

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

January 22, 2013

7:00 P.M.

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. MOMENT OF SILENCE**
- D. PLEDGE OF ALLEGIANCE** – James St. Martin, a student at JB Blayton Elementary School
- E. PRESENTATION**
 - 1. Clean County Commission Annual Update - Peg Boarman
- F. PUBLIC COMMENT**
- G. BOARD REQUESTS AND DIRECTIVES**
- H. CONSENT CALENDAR**
 - 1. Minutes -
 - a. January 2, 2013, Organizational Meeting
 - b. January 8, 2013, Regular Meeting
 - 2. Grant Award – State Homeland Security Program - \$11,530
 - 3. Grant Award – Office of Emergency Medical Services (OEMS) Rescue Squad Assistance Fund (RSAF) Grant – \$243,868
- I. PUBLIC HEARINGS**
- J. BOARD CONSIDERATION**
 - 1. Resolution of Initiation of Consideration of Amendments to the Zoning Ordinance Section 24-91 Modification, substitution, transfer
- K. PUBLIC COMMENT**
- L. REPORTS OF THE COUNTY ADMINISTRATOR**
- M. BOARD REQUESTS AND DIRECTIVES**
- N. ADJOURNMENT** – to 7 p.m. on February 12, 2013

AT AN ORGANIZATIONAL MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 2ND DAY OF JANUARY 2013, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

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

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

C. ORGANIZATIONAL MEETING

1. Nominations for Chairman and Vice-Chairman with Elections to Follow

Mr. Kennedy recommended that the Board not make any nominations or appointments until there is a full five-member Board.

Ms. Jones stated that she was supportive of Mr. Kennedy's recommendation.

Mr. McGlennon stated that the Chair and Vice Chair would continue as they are for now.

Ms. Jones asked if the Commission/Committee Appointments would be addressed at a later date as well, once the fifth Board member was seated.

Mr. McGlennon stated yes.

Mr. McGlennon stated that there was one regional board that might require an appointment prior to having the fifth Board member, and that is the Greater Williamsburg Area Chamber and Tourism Alliance. He stated that no one is currently serving on that board.

Mr. Kennedy stated that unless the Alliance required a vote, he saw no reason to put someone on that Board. He stated that in the past, the Alliance has notified the Board of anything of substance. He stated that he did not know if it was really necessary to have a Board member serving on the Alliance.

Mr. McGlennon stated that this year may be different with the Alliance as they begin incorporating the Destination Marketing Organization and try to take on a more active role in marketing tourism.

Mr. Kennedy stated that when it is time to do the commission/committee appointments, he hopes that it can be done prior to a regularly scheduled meeting. He stated he saw no need to hold another special

meeting.

Mr. Middaugh stated that it could be included as a regular agenda item at a regular meeting.

Mr. McGlennon stated that in anticipation of an appointment to the Alliance at a later date, that either he or Mr. Middaugh would attend the meeting on January 17 so that there is representation by the County.

2. Establishment of Meeting Dates, Places, and Times

Mr. McGlennon stated that it appears that Board members are available on Saturday, January 26 for a Board Retreat. He stated it has been held in the Work Session Room in recent years.

The other Board members voiced their agreement to holding the retreat in the Work Session Room.

Mr. McGlennon stated the Budget Retreat would begin at 8:30 a.m.

Mr. Icenhour stated that instead of meeting for a Budget Work Session on April 10, add it prior to the Regular Meeting on April 9 as a Work Session. He stated there would be another Work Session on April 17, and then the Work Session scheduled on April 23 could be utilized as a Budget Work Session as well. He asked if that worked for the other Board members.

The other Board members and staff voice their agreement.

Mr. Icenhour asked about the time for the meeting on April 17.

Mr. Kennedy stated he was fine with 4 p.m. if that worked for the other members.

The other Board members voiced their agreement.

Ms. Jones made a motion to adopt the amended calendar.

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

3. Commission/Committee Appointments – to be done at a later date

4. Adoption of Rules of Order

Ms. Jones made a motion to adopt the resolution of the rules of order.

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

Mr. McGlennon asked the Board members if anyone had anything else they would like to bring to the floor before adjourning.

Mr. Kennedy stated that to clarify at no time did he contact Mr. Krapf about the Powhatan seat and negotiate with him. Mr. Kennedy stated that he would like to go through the list of candidates for the Powhatan Seat and put them all up for nomination and take a vote. He stated that perhaps someone has had a change of mind and that information could be passed along to the judges.

Ms. Jones stated that she believed that all the candidates should be voted on so that that information can be passed on to the judges. She stated that the citizens need to know that they can contact the judges and voice their support for any of the applicants.

Mr. Kennedy made a motion to nominate M. Anderson Bradshaw.

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

Mr. Kennedy made a motion to nominate Richard Krapf.

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

Mr. Kennedy made a motion to nominate Glenn Carlson.

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

Mr. Kennedy made a motion to nominate Dr. Melinda Lincoln-Richardson.

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

Mr. Kennedy made a motion to nominate Michael Hipple.

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

Mr. Kennedy made a motion to nominate Steven Ward.

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

Ms. Jones asked Mr. Rogers how the citizens would go about contacting the judges if they wanted to write in support of an applicant.

Mr. Rogers stated that letters should be written to the court and to the attention of either the Clerk of the Court or the Judge's secretary.

Mr. Kennedy asked Mr. Rogers if the citizens could nominate other citizens that were not a part of the Board's application process.

Mr. Rogers stated that yes they could. He also stated that staff does not know how or when the judges will begin their process. He stated that the judges have not told staff anything of their plans.

Mr. McGlennon stated that there has been a notion in the past to bring the Planning Commission appointments into sync with the Supervisor elections. He asked if there was interest in considering this.

The other Board members voiced their support of the idea.

D. ADJOURNMENT – until 7 p.m. on January 8, 2013, for the Regular Meeting

Mr. Icenhour made a motion to adjourn.

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

At 4:24 p.m., Mr. McGlennon adjourned the Board.

Doug Powell
Deputy Clerk to the Board

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AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF JANUARY 2013, 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

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

Doug Powell, Assistant County Administrator
Leo P. Rogers, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Amy Pressey, a 12th grade student at Jamestown High School led the Board and Citizens in the Pledge of Allegiance.

E. PRESENTATIONS - None

F. PUBLIC COMMENT

1. Mr. Grover Lewis, 4305 Oak Tree Lane, addressed the Board in regards to the crumbling road surface on Oak Tree Lane in Powhatan Secondary Subdivision.

2. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board giving sympathies and condolences to the Middaugh Family.

3. Mr. John Pottle, 4233 Teakwood Drive, representing Crosswalk Community Church, led the Board and citizens in an invocation.

4. Mr. Ed Oyer, 139 Indian Circle, addressed the Board giving sympathies and condolences to the Middaugh Family. He addressed the Board in regards to the vacant Powhatan seat and indexing the property tax rates.

5. Ms. Marjorie Ponziani, 4852 Bristol Circle, addressed the Board giving sympathies and condolences to the Middaugh Family.

G. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy stated that at a previous meeting he had voiced his concerns over the Toano Middle School Parking Lot Improvements. He had requested that staff follow up on the previous improvements done at Toano Middle School in 2006-2007. He stated that staff had compiled the information he requested and it has brought several things to light. He stated emphatically that he understands in 2006-2007 that there was a different School Administrator and different staff members involved that are not with the Schools now. He stated his concern is that the previous project at Toano Middle School, approved and funded by the Board, was never fully completed. He stated that it concerns him that this information was not relayed to the Board in the packet, by staff in the presentation, or by the Schools.

Mr. Kennedy stated that he would like to propose that when the Board approves a project, that for the sake of the citizens and the Board as the approving body, that the project is followed through to completion, on time and on budget. He stated that if there are budget overages and time delays then the Board should know why. He stated he would like to be able to track and follow projects as the Board approves them. He stated he would like to see this tracking mechanism to be posted online for the citizens to follow. He stated that the Board and the citizens have a reasonable expectation that the projects approved by the Board will be completed.

Mr. McGlennon asked if Mr. Kennedy was intending for this type of tracking to be done as a general rule on Special Use Permits (SUPs) and rezonings or on all projects approved by the Board.

Mr. Kennedy stated that as a general rule on SUPs and Re-Zonings would be nice, and it has been discussed before because projects were not being completed in the private sector as well. He stated that from the Board's sector, if the Board approves and funds a project, he wants it to be tracked through to completion, on time and on budget, and if not, he wants to know why.

Mr. McGlennon stated that in regard to the Toano Middle School project, it was unfortunate that the School's representative was unable to be at the meeting that night. He stated perhaps when there are open questions, the Board should just defer the vote.

Ms. Jones stated that she agrees with Mr. Kennedy. She stated that if this project was important enough to be planned out and go through the approval process, then it should have been completed. She stated that if nothing else, the Board should be given status updates on projects they approve and fund.

Mr. McGlennon stated that the time for those questions and updates was when the case was brought forward.

Mr. Kennedy stated that he did ask these questions during the case presentation, and was told that these were additional improvements, not that the project was never completed to begin with five years ago.

Ms. Jones requested that staff follow up on the citizen's complaint about the road surface on Oak Tree Lane.

Mr. Icenhour stated that he got involved in this issue before, but the developer was unwilling to do any repairs. He stated that the community is still under development, so the Virginia Department of Transportation (VDOT) will not accept the road into the state system. Mr. Icenhour asked staff if there was any money being held by bond that could be used in the repairs.

Ms. Jones noted that the road will have to be in good condition before VDOT will even accept it into the state system.

Mr. McGlennon asked for follow up on this issue and for a report back.

Mr. Kennedy asked that staff look at the bonds for this development and to see if any can be cashed in to give the County some leverage with the developer.

Mr. Icenhour stated he attended the Habitat for Humanity dedication for Ms. April Williams and her daughter today.

H. CONSENT CALENDAR

Mr. Icenhour stated that the December 11, 2012, Regular Meeting Minutes need to be amended because Mr. Kale's name appears in the recorded votes. He stated that he would like to bring them to the attention of staff and have them corrected.

Mr. Icenhour made a motion to approve Consent Items 1, 4, and 5 with the amendments to the December 11, 2012, minutes as requested.

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

1. Minutes –
 - a. November 27, 2012, Work Session
 - b. December 11, 2012, Regular Meeting
 - c. December 12, 2012, Powhatan Seat Interviews
 - d. December 18, 2012, Powhatan Seat Discussion

4. James City County-VDOT Agreement for Removal of Illegal Signs

RESOLUTION

AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)

AND THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA

WHEREAS, the Board of Supervisors of James City County, Virginia (the "Board") has the authority to enter into an agreement with the Virginia Department of Transportation (the "VDOT") pursuant to Section 33.1-373 of the Code of Virginia, 1950, as amended (the "Virginia Code"); and

WHEREAS, the Board desires to enter into an agreement with VDOT to enforce the provisions of Section 33.1-373 of the Virginia Code and to collect the penalties and costs provided therein.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County Administrator to execute those documents necessary to enter into an agreement with VDOT to enforce the provisions of Section 33.1-373 of the Virginia Code and to collect the penalties and costs provided therein.

BE IT FURTHER RESOLVED that the Board of Supervisors designates the Zoning Administrator to be the County's responsible party for enforcement of the agreement.

5. Appointment of Zoning Administrator and Acting Zoning Administrator

RESOLUTION

APPOINTMENT OF ZONING ADMINISTRATOR

WHEREAS, the position of Zoning Administrator of James City County was vacant; and

WHEREAS, Ms. Christy H. Parrish has served as Acting Zoning Administrator since the position became vacant; and

WHEREAS, Mr. Jason Purse has accepted the position of Zoning Administrator of James City County; and

WHEREAS, Mr. Purse holds a Master's Degree in Public Administration from Old Dominion University, earned certification from the American Institute of Certified Planners, and has demonstrated his ability to capably handle complex zoning matters; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby appoint Mr. Jason E. Purse as Zoning Administrator.

RESOLUTION

APPOINTMENT OF ACTING ZONING ADMINISTRATOR

WHEREAS, Mr. Jason E. Purse has been appointed as Zoning Administrator of James City County; and

WHEREAS, occasions may arise that require an Acting Zoning Administrator to perform Zoning Administrator's functions and duties in Mr. Purse's absence; and

WHEREAS, Ms. Christy H. Parrish has served previously as Acting Zoning Administrator, achieved the Certified Zoning Administrator status through the Virginia Association of Zoning Officials, and has demonstrated her ability to capably handle complex zoning matters; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize Mr. Purse to designate Ms. Christy H. Parrish as Acting Zoning Administrator in times of his absence from work, or, in the absence of Ms. Parrish, Mr. Allen J. Murphy as Alternate Acting Zoning Administrator.

Mr. McGlennon requested that Consent Items 2 and 3 be explained by staff.

Mr. John Carnifax, Director of Parks and Recreation, addressed the Board giving a background summary of how staff came to the decision to re-design MidCounty Park and the Kidsburg Playground. Mr. Carnifax reminded the Board and citizens about the planning process and the approval process that this project has gone through since 2011.

Mr. Kennedy stated that he has received several emails about this project. He stated that he wanted to remind citizens that this process has been a very long and very open with many public hearings and many articles written about it.

Mr. Icenhour asked if there is still hope for a Memorial Day Opening.

Mr. Carnifax stated that staff is fairly confident that the playground will be done by Memorial Day, but not sure about the new building and restrooms.

Mr. McGlennon stated that the building of Kidsburg was a remarkable community project but it has served its time, and there are new standards for safety and materials.

Mr. Carnifax stated that the history of the building of the original Kidsburg will be memorialized at the site and be there in perpetuity. He also stated that the any citizen who would like the fence picket with their name on it may contact Parks and Recreation about getting it back.

Mr. Icenhour made a motion to approve Consent Items 2 and 3.

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

2. Contract Award – Mid County Park Kidsburg Playground – \$851,786

RESOLUTION

CONTRACT AWARD – MID COUNTY PARK KIDSBURG PLAYGROUND – \$851,786

WHEREAS, funds are available in the Capital Improvement Budget to cover the replacement of the Kidsburg Playground at Mid County Park; and

WHEREAS, Cunningham Recreation was selected to complete the final design and installation of the new playground through a Request for Proposals (RFP) process; and

WHEREAS, public input was sought and incorporated into the final design.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract for the design and installation of the new playground at Mid County Park to Cunningham Recreation in the total amount of \$851,786.

3. Contract Award – Mid County Park Phase I Improvements - \$644,600

RESOLUTION

CONTRACT AWARD – MID COUNTY PARK PHASE I IMPROVEMENTS – \$644,600

WHEREAS, the Board of Supervisors approved the Mid County Park Phase I improvements on June 28, 2011 through SUP-003-2011; and

WHEREAS, funds are available in the Capital Improvement Budget to cover the construction costs for the Mid County Park Phase I Improvements; and

WHEREAS, six competitive bids were received with the lowest bid amount of \$644,600 as submitted by David Nice Builders.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract for the Mid County Park Phase I Improvements to David Nice Builders in the total amount of \$644,600.

I. PUBLIC HEARINGS

1. Pre-Budget

Ms. Sue Mellen, Assistant Director of Financial and Management Services, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

As there were no Board questions for staff, Mr. McGlennon opened the Public Hearing.

1. Mr. Ed Oyer, 139 Indian Circle, addressed the Board stating that he would like to see the County begin to pay down the County's debt. He stated that when there are excesses in revenue, the County should be paying down debts instead of spending it.

As no one else wished to speak, Mr. McGlennon closed the Public Hearing.

J. BOARD CONSIDERATIONS

1. Shared Services – Risk Management

Mr. John McDonald, Director of Financial and Management Services, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Mr. Icenhour made a motion to approve the resolution.

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

RESOLUTION

SHARED SERVICES – RISK MANAGEMENT

WHEREAS, a proposal has been authored that would combine the Risk Management functions of the County and the Schools in a shared service designed to improve risk management and safety for both organizations; and

WHEREAS, an agreement setting out the terms and conditions of this shared service will be drafted and would, if approved, 1) have the Schools reimburse the County for the costs of a newly-created Safety Coordinator position in Financial and Management Services (FMS) while 2) the County provides risk management services to the Schools.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves a budget amendment for FY 2013 that appropriates the funding from the Schools for part of the fiscal year:

FY 2013 General Fund Expenditures

Salary and Fringes – FMS	+ \$ <u>25,000</u>
Reimbursement – WJCC Schools	- \$ <u>25,000</u>

BE IT FURTHER RESOLVED, that the Board of Supervisors approves the creation of a full-time regular position of Safety Coordinator within FMS and authorizes the County Administrator to fill that position and execute a suitable shared services agreement with the Schools when, in his opinion, the details of that agreement are finalized.

2. Approval of Williamsburg Landing, Inc., Revenue and Refunding Bond through the James City County Economic Development Authority (EDA)

Mr. Russell Seymour, Director of Economic Development Department, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Mr. Kevin White, an attorney with Kauffman and Canoles and representing Williamsburg Landing as bond counsel, addressed the Board. He stated that the Board's approval of this type of bond is required by Federal law, and he would be happy to answer any questions.

Mr. McGlennon stated that he understood from the presentation that James City County would be joined by other localities in this endeavor.

Mr. White stated that was correct.

Ms. Jones made a motion to approve the resolution.

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

RESOLUTION

APPROVAL OF WILLIAMSBURG LANDING, INC., REVENUE AND REFUNDING BOND

THROUGH THE JAMES CITY COUNTY ECONOMIC DEVELOPMENT AUTHORITY (EDA)

WHEREAS, the Board of Supervisors of the County of James City, Virginia (the "Board"), has been advised that there has been described to the Economic Development Authority of James City County, Virginia (the "Authority"), the plan of Williamsburg Landing, Inc. (the "Company"), whose principal place of business is located in the County of James City, Virginia (the "County"), at 5700 Williamsburg Landing Drive, Williamsburg, Virginia 23185, for the issuance by the Authority of its Revenue and Refunding Bond in a principal amount not to exceed \$4 million (the "Bond") to assist the Company in a) financing renovations to the Company's facilities for the residence and care of the aged at 5700 Williamsburg Landing Drive, Williamsburg, Virginia (the "Project"); b) paying a portion of the cost of the current refunding of the Authority's Residential Care Facility First Mortgage Revenue and Refunding Bonds (Williamsburg Landing, Inc.), Series 2003A; and c) paying certain costs of issuance (collectively, the "Plan of Finance"); and

WHEREAS, the Board has been advised that the Company, in its appearance before the Authority, has described the benefits to the County to be derived from the Plan of Finance and has requested that the Authority agree to issue the Bond pursuant to the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), and loan the proceeds from the sale of the Bond to the Company for the purposes described above; and

WHEREAS, the Board has been advised that a public hearing with respect to the Bond, as required by the Act and the Internal Revenue Code of 1986, as amended (the "Code"), was held by the Authority at its meeting on December 13, 2012, and that after such hearing the Authority agreed to assist the Company by issuing the Bond; and

WHEREAS, the Project is located in the County and the members of the Board constitute the highest elected governmental officials of the County; and

WHEREAS, Section 15.2-4906C of the Act provides that the Board shall, within 60 calendar days from the public hearing with respect to the issuance of bonds of the Authority, either approve or disapprove the issuance of such bonds; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bond, a reasonably detailed summary of the comments expressed at the public hearing with respect to the Bond, and a statement in the form prescribed by Section 15.2-4907 of the Act have been filed with the Board, and the Authority has recommended that the Board approve the issuance of the Bond.

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

1. The foregoing recitals are hereby incorporated in, and deemed a part of, this resolution.
2. The Board approves the issuance of the Bond by the Authority to assist in the Plan of Finance for the benefit of the Company, to the extent required by the Code and the Act.

3. The approval of the issuance of the Bond, as required by the Code and the Act, does not constitute an endorsement to a prospective purchaser of the Bond of the creditworthiness of the Company and, as required by the Act, the Bond shall provide that neither the County nor the Authority shall be obligated to pay the Bond or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor and that neither the faith or credit nor the taxing power of the Commonwealth of Virginia, the County, nor the Authority shall be pledged thereto.
4. This resolution shall take effect immediately upon its adoption.

The undersigned hereby certifies that the above resolution was duly adopted by an affirmative vote of a quorum of the members of the Board of Supervisors of the County of James City, Virginia, at a regular meeting duly called and held on January 8, 2013, and that such resolution is in full force and effect on the date hereof.

K. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in regards to the traffic congestion, due to a large number of tractor trailers and construction vehicles, on Route 60.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Powell stated that the State Corporation Commission public hearing on Virginia Dominion Power Transmission Line will be held on Thursday morning in Richmond. He stated that he and Mr. McGlennon will be attending. He also stated that the January 10, 2013, Homeowner Association (HOA)/Neighborhood Leadership meeting that was to be hosted by the Board and the County Administrator has been cancelled and will be rescheduled at a later date. Mr. Powell also wanted to remind County dog owners that dog tags must be on County dogs by January 31, 2013.

M. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy stated that in past years many citizens have showed up to speak on the budget, but tonight there was only one. He stated that he wanted to remind citizens to show up and speak on the items that they would like to see the County spend money on.

Mr. McGlennon stated that he wanted citizens to be aware that Virginia Dominion Power has also indicated plans to build a fairly large transformer farm in the vicinity of Indian Circle here in Williamsburg.

Mr. Powell recommended deferral of the appointments to the Social Services Advisory Board.

Ms. Jones nominated Mr. Christopher Basic for the Berkeley appointment for the Planning Commission. Ms. Jones requested that the appointment be for a four-year term.

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

Ms. Jones nominated Mr. Tim O'Connor for the at-large position on the Planning Commission. His appointment would be for a four-year term.

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

Mr. Powell stated that staff is interested in trying to increase the diversity on the Social Services Advisory Board, and asked Board members to let staff know if they had any suggestions for potential appointees.

N. ADJOURNMENT – until 4:00 p.m. on January 22, 2013, for a Work Session

Ms. Jones made a motion to adjourn.

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

At 7:58 p.m., Mr. McGlennon adjourned the Board.

Doug Powell
Deputy Clerk to the Board

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MEMORANDUM COVER

Subject: Grant Award – State Homeland Security Program - \$11,530

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

Summary: The James City County Fire Department’s Division of Emergency Management has been awarded a State Homeland Security Program (SHSP) grant in the amount of \$11,530. This grant is awarded to the County by the Virginia Department of Emergency Management (VDEM) using funds from the United States Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) 2012 Homeland Security Grant Program. The grant’s performance period will extend through December 31, 2013.

The funds will be used to increase the safety, preparedness and resiliency of County residents through citizen-focused programs including Community Emergency Response Teams (CERT), Neighborhood Watch, Volunteers In Police Service (VIPS) and the Citizen Corps Council.

Staff recommends adoption of the attached resolution to appropriate funds.

Fiscal Impact: This grant requires no match, however the County provides financial support to the Citizen Corps programs through personnel, supplies, facilities and related resources of the Division of Emergency Management and the Police Department.

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell DP

County Administrator

Robert C. Middaugh _____

Attachments:

- 1. Memorandum
- 2. Resolution

Agenda Item No.: H-2

Date: January 22, 2013

M E M O R A N D U M

DATE: January 22, 2013

TO: The Board of Supervisors

FROM: William T. Luton, Fire Chief

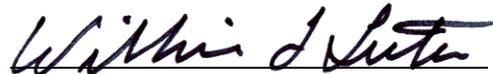
SUBJECT: Grant Award – State Homeland Security Program - \$11,530

The James City County Fire Department's Division of Emergency Management has been awarded a State Homeland Security Program (SHSP) grant in the amount of \$11,530. This grant is awarded to the County by the Virginia Department of Emergency Management (VDEM) using funds from the United States Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) 2012 Homeland Security Grant Program. The grant's performance period will extend through December 31, 2013.

The funds will be used to increase the safety, preparedness and resiliency of County residents through citizen-focused programs including Community Emergency Response Teams (CERT), Neighborhood Watch, Volunteers In Police Service (VIPS), and the Citizen Corps Council.

This grant requires no match; however, the County provides financial support to the Citizen Corps programs through personnel, supplies, facilities and related resources of the Division of Emergency Management and the Police Department.

Staff recommends adoption of the attached resolution to appropriate funds.


William T. Luton

WTL/tlc
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Attachment

MEMORANDUM COVER

Subject: Grant Award – Office of Emergency Medical Services (OEMS) Rescue Squad Assistance Fund (RSAF) Grant – \$243,868

Action Requested: Shall the Board approve the resolution that appropriates grant funds awarded from the Commonwealth of Virginia Department of Health, Office of Emergency Medical Services (OEMS)?

Summary: The James City County Fire Department has been awarded a Rescue Squad Assistance Fund (RSAF) grant for \$243,868 (\$121,934 grant funds, \$121,934 local match) from the Commonwealth of Virginia Department of Health, Office of Emergency Medical Services (OEMS).

The funds are to be used for the purchase of an ambulance and one Monitor/Automatic External Defibrillator (AED). The ambulance will replace an older ambulance in the Department’s fleet. The AED will replace an old 1600 series AED and provide consistency with the equipment in ambulances and Advanced Life Support (ALS) engines.

Staff recommends adoption of the attached resolution to appropriate funds.

Fiscal Impact: The grant requires a 50 percent match of \$121,934, which is budgeted in the FY 2013 Capital Improvements Program (CIP) (\$107,500 for the ambulance) and Grants Match (\$14,434 for the AED) accounts.

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell DP

County Administrator

Robert C. Middaugh _____

Attachments:

- 1. Memorandum
- 2. Resolution

Agenda Item No.: H-3

Date: January 22, 2013

MEMORANDUM

DATE: January 22, 2013
TO: The Board of Supervisors
FROM: William T. Luton, Fire Chief
SUBJECT: Grant Award – Office of Emergency Medical Services (OEMS) Rescue Squad Assistance Fund (RSAF) Grant – \$243,868

The James City County Fire Department has been awarded a Rescue Squad Assistance Fund (RSAF) grant for \$243,868 (\$121,934 grant funds, \$121,934 local match) from the Commonwealth of Virginia Department of Health, Office of Emergency Medical Services (OEMS).

The funds are to be used for the purchase of an ambulance and one Monitor/Automatic External Defibrillator (AED). The ambulance will replace an older ambulance in the Department’s fleet. The AED will replace an old 1600 series AED and provide consistency with the equipment in ambulances and Advanced Life Support (ALS) engines.

The grant requires a 50 percent match of \$121,934, which is budgeted in the FY 2013 Capital Improvements Program (CIP) (\$107,500 for the ambulance) and Grants Match (\$14,434 for the AED) accounts.

Staff recommends adoption of the attached resolution to appropriate funds.


William T. Luton

WTL/tlc
GA-RSAF0113_mem

Attachment

RESOLUTION

GRANT AWARD – OFFICE OF EMERGENCY MEDICAL SERVICES (OEMS)

RESCUE SQUAD ASSISTANCE FUND (RSAF) GRANT – \$243,868

WHEREAS, the James City County Fire Department has been awarded a Rescue Squad Assistance Fund (RSAF) grant for \$243,868 (\$121,934 grant funds, \$121,934 local match) 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 an ambulance and one Monitor/Automatic External Defibrillator (AED); and

WHEREAS, the grant requires a 50 percent match of \$121,934, which is budgeted in the FY 2013 Capital Improvements Program (CIP) (\$107,500 for the ambulance) and Grants Match (\$14,434 for the AED) accounts.

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:

Revenues:

RSAF-Ambulance & AED	\$121,934
Transfer from Capital Projects Fund	107,500
Transfer from General Fund	<u>14,434</u>
Total	<u>\$243,868</u>

Expenditure:

RSAF-Ambulance & AED	<u>\$243,868</u>
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John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	___	___	___
JONES	___	___	___
KENNEDY	___	___	___
ICENHOUR	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of January, 2013.

MEMORANDUM COVER

Subject: Resolution of Initiation of Consideration of Amendments to the Zoning Ordinance Section 24-91 Modification, substitution, transfer

Action Requested: Shall the Board generally concur with the Professional Landscape Assessment Team (PLAT) recommendations and adopt an initiating resolution to begin the formal code update and adoption process?

Summary: In June 2012 the Board of Supervisors requested that staff form a committee of local landscape professionals to review the County's landscape requirements and how they have been applied to development sites. The Board requested that the committee determine if the County is using best management practices when it comes to how our landscape standards are implemented. Of particular concern was whether or not some development sites had over-planted landscapes due to ordinance requirements. While the committee did not find that the basic landscape ordinance requirements in and of themselves resulted in over-planting, they did suggest some recommendations that could provide landscape designers with more flexibility, provide opportunities for creativity, and tools to address site constraints found on development sites including legislative cases that propose enhanced landscaping. The committee believed that this was the best way to provide landscape design professionals with the flexibility needed to address the variety of site constraints typically found on development sites throughout the County that have contributed to landscapes that may be perceived to be overplanted.

Staff recommends the Board direct that staff bring forward the following initiatives:

- 1) Revise ordinance Section 24-91 to provide flexibility to landscape designers to mitigate existing site constraints; and
- 2) Create an Enhanced Landscaping Policy to ensure that best management practices are applied to our development projects.

These two initiatives would be reviewed by the Policy Committee, Planning Commission, and Board of Supervisors and could be ready for adoption in the spring of 2013.

Fiscal Impact: Please state fiscal impact, if applicable.

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell DP

County Administrator

Robert C. Middaugh _____

Attachments:

- 1. Memorandum
- 2. Resolution

Agenda Item No.: J-1

Date: January 22, 2013

MEMORANDUM

DATE: January 22, 2013

TO: The Board of Supervisors

FROM: W. Scott Whyte, Senior Landscape Planner
Paul D Holt, III, Planning Director

SUBJECT: Resolution of Initiation of Consideration of Amendments to the Zoning Ordinance Section 24-91 Modification, substitution, transfer

At the June 12, 2012 Board of Supervisors meeting, Supervisor Kennedy suggested that an informal committee of local landscape professionals be assembled to analyze the current landscape ordinance requirements. Mr. Kennedy expressed concerns that the ordinance may require or influence applicants to overplant landscape materials, resulting in landscapes that, over time, become too crowded and result in unhealthy and unattractive landscapes. At the June 26 Board meeting, several other supervisors expressed their support for forming such a committee. Mr. Kennedy pointed out that he has received comments about New Town, the Williamsburg Pottery, and Stonehouse Glen from local landscape professionals that feel that the landscapes installed for these projects were over planted. Several supervisors made recommendations on who should serve on the committee and several local professionals were named.

Staff assembled a committee of five landscape professionals including all of the persons named as possible members by the Board with the exception of Mr. Martino who could not serve due to time constraints. The selected committee of five included Mrs. Peggy Krapf, Mr. Chris Basic, Mr. James Peters, Mr. Gordon Chappell, and Mr. Phillip Merritt. Staff attempted to select members that were experienced local landscape designers with diverse areas of practice. Commercial, residential and institutional landscape design professionals were all well represented. After the committee members agreed to serve, they were each sent an informational packet that contained the landscape section of the zoning ordinance, a map with a set of design guidelines for our Community Character Corridors, enhanced landscaping language, a set of development case studies with their histories, and the issues to be analyzed by the committee members. After the committee members had time to review the packet materials the first of three meetings was held. The purpose of this meeting was primarily educational, and a chance for the group to study the ordinance requirements and the selected development properties. The selected development projects consisted of the Williamsburg Pottery, Courthouse Commons, Stonehouse Glen Pool, Colonial Carwash, and Premium Outlets. The second meeting was for the committee to further study the ordinance requirements and how they were applied to the selected properties. The committee started to develop some recommendations on how to avoid over planting by offering more flexibility to landscape design professionals working with by-right and legislative cases. At the third meeting the committee finalized their recommendations and started the process of drafting language for recommended ordinance revisions and the creation of a new Enhanced Landscaping policy.

Historically, enhanced landscaping has been defined as 125% of ordinance size requirements and is generally applied across the frontage of properties between the buildings and rights of ways. The committee found that in general planting 125% of ordinance size is not very beneficial with trees, because the larger trees are typically stressed to a greater degree after digging than smaller sized trees, resulting in trees that take longer to recover, and typically lose the size advantage in which they start out. Larger shrubs on the other hand do provide an instant benefit. The committee also found that enhanced landscaping is not often applied to a specific problem, but rather applied across the front of properties without consideration of what is to be accomplished with the landscaping. Further the committee found enhanced landscaping should not be considered a benefit unless the benefit can be defined. The need could be to screen an undesirable use, to draw the eye to a business's front door, or any other need that may be unique to that site.

After three consecutive weekly meetings, the committee has made the following recommendations:

1) Revise Section 24-91 of the zoning ordinance on Landscape modification, substitution, and transfers to meet the following objectives:

- Give additional flexibility to landscape designers to mitigate existing site constraints such as narrow and unusually shaped parcels, sloped topography, and natural and man-made obstacles.
- Provide language to mitigate utility easements that exist on site and inhibit the application of ordinance requirements as written.
- Give designers the ability to mitigate site restraints by allowing for modifications to landscape quantity in exchange for qualitative improvements, while ensuring that ordinance intents are maintained.

2) Create an Enhanced Landscaping Policy to meet the following objectives:

- The County and applicants should be more proactive at the application stage of a proposal by specifically defining what enhanced landscaping means for a site specific development proposal. The specific enhanced landscaping proposal can then be evaluated in a public hearing setting in relationship to the entire development proposal.
- The specific application of enhanced landscaping will be initially proposed by the applicant's landscape design professional.
- "Enhanced Landscaping" should not necessarily be limited to increased numbers or sizes of plants. Hardscapes, pedestrian accommodations, ornamental fencing, public art, and other types of amenities should be considered.
- Enhanced landscaping should address:
 1. A need found on the development site and how the proposed plan meets that need;
 2. How the enhanced landscaping exceeds the ordinance minimums;
 3. How the enhanced landscaping proposal meets the goals of the Comprehensive Plan, and is appropriate and context sensitive for the applicable corridor type and parcel location; and
 4. How the enhanced landscaping compliments the design layout of the entire site and what the design objectives of the enhanced landscaping are intended to achieve.

Staff recommends that the Board of Supervisors approve the attached initiating resolution. These two initiatives would then be reviewed by the Policy Committee, Planning Commission, and Board of Supervisors, and could be ready for adoption in the spring of 2013.

Resolution of Initiation of Consideration of Amendments to the Zoning Ordinance Section 24-91
Modification, substitution, transfer
January 22, 2013
Page 3

W. Scott Whyte

Paul D Holt, III

CONCUR:

Allen J. Murphy, Jr.

WSW/tlc
InitSec24-91_mem

Attachment

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE

SECTION 24-91 MODIFICATION, SUBSTITUTION, TRANSFER

WHEREAS, the Board of Supervisors of James City County, Virginia, is charged by Virginia Code §15.2-2223 to prepare and recommend to the Board of Supervisors various land development plans and ordinances, specifically including a zoning ordinance and necessary revisions thereto as seem to the Commission to be prudent; and

WHEREAS, in order to make the Zoning Ordinance more conducive to proper development, public review and comment of draft amendments is required, pursuant to Virginia Code 15.2-2240 et seq.; and

WHEREAS, the Planning Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of amendments.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby does hereby request staff to initiate review of Chapter 24 Zoning Ordinance, Article II Special Regulations, Section 24-91, Modification, substitution, transfer, and initiate creation of an Enhance Landscaping Policy. The Planning Commission shall hold at least one public hearing on the consideration of amendments of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with law.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	___	___	___
JONES	___	___	___
KENNEDY	___	___	___
ICENHOUR	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of January, 2013.