund for the specified reasons for which the fund was established. In no case shall the expenditure exceed the available balance in the fund as verified by the Treasurer.
12. The Board of Supervisors of James City County, Virginia, hereby adopts the following budgets for the purposes of future financial and operational planning:

FY 2014

General Fund	\$167,930,000
Capital Budget	5,048,000
Debt Service	25,452,966
Virginia Public Assistance	5,675,524
Community Development	4,145,548
Colonial Community Corrections	955,152
Special Projects/Grants	833,418
Tourism Investment	1,820,000

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 May, 2012.

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General Fund			
FY 2013 Proposed Budget Adjustments			
Balances		Difference	
\$	165,630,000	\$ 165,630,000	\$ -

<u>Description</u>	<u>Revenues</u>	<u>Expenditures</u>
Beginning Balance	\$ 165,650,000	\$ 165,650,000
Decrease HRPDC funding based on revised contribution request		\$ (8,518)
Adjust salary calculation for Sheriff Deputy On Call Hours		\$ 7,823
Eliminate funding for Hampton Roads Partnership		\$ (4,736)
Reinstate funding for high school after-prom events		\$ 600
Eliminate Police House Check Fee	\$ (20,000)	
Add funding for Volunteer Rescue Squad		\$ 15,000
Increase (Decrease) Contingency		\$ (30,169)