

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS County Government Center Board Room September 10, 2013

7:00 P.M.

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Christianna Brockman, an 11 year old homeschooled student and resident of the Jamestown District.

E. PRESENTATIONS

F. PUBLIC COMMENT

G. BOARD REQUESTS AND DIRECTIVES

H. CONSENT CALENDAR

1. Minutes –
 - a) August 13, 2013, Regular Meeting
2. Abandonment and Dedication of Portions of Route 746 and US 30
3. Department of Motor Vehicles Grant Award - Alcohol Enforcement - \$22,095
4. Department of Motor Vehicles Grant Award - Occupant Protection - \$4,620
5. Department of Motor Vehicles Grant Award - Speed Enforcement - \$15,708
6. Service Agreements for Debris Removal, Reduction, and Disposal and Monitoring For Debris Removal, Reduction, and Disposal-VPPSA
7. Williamsburg-James City County (WJCC) Year-End Fund Balance

I. PUBLIC HEARINGS

1. Case No. Z-0002-2013/SUP-0005-2013. Wellington, Windsor Ridge, Section 4
2. Case No. HW-0001-2013, A-B Brewery, Bulk Powder Storage Silo
3. Proposed Updates to the Williamsburg, James City County, and York County Regional Bicycle Facility Plan

J. BOARD CONSIDERATION

1. Operating Contingency Transfer- St. Georges Hundred Drainage Improvement

K. PUBLIC COMMENT

L. REPORTS OF THE COUNTY ADMINISTRATOR

M. BOARD REQUESTS AND DIRECTIVES

N. CLOSED SESSION

1. Consideration of a Personnel Matter, the Appointment of Individuals to County Boards and/or Commissions Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
 - a) Clean County Commission
 - b) Board of Building Adjustments and Appeals

O. ADJOURNMENT – to 4 p.m. on September 24, 2013, for the Work Session

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 13TH DAY OF AUGUST 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., Jamestown District
M. Anderson Bradshaw, Powhatan District

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

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Ross Wunibald, member of Scout Troop No. 103, led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATIONS

1. Federal Emergency Management Agency (FEMA) Presentation

Ms. Mary Radford, Region III Mitigation Planner and CRS Coordinator, stated that localities participating in the National Flood Insurance Program (NFIP) must meet minimum requirements to maintain their rating. She stated that localities that go above and beyond the minimum requirements are eligible to join the Community Rating System (CRS). She stated that the CRS is comprised of 10 different class rating levels based on the number and types of activities that are voluntarily initiated by the locality. She stated that the ascending ratings are applied to premium discounts for flood insurance premiums written in the locality. James City County is being recognized for achieving a Class 7 Rating, up from a Class 8. She stated that each NFIP policy holder is saving approximately \$67 per policy. She stated that overall, the CRS accomplishment results in a combined annual savings throughout the County of \$67,572.

Mr. Middaugh stated that he would like to recognize the staff team members that have worked to accomplish this rating: from Development Management, Bill Cain, Tom Coghill, and Christy Parrish; from Emergency Services, Kate Hale; from Housing and Community Development, Keith Denny; and the lead on the Project, Darryl Cook.

2. Virginia Department of Transportation (VDOT) Quarterly Report

Mr. Rossie Carroll, Administrator of the Williamsburg Residency of VDOT, addressed the Board stating that signal synchronization is still ongoing on Route 60, Route 199, and Monticello Avenue. He stated that some adjustments have been made. He stated that the study for permissible left turns on Monticello Avenue has been completed. He stated that there are certain intersections along that corridor that qualify for permissible left turns. He stated that there were 503 maintenance work orders this quarter, and 313 have been completed. Out of the 190 outstanding, 130 of those work orders are for drainage issues. He stated that drainage issues have been the big concern during this quarter, especially given the excessive amount of rain received. He stated that the completed projects this quarter included: County-wide sidewalk repair and surface treatment. He stated that the current projects include: Rt. 1617 Stonehouse slope failure work will begin September 10th, Rt. 612 Longhill Road signal upgrade at Olde Towne Road, and Rt. 60 at Airport Road signal upgrade. He stated that some of the ongoing projects include: 3rd mowing cycle, Rt. 60 washout just past Barnes Road, turn delineation marking project on Rt. 60 at Rt. 30, Andersons Corner, and crossover delineation marking project on Rt. 60 at Colonial Heritage. He stated that a stand-alone secondary plant mix schedule was advertised in July and includes: Rt. 5000, Rt. 321, Rt. 615, and Rt. 755. The Monticello Avenue and Rt. 321 project is upcoming which will add a second turn lane. He stated that additional maintenance accomplishments this quarter included: crack sealing on the Capital Bike Trail, installed culvert for pedestrian crossing on Rt. 60, swept primary routes and curb and cutters, ditching in First Colony, Strawberry Plains, Grove, and Neck-O-Land, Rt. 60 regrade of ditches and installed pipe near Captain George's Restaurant, regarded approximately 3 miles of Ware Creek Road, excavated and sealed approximately 35 feet of culvert in Wellington, and repaired sinking pavements in Albert's Terrace. He stated that pending maintenance projects include: continually working on the Capital Trail, Rt. 617 cleaning debris and trim vegetation, Rt. 60 and 614 grade ditches at intersection, and Rt. 60 at Croaker Road intersection regrade ditches. He stated that currently there is a push to get vegetation removed that is blocking many of the signs throughout the County.

Mr. Icenhour stated that there is still an outstanding drainage issue on Carriage Road, but thanked Mr. Carroll for their efforts in attending the drainage issues in other neighborhoods.

Mr. McGlennon stated that he had asked that the drainage issues on Lake Powell Road be reviewed.

Mr. Carroll stated that some debris removal has been done, but the drainage work is scheduled to be completed in the next 2-3 weeks.

Mr. McGlennon asked if there was anything else that can be done about the curve farther down Lake Powell Road that recently had a bad accident.

Mr. Carroll stated that there are four delineations there, and the posted speed limit is 35 mph. He stated that he would look into it.

Mr. McGlennon stated that during the accident, the road was blocked for approximately 30 minutes. He stated that he hears from citizens during these times concerning the lack of outlet in the opposite direction.

Mr. Carroll stated that VDOT works with the local and state police to quickly clear accidents and get roads back open. He stated that that is a no outlet road, but in the case of a wash-out, there are things that VDOT can do, like temporary bridges, to prevent residents from being stuck and allow access.

Mr. McGlennon requested that Mr. Carroll send him, via email, a more detailed list of what has been done on Rt. 60 East in the Grove area.

Mr. Bradshaw stated that he appreciated the response given to his inquiry about the speed limit on Croaker Road from the interstate toward Rt. 60. He stated that the speed was posted along that road at 55 mph, which surprised some residents. He stated that in the response from Mr. Carroll, he was informed that the speed was determined based on speed-studies. Mr. Bradshaw asked what factors might prompt VDOT to then change that speed limit.

Mr. Carroll stated that geometrics, roadway system design, a speed study, 3 years' worth of crash data, and then compare that to district and state averages. He stated that pedestrian use is also looked at. He stated that once a speed study has been done, VDOT typically does not go back and reevaluate in less than 3 years, unless there is something that VDOT overlooked.

Mr. Bradshaw asked Mr. Carroll to review the speed study to ensure the factors he mentioned were taken into consideration.

Mr. McGlennon recessed the Board of Supervisors Meeting at 7:24 p.m. in order to conduct the James City Service Authority (JCSA) Board of Directors Meeting.

Mr. McGlennon reconvened the Board of Supervisors Meeting at 7:25 p.m.

F. PUBLIC COMMENTS

1. Mr. Bill Unaitis, 221 Charleston Place, President of the Community Services Coalition, addressed the Board in regard to the one-stop service concept of the Community Services Coalition and requested the assistance of the Board to continue this concept without the assistance of the United Way.

2. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board in regard to the Closed Session discussion held during the Work Session on July 23.

3. Mr. Randy O'Neill, 109 Sheffield Road, addressed the Board in regard to children's health and wellness in the County.

4. Ms. Betty Walker, 101 Locust Place, addressed the Board in regard to regionalism and the stripping of private property rights.

5. Mr. Nathan Walker, 101 Locust Place, addressed the Board in regard to the conduct of certain Board members at the recent Rural Lands public meetings.

6. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in regard to the Closed Session discussion held during the Work Session on July 23.

7. Mr. Christopher Schmedtje, 110 Ware Road, addressed the Board offering a prayer for the meeting.

8. Ms. Marjorie Ponziani, 4852 Bristol Circle, addressed the Board in regard to the Closed Session discussion held during the Work Session on July 23.

9. Ms. Rosanne Reddin, 2812 King Rook Court, addressed the Board in regard to private property rights and economic freedom.

10. Ms. Dorothea Neiman, 105 Broomfield, addressed the Board in regard to the lack of common courtesy shown during citizen comments at the previous Board meetings.

11. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board in regard to the Closed Session discussion held during the Work Session on July 23.

12. Ms. Trisha Stall, a Matthews County resident, addressed the Board in regard to the loss of individual property rights and the effect of sustainable development policies.

13. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in regard to trash and vegetative debris along Route 60 and storm debris pick up offered to other citizens residing in other localities.

14. Ms. Janet Casaney, Toano, addressed the Board in regard to the contract amendments for Mr. Middaugh and Mr. Rogers.

15. Mr. Jay Everson, 103 Branscome Boulevard, addressed the Board in regard to adding an increase to the Virginia Retirement System (VRS) contribution by the employee, to the Legislative Agenda for the coming year.

16. Mr. Randy Basley, addressed the Board thanking them for supporting the fight with Virginia Dominion Power.

G. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy stated that he has had several citizens contact him regarding bulk trash pick-up. He requested that the information be put on the County's website for citizens.

Mr. Icenhour stated that he would like to raise the issue of the Community of Faith Mission and their email that was received by the Board. He stated that the issue of the fees for the building inspections imposed by the County is an issue for the organization. He stated that he would like to see the Board support this organization and its work housing the homeless during the winter months.

Mr. Middaugh stated that he has been in contact with the Community of Faith Mission and the issue they are facing is that the County requires a building and fire inspection due to the churches offering an overnight stay to the homeless. He stated that he is not comfortable with waiving the fees for the inspections, because that would set precedence. However, the organization is providing a service to the citizens and the Board in the past has typically bought those services from the organizations. He suggested that the Board authorize him to purchase the service for the cost of the inspection fees, which amounts to \$800. He stated in this way the Board is remaining consistent with previous similar actions.

Mr. Icenhour asked if a motion is necessary or if such an action would need to be prepared and brought back at a later meeting.

Mr. Middaugh stated that if it is the wish of the Board, then a motion would be sufficient.

Mr. Icenhour made the motion to appropriate \$800 for the Community of Faith Mission.

Mr. McGlennon asked if there was any discussion necessary.

Ms. Jones stated that she fully supports streamlining the process for the area churches to assist the

homeless.

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

Ms. Jones stated that she would like to thank Mr. Kennedy for raising his concerns about the Closed Session discussion after the fact. She stated that she too, in hindsight, realized that she should not have voted to certify the Closed Session. She stated that she was wrong and asked for the forgiveness of the citizens.

Mr. McGlennon stated that he would like to direct staff to look in adjusting the weekend hours of the Recreation Center, due to citizen requests that the Center be open earlier on the weekends. He stated that he has been notified that Mr. John Carnifax, Director of Parks and Recreation, has already begun evaluating adjusting the hours.

Mr. Middaugh stated that staff is going to implement the adjustment of the hours and believes that it can be done within the budget. However, if funds run short, then staff will come before the Board for a budget amendment.

Mr. McGlennon stated that he has received concern from several of the Master Gardeners that with the loss of two of the County's Extension Agents, Ms. Doris Heath and Mr. Jeremy Johnson, a new full-time extension agent be hired that has both agricultural and horticulture experience. He asked that their concern be passed along to the staff at the Extension Office as they begin the hiring process for replacements.

Mr. McGlennon stated that he was surprised to see the change of heart by two of the Board members in regard to the Closed Session in the newspaper. He stated that the discussion of ordinance amendments in regard to backyard chickens was raised by Mr. Kennedy. He stated that the motion to certify the Closed Session was made by Mr. Kennedy and supported by Ms. Jones and the rest of the Board members. He stated that he is confident that the Board acted within the law. He stated that policies were discussed within Mr. Middaugh's evaluation but no policy was voted on within the Closed Session. He stated that one Board member asked that the Board voice its opinions on the backyard chicken keeping issue in Open Session, which the Board did do.

Ms. Jones stated that she does not believe that Mr. Kennedy should be criticized for reflecting on a decision that he made and then voicing his concerns. She stated that the question raised by Mr. Kennedy about the chicken keepers was directly aimed at the County Administrator and how he had handled the issue and the backyard chicken keepers. She stated that what was discussed later was how the Board wanted to handle a backyard chicken keeping ordinance, which was an inappropriate discussion. She stated that the Board discussing a policy is completely different than discussion of the County Administrators actions in handling this issue when it arose.

Mr. McGlennon stated that if Board members have concerns over what has been discussed then the appropriate time to raise those concerns is at the certification, not after the certification has been adopted. He stated the he believes that they disagree on the content of those discussions.

Mr. Kennedy stated that during the County Administrator's review, he gave constructive criticism on how the backyard chicken keeping issue was handled by the County Administrator. He stated that his criticism was that it took a year to be brought up and that there was some negligence at the staff level, all of whom report to the County Administrator. Mr. Kennedy stated that it was said by Mr. McGlennon while on the subject of what the Board would like to do about this. He stated that he engaged in that discussion and it was his reflection later that he should not have.

Mr. McGlennon stated that his words were that while discussing this issue, how are we going to handle this issue as far as a process; not, what are we going to do about this issue itself.

Mr. Kennedy stated that is splitting hairs.

Mr. McGlennon stated that this whole issue is about splitting hairs.

Mr. Kennedy stated that he can appreciate that there might be differences in opinion in the way in which things were interpreted. He stated that he is not going to be criticized for bringing up this issue in the context of a policy when he did not. He stated that he brought it up in the context of reviewing the actions of the County Administrator.

Ms. Jones stated that it was also mentioned in the article in the newspaper, how to handle the public comment, the citizens coming to the public comment, and the limitations on public comment. She stated that is a discussion that should be held in front of the citizens and is not appropriate for Closed Session.

Mr. McGlennon stated that it is a discussion that has been had in Closed Session before.

Mr. Kennedy stated that he did not cite anyone in particular, only that he thought that the Board did not act appropriately. He stated that he apologizes if it has ruffled any feathers and he has apologized to the citizens.

Mr. Icenhour stated that the biggest failing is on the Board. He stated that we, as the Board, do not know how to conduct an evaluation. He stated that the Board should be been talking about the County Administrator's performance and critiquing any failures.

Ms. Jones stated that is what the Board was doing until the discussion veered off course and into policy discussions.

Mr. Icenhour stated that when evaluating the things that the County Administrator did not do well, it requires discussing the steps that the Board expects him to take on dealing with those issues. He stated it is all about policy, but it is all about his job and how he performs it. He stated that the Board needs to have a better analysis of how it wants to conduct these evaluations in the future.

Mr. Kennedy stated that he has requested, in the past, a written review done by each Supervisor and they be combined into a review discussion. He stated that he would support a structure and believes that each of the Supervisors should come to the review with something in writing that is then shared with the rest of the Board.

Mr. Middaugh requested to share with the Board the debris assessment that was done and then receive any direction from the Board. He stated that the assessment that was sent to the Board was both of structures, which there were 12-14 buildings with some form of damage, two of which were severe, and of tree debris. He stated that staff's opinion is that this storm is similar to the previous storm and that the damage is not widespread enough to warrant a debris pick-up. He stated that staff will be happy to work out the particulars of allowing citizens to share a bulk pick-up load as was discussed previously.

Mr. Kennedy stated that he is supportive of that and the other Board members nodded in agreement.

H. CONSENT CALENDAR

Mr. Middaugh stated that he would like to recognize the staff members that worked on the Mitigation Bank Item: Mr. Mike Woolson, Ms. Fran Geissler, Ms. Lola Perkins, Ms. Sue Mellen, Ms. Ann Davis, and Mr. John Horne. He stated that the Mitigation Bank is the first to be created in the State. He stated that the Mitigation Bank is credits that can be used to offset costs that could be incurred by the County down the line.

Mr. Kennedy stated that he would like to pull Item No. 3 for discussion and that he has a question about Item No. 8.

In regard to Item No. 8, Mr. Kennedy asked Mr. Middaugh if there is a Resource Officer in all of the middle schools now, or if the City of Williamsburg schools are still without Resource Officers.

Mr. Middaugh stated that all of the County schools have Resource Officers, but the City does not provide them to all of the City schools. He asked Police Major Brad Rinehimer to clarify.

Major Rinehimer stated that the City is providing a Resource Officer on a limited basis and believes it is two days a week.

Mr. Kennedy stated that is still an issue and one that he would like addressed.

Mr. Kennedy made a motion to approve all items on the Consent Calendar except Item No. 3.

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

1. Minutes –
 - a. July 23, 2013, Work Session
 - b. July 23, 2013, Regular Meeting
2. Dedication of Streets within the Williamsburg West Subdivision

RESOLUTION

DEDICATION OF STREETS WITHIN THE WILLIAMSBURG WEST SUBDIVISION

WHEREAS, the streets described below currently serve at least three families and were established prior to July 1, 1992, at which time they were used by motor vehicles as a public access; and

WHEREAS, the County has determined its subdivision ordinance satisfies subsection B of § 33.1-72.1, Code of Virginia, and is therefore eligible to make qualifying additions to the secondary system of State highways maintained by the Virginia Department of Transportation (the “Department”) and fund necessary improvements as setout therein, except as otherwise prohibited by subsection B of § 33.1-72.2, Code of Virginia; and

WHEREAS, after examining the ownership of all property abutting these streets, including the deeds and related plats, this Board finds no restriction on the use of public funds for improvement of the roads; and

WHEREAS, after examining the ownership of all property abutting these streets, this Board finds that

speculative interest does not exist; and

WHEREAS, this Board has identified immediately available funding to make improvements required to qualify the streets for addition to the aforesaid secondary system of State highways, based on the Department's cost estimate of \$400,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the following streets be added to the secondary system of State highways maintained by the Department and hereby guarantees the right-of-way of the street to be clear, unencumbered, and unrestricted, which right-of-way guarantee shall be including any necessary easements required for cuts, fills, and drainage pursuant to § 33.1-72.1, Code of Virginia:

Name of Subdivision:

Williamsburg West

Name and Description of Streets:

- Lexington Drive from the intersection of Country Club Drive and Lexington Drive to the proposed T turnaround for a distance of .21 miles with a 50-foot right-of-way.
- Country Club Court from the intersection of Country Club Drive to the cul-de-sac for a distance of .02 miles with a 55-foot right-of-way.
- A portion of Country Club Drive from the intersection of Country Club Drive and Country Club Court for a distance of .09 miles with a 80-foot right-of-way.

Right-of-Way Instrument Reference:

Plat Book: 26 Page: 3 and Date Recorded: June 28th 1968

BE IT FURTHER RESOLVED, this Board requests the Department to improve said streets to the prescribed minimum standards, funding said improvements with \$200,000 of County allocated funds.

BE IT FURTHER RESOLVED, this Board agrees to reimburse, within 45 days of receiving an invoice, all costs that the Department incurs to relocate existing utilities within the right-of-way that are discovered during the course of and in conflict with the construction, drawing such funds from resources other than those administered by the Department.

BE IT FURTHER RESOLVED, this Board agrees to reimburse, within 45 days of receiving an invoice, all costs that the Department incurs in the construction of necessary improvements to the road that are over and above the estimated cost of improvements or to otherwise identify an eligible source of funds administered by the Department to cover such costs.

BE IT FINALLY RESOLVED, that a certified copy of this resolution and a County check in the amount of \$ 200,000 be forwarded to the Residency Administrator of the Department.

4. Contract Award – Video Equipment Purchase – \$134,376.77

RESOLUTION

CONTRACT AWARD – VIDEO EQUIPMENT PURCHASE – \$134,376.77

WHEREAS, funds are available in the James City County Capital Improvements Plan (CIP) Fund as approved by the Board of Supervisors for FY 2014; and

WHEREAS, two Virginia Information Technologies Agency (VITA) contractors were considered for award and Digital Video Group (DVG), Inc. was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract in the amount of \$134,376.77 for the replacement of Board Room video cameras, projector, and location equipment to DVG, Inc.

5. Grant Award – Victim’s Witness Program – \$118,087

RESOLUTION

GRANT AWARD – VICTIM’S WITNESS PROGRAM – \$118,087

WHEREAS, the Commonwealth Attorney for the City of Williamsburg and James City County has been awarded a \$118,087 Federal grant from the Victim’s Witness Grant Fund (Federal share \$51,498; State share \$51,498; County match \$15,091) through the State Department of Criminal Justice Services; and

WHEREAS, this grant would fund the personnel costs of two positions to provide comprehensive information and direct services to crime victims and witnesses beginning July 1, 2013 through June 30, 2014; and

WHEREAS, the grant requires a local match of \$15,091, which is available in the Commonwealth Attorney’s General Fund account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the Special Projects/Grants Fund for FY 14 purposes described above:

Revenues:

Victim’s Witness Department of Criminal Justice	
Services (DCJS) Federal Revenue	\$ 51,498
Victim’s Witness Department of Criminal Justice	
Services (DCJS) State Revenue	51,498
James City County Matching Funds	<u>15,091</u>
Total	<u>\$118,087</u>

Expenditure:

Victim’s Witness Personnel	<u>\$118,087</u>
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6. Grant Award – Acceptance and Appropriation of Virginia Housing Development Authority FY’13 HUD Housing Counseling Grant Funds - \$20,506

RESOLUTION

GRANT AWARD - ACCEPTANCE AND APPROPRIATION OF VIRGINIA HOUSING

DEVELOPMENT AUTHORITY FY’13 HUD HOUSING COUNSELING

GRANT FUNDS - \$20,506

WHEREAS, financial assistance is available to units of local government through the Commonwealth of Virginia Housing Authority (VHDA) FY’13 HUD Housing Counseling Grant; and

WHEREAS, James City County wishes to provide VHDA homeownership education classes and housing counseling services for its residents; and

WHEREAS, \$20,506 in funds are allocated to the program, and will be expended as part of this effort; and

WHEREAS, the program is anticipated to benefit 137 persons, of which 22 will be low- and moderate-income renters, and 25 will receive pre-purchase counseling, and seven will receive mortgage default counseling, and six Homebuyer Education Classes will be held.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to accept the Virginia Housing Development Authority FY’13 HUD Housing Counseling Grant; and

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the Budget, as adopted for the fiscal year ending June 30, 2014, as follows:

Revenues:

VHDA FY 13 HUD Housing Counseling Grant	<u>\$20,506</u>
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Expenditure:

Housing Counseling	<u>\$20,506</u>
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7. Grant Award - Virginia Housing Development Authority REACH Housing Counseling and Education Grant Acceptance and Appropriation - \$18,750

RESOLUTION

GRANT AWARD - VIRGINIA HOUSING DEVELOPMENT AUTHORITY REACH HOUSING

COUNSELING AND EDUCATION GRANT ACCEPTANCE AND APPROPRIATION - \$18,750

WHEREAS, the James City County Office of Housing and Community Development currently offers

housing counseling services, including individual pre-purchase counseling, group homebuyer education seminars, and delinquent rental and mortgage assistance through the Homeless Prevention Program and a Homebuyer Club to HUD Family Self-Sufficiency participants; and

WHEREAS, the Virginia Housing Development Authority (VHDA) has made funding available to support homebuyer education and housing counseling through a VHDA REACH Housing Counseling Grant; and

WHEREAS, VHDA has awarded OHCD \$18,750 to provide these services to residents of James City County; and

WHEREAS, no local funds are required to match the grant funding.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts and appropriates the VHDA Reach Housing Counseling and Education Grant in the amount of \$18,750.

Revenues:

VHDA REACH Housing Counseling and Education Grant	<u>\$18,750</u>
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Expenditure:

REACH Housing Counseling	<u>\$18,750</u>
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8. James City County and Williamsburg-James City County Schools Memorandum of Understanding (MOU) for the School Resource Officer Program

RESOLUTION

JAMES CITY COUNTY AND WILLIAMSBURG-JAMES CITY COUNTY SCHOOLS

MEMORANDUM OF UNDERSTANDING (MOU) FOR THE

SCHOOL RESOURCE OFFICER PROGRAM

WHEREAS, the Board of Supervisors of James City County has previously approved a School Resource Officer (SRO) Program partnership between James City County and the Williamsburg-James City County (WJCC) Public Schools; and

WHEREAS, the most recent agreement between James City County and the Williamsburg-James City County Public Schools governing the operation of the SRO Program was signed on June 30, 2001; and

WHEREAS, the proposed new agreement contains necessary updates including new schools that have been added in James City County, but no substantive material changes from the previous Memorandum of Understanding (MOU); and

WHEREAS, the agreement provides that the Chief of Police of James City County has the discretion to manage the Program based on manpower needs of the Police Department.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to enter into a new MOU on its behalf, with the Williamsburg-James City County Public Schools for the purpose of continuance of the SRO Program.

9. James City County Single-User Stream Mitigation Bank

RESOLUTION

JAMES CITY COUNTY SINGLE-USER STREAM MITIGATION BANK

WHEREAS, James City County restored 2,440 linear feet of aquatic resources in an unnamed stream in the Powhatan Creek Watershed; and

WHEREAS, the stream restoration project removed a fish barrier, repaired 10-foot-deep active erosion area, restored an unstable, actively eroding stream channel to a stable condition, reconnected the stream to its flood plain, and found and preserved one of the largest Virginia Least Trillium colonies in Virginia; and

WHEREAS, the stream restoration project created a self-sustaining natural aquatic system suitable for use as a stream mitigation bank; and

WHEREAS, a 33.00-acre natural open space easement has been established for the stream restoration to protect in perpetuity; and

WHEREAS, a Mitigation Banking Instrument (MBI) was developed, describing the guidelines and responsibilities for the establishment, use, operation, and maintenance of the mitigation bank; and

WHEREAS, the MBI establishes 4,173 available stream credits and states that the credits are for the exclusive use of James City County for mitigation of stream impacts; and

WHEREAS, the US Army Corps of Engineers and the Virginia Department of Environmental Quality have approved the MBI.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that James City County endorses the establishment of a single-user stream mitigation bank and secures the 4,173 stream credits for the County's future use and growth.

BE IT FURTHER RESOLVED that the Board of Supervisors authorizes the County Administrator to sign the MBI, James City County Single-User Mitigation Bank.

3. Building F, HVAC Repair

Mr. Kennedy stated that it is concerning that the County is having HVAC issues in a building that will be only 10 years old in December. He asked if the County's specifications for air conditioning are too low. He asked if the County is looking for low bids and then paying double for it later. He stated that he understands that the County has to take the lowest bid, but the County does build for specification and are the specifications

being evaluated.

Mr. John Horne, Director of General Services, stated yes.

Mr. Kennedy stated that he would like to see, as the Board evaluates these projects, that sufficient emphasis is put on these mechanical systems to prevent the tax payers from paying for the systems twice.

Mr. Kennedy made a motion to approve Item No. 3.

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

RESOLUTION

CONTRACT AWARD – BUILDING F HVAC UPGRADE – \$345,523

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

WHEREAS, the Building F HVAC controls and equipment is within the Building F project budget; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the contract award in the amount of \$345,523 to Damuth Trane for the Building F HVAC controls and equipment.

I. PUBLIC HEARINGS

1. Disposition of Property in the Forest Heights Neighborhood Improvement Project Area

Mr. Vaughn Poller, Director of Housing and Community Development, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Ms. Jones stated that she would prefer the exchange of property in the Neighbors Drive area come back before the Board at a later date when more details are available to clarify the need to exchange the properties.

Mr. Icenhour stated that the smaller lot is the entryway to the two flag lots which is needed for the development of the flag lots.

Mr. Poller stated that is correct.

Mr. Icenhour stated that the resolution gives staff the ability to adjust property lines adjacent to the BMP pond without coming back to the Board.

Mr. Poller stated that is correct.

Ms. Jones stated she is more comfortable with the disposition now that it has been clarified.

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

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

Mr. Bradshaw stated that he wanted to disclose that he is a member of the advisory board for the local Salvation Army Corps. He stated that he has no financial interest in the exchange of the property and believes that he can fairly and impartially discharge the matter.

Mr. Bradshaw made a motion to approve the amended the version of the resolution placed on the dais this evening.

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

RESOLUTION

DISPOSITION OF PROPERTY IN THE FOREST HEIGHTS

NEIGHBORHOOD IMPROVEMENT PROJECT AREA

WHEREAS, on December 14, 2010, the Board of Supervisors of James City County, Virginia, authorized the acquisition of real property necessary to complete the Forest Heights Road and Neighbors Drive Concept Plan; and

WHEREAS, by Deed from the Salvation Army and by recordation of the subdivision plat the County will acquire that certain property shown and designated as "AREA TO BE CONVEYED TO JAMES CITY COUNTY FROM SALVATION ARMY, 36,608 S.F., 0.840 AC" on Sheet 8 of that certain plat known as "PLAT OF BOUNDARY LINE EXTINGUISHMENT AND SUBDIVISION OF LOTS 3 THRU 33 AND 35 THRU 39 AND RIGHT-OF-WAY DEDICATION, FOREST HEIGHTS NEIGHBORHOOD, PREPARED FOR: JAMES CITY COUNTY HOUSING & COMMUNITY DEVELOPMENT, POWHATAN DISTRICT, JAMES CITY COUNTY, VIRGINIA;" ("the "Salvation Army Property"); and

WHEREAS, the County has entered into agreements to convey and exchange portions of the Salvation Army Property with the owners of properties adjacent to Forest Heights Road; and

WHEREAS, the Board of Supervisors held a public hearing on August 13, 2013, to receive public comment on the disposition of all or portions of the Salvation Army Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to sign on behalf of the County, any deed, plat and all other documents necessary to convey, in whole or in part, ownership of the Salvation Army Property in the Forest Heights Neighborhood Improvement Project Area.

2. Case No. SUP-0008-2013. Flea Market, 9299 Richmond Road

Mr. Christopher Johnson, Principal Planner, addressed the Board giving a summary of the staff report included in the Agenda Packet.

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

1. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in support of the SUP application.

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

Mr. Bradshaw stated that he wanted to disclose that the applicant, Mr. John Filichko, has been a long-time client of his; however, the applicant has not consulted him in regard to this matter and he has no financial interest in the matter. He stated that he believes he can fairly and faithfully discharge the matter.

Mr. Icenhour made a motion to approve the resolution.

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

RESOLUTION

CASE NO. SUP-0008-2013. FLEA MARKET, 9299 RICHMOND ROAD

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 (the "SUP") process; and

WHEREAS, Mr. John Filichko has requested an SUP to allow for a seasonal flea market in the A-1, General Agricultural, District, located at 9299 Richmond Road, further identified as James City County Real Estate Tax Map Parcel No. 1010100004; and

WHEREAS, the proposed development is shown on a plan titled "Special Use Permit Exhibit for Flea Market, 9299 Richmond Road" dated June 17, 2013; and

WHEREAS, the Planning Commission, following its public hearing on July 3, 2013, voted 6-0 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-0008-2013 as described herein with the following conditions:

1. Master Plan: This SUP shall be valid for a seasonal flea market and accessory uses thereto (the "flea market") for operation from May 1 through October 31 and December 15 through December 24 on approximately 0.2 acre (the "Property") in the area shown as "Area for Flea Market Operation" on the master plan titled "Special Use Permit Exhibit for Flea Market, 9299 Richmond Road" dated June 17, 2013 (the "Master Plan").

Development of the Property shall be generally in accordance with the Master Plan with such minor changes as the Planning Director determines does not change the basic concept or character of the development.

2. Hours of Operation: The flea market hours of operation shall be limited to 8 a.m. to 5 p.m. Friday through Sunday.
3. Parking: Parking shall only be permitted in the area designated as "Parking Lot" on the Master Plan. Such parking areas shall be graveled or paved. All non-paved areas shall be flagged and shall be labeled with "No Parking" signs.
4. Location of Merchandise: Merchandise to be sold at the flea market may be sold only in the areas designated as "Building for Flea Market Operations" and "Outdoor Display Area" on the Master Plan.
5. Signage: All signs and sign locations shall be reviewed and approved by the Planning Director or his designee prior to final approval of any sign permit.
6. Certificate of Occupancy: A Certificate of Occupancy (CO) will be required prior to operating the flea market. A permanent CO shall be obtained within one year of approval of this SUP, or the permit shall become void.
7. Septic/Sewer Systems: A valid operation permit from the Health Department shall be maintained in order to operate the flea market. The owner shall provide verification of a valid permit on an annual basis by the end of January.
8. Term of Validity: This SUP shall be valid for a period of 48 months from the date of approval by the Board of Supervisors.
9. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

At 8:45 p.m., Mr. McGlennon recessed the Board for a brief break.

At 8:52 p.m., Mr. McGlennon reconvened the Board.

3. Case No. ZO-0005-2013, Zoning Ordinance Amendments, Corrections and Case No. SO-0001-2013, Subdivision Ordinance Amendments, Corrections

Mr. Christopher Johnson, Principal Planner, addressed the Board giving a summary of the staff report included in the Agenda Packet.

Mr. Russell Seymour, Director of Economic Development, addressed the Board providing additional specific information about the M-2, General Industrial District; as well as the Economic Development Authority's (EDA) meeting on August 8, 2013, where the EDA unanimously voted to support staff's recommendation to remove places of public assembly from the M-2 District.

Mr. Icenhour asked Mr. Seymour about the Enterprise Zone, stating that the Enterprise Zone actually encompasses multiple zoning districts. He questioned if the use of the property inside the Enterprise Zone must meet the specific requirements in order to qualify for assistance under the Enterprise Zone, regardless of the zoning.

Mr. Seymour stated that is correct, most of which have to do with capital improvement or capital investment thresholds.

As there was no other questions for staff at this time, Mr. McGlennon opened the Public Hearing.

1. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board in opposition to the lack of

transparency on the part of the County in not disclosing the mistake that was made with the M-2 ordinance revisions done previously.

2. Mr. Tim Trant, 4801 Courthouse Street, an attorney with Kaufman and Canoles representing The Peninsula Pentecostals, addressed the Board stating that his client is the contract purchaser of the property shown on the map projected up on the screen, more commonly known as the Kirby Tracts. He stated that the property is approximately 40 acres, consisting of three parcels and is across Pocahontas Trail from the Greenmount Industrial Park. He stated that his client was able to get the property under contract at the end of March, just prior to their meeting with staff on April 2 to discuss the acquisition of the property and his client's plans for the property. He stated that the principal use of the property was to be for development of a church and daycare facilities. He stated that they provided staff with a loose concept plan for the remaining residual acreage. He stated that this loose concept plan was provided to address the Comprehensive Plan designation. He stated that the property is zoned M-2, but it is designated as Mixed Use on the Comprehensive Plan. He stated that they were informed by staff that the principal use outlined was permitted by-right in the M-2 zone. He stated that he asked staff if commercial Special Use Permit (SUP) requirements would come in to play and was told that the plan would be evaluated and staff would get back in touch. He stated that staff contacted him on April 29 to say that a rezoning of the property was a "non-starter," staff did not see a tax-exempt use as the proper use of that property and wanted to see it preserved for M-2 heavy industrial use, notwithstanding that that is inconsistent with Comprehensive Plan Map designation of Mixed Use. However, staff stated that a more constrained use and development of just a church and daycare is permitted by-right.

Mr. McGlennon interjected stating that the five minute time limit for speakers during a Public Hearing had expired. He asked if Mr. Trant was representing the group as a whole.

Mr. Trant stated that yes he represents The Peninsula Pentecostals and would respectfully request to be treated as the applicant in this case.

Mr. McGlennon stated that there is no applicant in this case because it is a zoning ordinance amendment. He stated that Mr. Trant can represent the group and receive 15 minutes, but that would mean that the members would not speak. He stated that he has received several speaker cards from church members wishing to speak.

Mr. Trant respectfully asked that their voices be heard as well.

Mr. McGlennon stated that Mr. Trant would need to conclude his comments.

Mr. Trant requested to be granted a few more minutes to give important context to the decision.

Mr. McGlennon stated that he understands, but that this case not about a single application. He stated that if Mr. Trant is speaking as the representative of the group, then he is the representative of the group.

Mr. Trant asked if he speaks as the representative, then the Board will not allow any of the church members to speak.

Mr. Kennedy asked for a point of order. He stated that he recalls in the past that a representative of a group has spoken and then other members of the group have been allowed to speak as well.

Mr. McGlennon asked if Mr. Kennedy could provide an example.

Mr. Kennedy stated that Mr. Halderman has spoken several times on behalf of the James City County Citizens Coalition (J4C) and then other members of the J4Cs have spoken as well.

Mr. McGlennon stated not for the 15 minutes granted to a group representative.

Mr. Kennedy stated yes, Mr. Halderman has and so have others. He stated that there has always been a loose definition of a group and clarity has been requested before, but the Board has not followed through on it. He stated that for clarity's sake it has been done in the past.

Ms. Jones requested a point of order as well. She stated that while the case tonight is about a zoning ordinance change, there is a conceptual plan that has been filed with the County that will be directly impacted by the decision made tonight.

Mr. McGlennon stated that his question is about the allocation of time allowed during the public hearing. He asked that Mr. Trant try to condense his comments, since the Board members have received and read the materials sent to them by Mr. Trant and therefore move along to the other speakers.

Mr. Trant stated that when he and his client were contacted by staff, at the conclusion of their deliberations, there was no mention of a mistake in the ordinance or that his client should proceed cautiously by-right. He stated that the only conclusion from the conversation was that his client should begin preparing a site plan for development of the property. He stated that it was at that point that his client began expending and investing considerable time, energy, and resources in a by-right development approach of the property. He stated at this point, to step back and apply for a rezoning of the property is not a reasonable outcome of this situation. The time, energy, and resources already expended by his client cannot be gotten back, or recycled for a rezoning case. He stated that in terms of the church's budget, tens of thousands of dollars lost is tremendous. He stated that the only way for the church to receive any equity as an outcome of this situation is to allow the church to proceed by-right. He stated that he has proposed, in the correspondence reference by Mr. McGlennon earlier, several options to do that. One would be to grandfather the original conceptual plan proposed by the church. Another would be for the County, on its own initiative, to begin a rezoning of the 25-acre parcel to M-1. He stated that instead of engaging in an open dialogue with the church about how to resolve this issue, the County decided unilaterally to exploit the powers of government against the interests of the church's time, energy, and resources.

3. Mr. Jared Arango, 901 Wynstone Court, Newport News, lead Pastor of The Peninsula Pentecostals, addressed the Board in regard to the work of the church and the positive impacts the church have made in the community. He requested that the Board consider the options proposed by Mr. Trant that would make this situation right and would allow the church to use this piece of property.

4. Mr. David Green, 206 Carters Neck Road, addressed the Board requesting that the church be allowed to proceed by-right on the property and speaking to the personal and familial benefits of the church.

5. Ms. Diane Green, 201 Britannia Drive, addressed the Board speaking about the personal benefits of being a member of church, as well as the potential benefits to the community of Grove.

6. Mr. Bennett Weidemann, 204 Linden Court, Yorktown, addressed the Board discussing the potential impacts and influence of the church on the Grove community and requesting that the Board allow the church to proceed by-right.

7. Mr. Benjamin Farmer, III, 8386 Mohawk Lane, Gloucester, addressed the Board speaking to the personal influence of the church and the positive impacts of the church on the community of the peninsula.

8. Ms. Diana Peters, 413 Wrought Iron Bend, Yorktown, addressed the Board speaking to the personal influence of the church and the positive impacts of the church on the community, especially the

children of the community.

9. Ms. Clarissa Buckley, 7746 Farmwood Road, Gloucester Point, addressed the Board speaking to the impacts of the church on the community and the children of the community.

10. Ms. Brianna Green, 201 Britannia Drive, addressed the Board speaking to the positive impacts of the church on the children and youth of the community.

11. Mr. John McSherry, 818 Enos Court, Newport News, Church Administrator, addressed the Board stating that a house of worship is the highest and best use of any piece of land and believes that is why churches are protected and allowed to proceed by-right.

12. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in opposition to removing places of public assembly from the M-2 ordinance, stating what is done is done and it should be left the way it is now.

13. Ms. Shandra Dunn, 4600 Prince Trevor Drive, addressed the Board requesting that the Board act in good faith with the citizens by allowing the church to proceed by-right as they were told to by staff.

14. Mr. Stephen Barrs, 185 Barrett Place, addressed the Board stating that he and other business owners in Greenmount Industrial Park are supportive of the church and he expressed concern over the actions of the County.

15. Mr. Douglas Beck, 9915 Swallow Ridge, addressed the Board stating that in this area, where the foundation of our country goes hand in hand with churches, it would be disheartening to see a church's by-right use superseded for economic gain.

16. Mr. Donald Patten, 139 West Landing, the Managing Partner of Greenmount Associates and the seller of the property being discussed, addressed the Board stating that the Board should be considering the compatibility of the use proposed to the surrounding area, the question of access, and the credibility of this governing body.

17. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board stating that the process about this ordinance change is lacking transparency and is not right.

18. Ms. Marjorie Ponziani, 4852 Bristol Circle, addressed the Board stating that it is disturbing that the ordinance change is being proposed after the fact and that citizens should be concerned that an ordinance change could come at any time and change their life.

19. Mr. Ed Oyer, 139 Indian Circle, addressed the Board stating that this is a precedent setting event for the uses of the limited M-2 zoned land in the County.

20. Ms. Michelle Rushalow, 103 Indian Circle, addressed the Board speaking to the personal impact of the church and the potential influence on the community of Grove.

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

Ms. Jones stated that for the benefit of the public, she served on the Planning Commission previously, so she is very familiar with the ordinances, the Comprehensive Plan, and land use issues. She stated that there have been several reviews and revisions of the ordinances since 2011. She acknowledges that people make mistakes, but how this mistake was communicated to the parties involved, and the public, is very concerning to

her. She stated that she had asked the County Attorney if the ordinance is changed, could this application that was started prior to the change, be grandfathered in. She stated that the response she received from the County Attorney is that it is not possible. She stated that her interest is to work with the church because they have invested a lot of time and resources on an application in good faith based on the conversations with staff. She stated that in the interest of full disclosure, she spoke to Mr. Trant this afternoon and she completely understands their perspective in not wanting to file for a rezoning when they were told, by staff, from the beginning, that a rezoning was a non-starter. She stated that she believes the church is an appropriate use of the land; yes, it is zoned M-2, but it is also designated on the Comprehensive Plan as Mixed Use. She stated that you can look at the investment in dollars and sense, or you can look at the investment that the church is making in the people and the community. She stated that she supports the ordinance recommended by the Planning Commission which keeps places of public assembly in the M-2 district; however, she would also be supportive of staff's recommendation to remove place of public assembly in the M-2 district if the church is allowed to move forward and its application grandfathered in.

Mr. Kennedy stated that all people are capable of making mistakes, he admitted to making one this evening. He stated that there was an issue back in 2011 and he and Mr. Icenhour both called for a review of the ordinances and to look very carefully at the land use of the particular zoning districts to make sure they are compatible. He stated that he had the assumption that it was done. He stated that there are a lot of housekeeping items in the ordinance amendment as well, but he believes those are nothing more than an attempt to hide what is really going on with this ordinance. He stated that the County has encouraged applicants to come in and meet with the staff to discuss their ideas and plans, prior to submitting a formal application. He stated this is encouraged for several reasons, including: perceptions may be wrong on either side of the table; and the County wants to see the process move along at a reasonable pace. He stated that he believes that this is what the church and their representation did. He stated that they met with staff and a variety of issues were discussed including that the County felt the scope of the project was too large and some of the uses were not compatible. The question was then raised, what does the County feel is compatible. After several weeks of deliberations, staff came back to the church and said that the plan for the church and the daycare was a by-right use. He stated that if there was a mistake there, then one of the things the Board needs to look at is to do no harm. He stated that he has concerns over the notification process and believes that if an ordinance change is going to be made, that landowners in the affected areas should be notified. He stated that it should not be assumed that landowners are going to read a notice in the Virginia Gazette or the Daily Press. He stated that in 2011 this mistake should have been corrected. He stated that there is a lot of blame that could go around but everyone missed this mistake. He stated that he could be supportive of carving this piece out, he is supportive of making this situation with the church right, but he is not supportive of opening the door to allow all of the other M-2 property to be carved up into uses not originally intended. He asked staff if this property could be cut out and abutted, and made M-1. He stated he understands the precedence, but the County has made mistakes in this situation and they should be corrected.

Mr. Rogers stated that he would address both questions. He stated that grandfathering is different than a vested right. With a vested right, the landowner has received some significant governmental approval; however, the concern with grandfathering is that there is a contract on the property and contracts on land do not necessarily give any additional rights or vesting of rights under the zoning ordinances. He stated that it is difficult for staff to consider granting a grandfathering request, because there has not been the significant and detailed step of submitting an application by the church.

Ms. Jones stated that the church has submitted a conceptual plan.

Mr. Rogers stated that in regard to question of carving out these pieces of property these are appropriate decisions for the Board to be considering. He stated that yes, the Board could carve out a piece of property and identify it by different zoning, but that cannot be done tonight because all that is in front of the Board is an ordinance amendment. He stated that the property owner, or the Board, would have to initiate a re-

zoning process for the property. He stated that it would have to go through the proper process and then come back before the Board.

Mr. Middaugh stated that he would like to point out that staff has maintained and tried to communicate that the ordinance would affect all of the property in the County with the M-2 designation, not just this one piece of property. He stated that staff has represented to the church, that the best solution for this particular piece of property is a rezoning. He stated that one of the things most concerning, is that if the church is allowed to proceed by-right, then the Board has no recourse to deal with the impacts associated with that use; for example, traffic on Route 60.

Mr. Kennedy asked in the case of a rezoning of the property, who initiates that process. He stated that the expense that the church has incurred already is a concern for him; and if the County erred, which he believes it did, then how does the County make it right. It is a sense of right and wrong, and it does not matter that it is a church; it would be the same if it was a business and the situation needs to be made right.

Mr. Bradshaw stated that if the question was that the Kirby Tract is a good location for the church, or that Grove is the best location for the church, or that the Kirby Tract should be rezoned, then a strong case has been made for those questions. However, the question before the Board is should the M-2 ordinance be revised to include more industrial uses, that were excluded by mistake and to exclude some non-industrial uses that were included by mistake. He stated that there seems to be universal agreement that had there not been a proposal for a church in the zone that the changes to the ordinance by staff would be universally accepted. He stated that he has not heard a compelling argument that churches are a suitable and compatible use for the M-2 zone and that is the question before the Board. He stated that there is an expression used by lawyers that hard decisions make bad laws. This is the situation that the Board finds itself in tonight. Because of the proposal for this church, and perhaps because of the way the situation was handled, there is a specific outcome that the Board would like to reach. However, in order to reach that outcome, some rules would have to be changed and that would cause problems down the road and would be a bad law. He stated that the change to the ordinance tonight would apply to all of the land in the M-2 zone, not just the specific parcel that the church wants to use. He stated that when he looks at how the church has been harmed by this situation, he agrees that there has been material harm done. However, he is under the impression that the church has been looking at this piece of property for years and up until about a year ago the land would have had to be rezoned. He stated that his understanding is that the land contract was signed under the assumption that it would have to be rezoned. He stated that he wishes the situation was handled a little bit differently, that the church had been promptly notified when the decision was made to make the corrections to this ordinance. However, he does not believe that those actions are enough to warrant an accommodation with the ordinance. He stated that he does agree that the proper accommodation would be for the church to pursue a rezoning of the property. He stated that he believes that the Board should proceed with the change to the ordinance and the church should proceed with a request to have the property rezoned, which the church knew might be necessary all along.

Mr. Icenhour stated that he respects the candor that he has heard tonight from the church members. However, the Board is focused on a much narrower issue this evening. He stated that the Board is having to weigh and balance the harm done to the church with the harm done to the general public's interest. He stated that the Board is here to represent all of the citizens of the County. In regard to the process, this property has been on the market for a long time and the church has been looking at this property since 2005. From 2005 until recently, the church has always known that the property would have to be rezoned. He stated that he shares Mr. Kennedy's concerns over the process with this ordinance. He stated that when the Board voted on the revisions to the ordinance in January of 2012, there were mistakes in the ordinance that he was not aware of until later. He stated that there was no conscious decision when the ordinance was revised, to allow a by-right use. He stated that he believes the mistake caused an unintentional benefit, an opportunity. He stated the Board has to balance precedence and the making of good laws versus bad laws. He stated that the Board has to look at the compatible and intended uses for the M-2 zone and those decisions have nothing to do with whether

or not the piece of property that the church is interested in should be zoned M-2. He stated that there is a lot of property around the County that is zoned improperly according to the Comprehensive Plan. Bringing the property into compliance with the Comprehensive Plan is achieved through a rezoning and legislative process so that the adverse impacts can be weighed and addressed.

Mr. Middaugh stated that he would like to clarify the reaction of staff that was noted by Mr. Trant. He stated that the negative reaction from staff was in regard to a conceptual plan of 40 acres of Mixed Use development. Mr. Trant has stated this evening that the plan has been drastically scaled back and would just include the 25-acre parcel for the church and the daycare. He stated that an application for the 25-acre parcel would be met with a different reaction from staff.

Ms. Jones stated that the church came to the County to talk about a rezoning for the 40 acres to Mixed Use and they were told it was a “non-starter.” She said that the church did not come to the County for a by-right use initially.

Mr. McGlennon stated that he is very appreciative of the respectful and educational way in which the church has addressed this matter. He stated that it leaves a lasting impression. He stated that everyone has known from the beginning that this property would require legislative action, a rezoning. He stated that the issue before the Board has been well discussed this evening. He stated that is supportive of staff’s recommendation on the ordinance, but he is also willing to sit down with the church to talk about its plans for the property and a rezoning application. He stated that he would make no guarantees as far as his support of a rezoning application, because it would be weighed against the impacts on the rest of the citizens. He stated he believes that the Board should take action on the ordinance to bring it back to the intention of the M-2 zone.

Mr. Bradshaw made a motion to approve the staff recommended revision to the ordinance.

Ms. Jones stated that she earlier said that she would support the Planning Commission’s version of the ordinance. She stated that she feels like the Board is changing the rules in midstream and adversely impacting an applicant that has a conceptual plan on file with the County. She stated that she supports the church moving forward with its plan by-right.

Mr. Kennedy stated that he would not be supporting staff’s recommendation on the ordinance. He stated that this situation is a muddled mess between M-1 and M-2. He stated that the church will be affected and it has not been made right.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Bradshaw, Mr. McGlennon (3). NAY: Mr. Kennedy, Ms. Jones (2).

At 11:24 p.m., Mr. McGlennon recessed the Board for a short break.

At 11:29 p.m., Mr. McGlennon reconvened the Board.

J. BOARD CONSIDERATION

1. Consideration of Amendment to Contracts

a) County Administrator

Mr. Middaugh stated that he would like to give an explanation about his Severance Package, because it seems to not be understood very well considering the article in the newspaper. He stated that his Severance

Package is part of the Employment Agreement that was negotiated by him and the Board when the Board hired him to be the County Administrator. He stated that employment agreements are very common for City Managers and County Administrators. He stated that it is also very common for Chief Administrative Officers in our population bracket, more than 80 percent, have a Severance Package in the Employment Agreement. He stated that it provides a severance payment if he is fired without cause. He stated that there are many reasons why the Board could fire him and he would not get a severance payment. He stated that if he retires, takes another job, or the Board has a reason to fire him then he would get nothing. He stated that what he is proposing to change is the language in the Severance Agreement so that on day one after the first six months, instead of paying out a lump sum, that the amount be split and paid out on a month-to-month basis. This means that if he were to find a job, then the monthly payment would stop. He stated that if his position is to be compared to private business, there is only one County Administrator in James City County, so in order for him to find another job he would have to move and that is a substantial consideration for him. He stated that on a practical matter, the hiring process for County Administrators is a long process, due to the public consideration, and typically takes a year.

Mr. Bradshaw stated that unlike severance packages in the private sector that are based on longevity and are typically paid out when there is a reduction in workforce, the County Administrator is a unique position with unique jeopardies and risks that are not seen in the private sector.

Mr. McGlennon stated that the Board did have an opportunity to discuss the performance of the County Administrator during Closed Session. He stated that the Board expressed its appreciation for the performance of the County Administrator and his handling of some very difficult issues. He stated that while there may be differences in opinion on the compensation issue, it is fair to say that the Board is very satisfied with the performance of the County Administrator.

Mr. Icenhour stated that he is very satisfied with the performance of the County Administrator and the County Attorney and believes it should be recognized.

Ms. Jones stated that she has not supported the employee pay raises and she is not supportive of this change as well. She stated that many citizens are still going through hard times and many do not have retirement plans or severance packages. She stated that she believes the Board should continue to be cautious with salaries for employees of local government that are paid for by the citizens.

Mr. Kennedy stated that he is not supportive of the change to the severance package. He stated that it is longer in length than others that he has seen. He stated that the County Attorney and the County Administrator did not take a bonus the last two years when the rest of the employees received one. He stated that he cannot be supportive of the severance package.

Mr. McGlennon stated that the severance package was included in the original employment agreement that he and Mr. Kennedy worked on for the Board to present to Mr. Middaugh. He stated that this restructuring of the severance package actually is in the best interest of the County. Mr. McGlennon stated that as long as the Board and the County Administrator maintain a good, working relationship there will never be a need for the severance package.

Mr. Bradshaw made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Bradshaw, Mr. McGlennon, (3). NAY: Mr. Kennedy, Ms. Jones, (2).

RESOLUTION

AMENDING EMPLOYMENT AGREEMENT FOR MR. ROBERT C. MIDDAGH

WHEREAS, Mr. Robert C. Middaugh has an employment agreement with James City County engaging his services as the County Administrator; and

WHEREAS, the various terms and conditions of Robert C. Middaugh's employment are spelled out in said employment agreement; and

WHEREAS, upon successful completion of Robert C. Middaugh's annual evaluation, the Board and Mr. Middaugh have agreed that certain amendments to the employment agreement are desired and appropriate.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the employment agreement with Mr. Middaugh to serve as the County Administrator for James City County as follows:

1. Section 7 of the agreement titled Retirement, in Subsection B, is amended from a 5.5 percent contribution by the County to either a 401(C) plan or 457 plan of the employees choosing to a contribution of 8.5 percent.
2. Section 10 of the agreement titled severance, shall be amended in Subsection B, to read "If the Employee is terminated pursuant to Section 9, then the Employer shall maintain Employee on Employer's payroll for the earlier of six (6) months or until the Employee accepts and commences other employment. All benefits defined in this Agreement shall continue during the above-referenced period. In addition, in the event Employee does not accept other employment by the expiration of the six (6) month period, Employer shall pay to Employee, one month of the Employee's previous base salary in a lump sum until the earlier of six (6) months or until the Employee accepts and commences other employment."

b) County Attorney

Mr. McGlennon stated that the Board was very pleased with the performance of the County Attorney and the amount of work that the Board asked him to take on this year. Mr. McGlennon stated that he would like to move that the County Attorney receive a 3% pay raise, a 0.5% increase to deferred compensation, and a commitment to a 0.5% increase each year based on a superior performance rating. He stated that he would also move that the County Attorney be included in the Compensation Study that is currently going to be done by staff.

Mr. Rogers stated that there is an issue of a prior increase to deferred compensation that was promised in 2008.

Mr. McGlennon stated yes. He stated that the motion would be a 3% pay raise, a 1% increase to deferred compensation for this year, and a commitment to a 0.5% increase to deferred compensation each year that a superior performance rating is received; as well as, inclusion in the Compensation Study. Mr. McGlennon stated that the Board had promised Mr. Rogers an increase in his deferred compensation in 2008, but due to the economic downturn, was unable to fulfill that commitment.

Mr. Kennedy asked if the 1% increase to deferred compensation this year would bring Mr. Rogers up to the level that he was promised back in 2008.

Mr. Rogers stated that the 1% would bring him up to what he was promised in 2008. He stated that he suggested the 0.5% increase be given each for superior performance evaluation instead of longevity. He stated that it would be his hope that after this year, he would receive the 1% for what was promised, the 0.5% for the superior performance rating, and the 3% which is the County raise.

Mr. Bradshaw stated that if the 1% had been promised previously that does not take into account what has been determined to be a superior performance this year, so the number for this year would be a 1.5% increase to the deferred compensation. Mr. Bradshaw stated that motion would then be a 3% pay increase, a 1.5% increase to deferred compensation, with a commitment to 0.5% increase each year following a superior performance rating, and included in the Compensation Study.

Mr. Kennedy stated that he has an issue with the inclusion in the Compensation Study. He stated that he was not in favor of the study to begin with.

Mr. McGlennon stated that he would have no issue with splitting the motion and voting separately on the Compensation Study component.

Mr. McGlennon stated that the motion would then be a 3% pay raise, a 1.5% increase in deferred compensation this year, and a commitment to a 0.5% increase in deferred compensation for each year a superior performance evaluation is received.

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

Mr. McGlennon stated that the second motion would be to include the County Attorney in the Compensation Study being conducted by the County.

Ms. Jones stated that there was a significant shift in the economy. She stated that her stance is to be respectful to the citizens of the County. She stated that she did not support the pay raise, and she did not support the Compensation Study either.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Bradshaw, Mr. McGlennon (3). NAY: Mr. Kennedy, Ms. Jones (2).

K. PUBLIC COMMENTS

1. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board expressing his displeasure at the actions of the Board during the meeting.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh stated that Kidsburg will be reopening on Thursday, August 29, 2013. The ribbon-cutting ceremony will begin at 11:00 a.m.

M. BOARD REQUESTS AND DIRECTIVES

1. Consideration of a Personnel Matter, the Appointment of Individuals to County Boards and/or Commissions Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
 - a) Social Services Advisory Board

Mr. Bradshaw made a motion to reappoint Ms. Teresa Christin to the Social Services Advisory Board.

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

Mr. Icenhour stated that he would be attending the VACo summer meeting beginning on Friday, August 16th. He stated that the various committees would be meeting to begin drafting the legislative agenda that will be distributed to the counties in September and the Board can discuss it and make recommendations back to VACo.

Mr. McGlennon stated that he has been asked by members of the Roberts District to find a way to recognize the service of Mr. Abram Frink. He stated that he will be asking the Board that the James River Community Center be named in his honor.

N. ADJOURNMENT – to 7 p.m. on September 10, 2013, for the Regular Meeting

Mr. Bradshaw made a motion to adjourn.

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

At 11: 58 p.m., Mr. McGlennon adjourned the Board.

Robert C. Middaugh
Clerk to the Board

MEMORANDUM COVER

Subject: Abandonment and Dedication of Portions of Route 746 and US 30

Action Requested: Shall the Board approve the resolution that abandons and dedicates portions of streets and associated right-of-way to the Virginia Department of Transportation (VDOT)?

Summary: The following submittal contains the necessary documents for the street dedication and abandonment process. Included are the Board memorandum, resolution, a location map of the proposed roads and the VDOT AM-4.3. The improvements were required as a part of the White Hall Subdivision.

Staff recommends approval of the attached resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell DP

County Administrator

Robert C. Middaugh [Signature]

Attachments:

1. Memorandum
2. Resolution
3. Location Map
4. VDOT AM-4.3

Agenda Item No.: H-2

Date: September 10, 2013

M E M O R A N D U M

DATE: September 10, 2013

TO: The Board of Supervisors

FROM: Scott J. Thomas, Engineering and Resource Protection Director

SUBJECT: Abandonment and Dedication of Portions of Route 746 and US 30

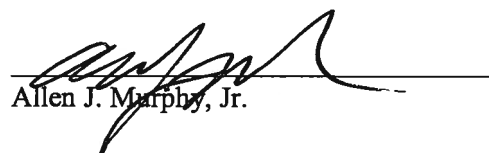
Attached is a resolution requesting abandonment of a portion of a previously dedicated right-of-way and acceptance of two sections of a street into the State Secondary Highway System. The streets proposed for abandonment are two sections of Route 746 and US 30 which are a total of .03 miles that were reconfigured as a result of the White Hall Development. The two sections proposed for acceptance are the new portions of Route 746 and US 30 which are a distance of .04 miles. A sketch created by the Virginia Department of Transportation (VDOT) has been included to illustrate the changes. These streets have been inspected and approved by representatives of the Virginia Department of Transportation as meeting the minimum requirements for secondary roadways.

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

Staff recommends adoption of the attached resolution.


Scott J. Thomas

CONCUR:


Allen J. Murphy, Jr.

SJT/gb
Rt746US30Aban_mem

Attachments

RESOLUTION

ABANDONMENT AND DEDICATION OF

PORTIONS OF THE RIGHT-OF-WAY FOR ROUTE 746 AND US 30

WHEREAS, the White Hall Development Project modified the intersection of Route 746 and US 30 as well as the intersection of Route 746 and Route 1155 and has been completed; and

WHEREAS, the project sketch and the Virginia Department of Transportation (VDOT) Form(s) AM4.3, attached and incorporated herein as part of this resolution, defines adjustments required in the Secondary System of State highways as a result of construction; and

WHEREAS, certain segments identified on the incorporated Form AM4.3 appear to no longer serve public convenience and should be abandoned as a part of the Secondary System of State Highways; and

WHEREAS, certain segments identified on the incorporated Form AM4.3 are ready to be accepted into the Secondary System of State Highways.

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to take the necessary action to abandon those segments identified on the attached AM4.3 Form and project sketch as a part of the Secondary System of State Highways, pursuant to § 33.1-155, Code of Virginia, 1950, as amended.

BE IT FURTHER RESOLVED that this Board requests the Virginia Department of Transportation to add the segments identified on the incorporated Form AM4.3 to the Secondary System of State highways, pursuant to § 33.1-229 of the Code of Virginia, for which sections this Board hereby guarantees the right-of-way to be clear and unrestricted, including any necessary easements for cuts, fills, and drainage.

BE IT FINALLY RESOLVED that a certified copy of this resolution be forwarded to the Virginia Department of Transportation.

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	_____	_____	_____
BRADSHAW	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of September, 2013.

Rt746US30Aban_res



Code

- Existing Roads
- Abandonment of Rt 746
- Addition to Rt 1155



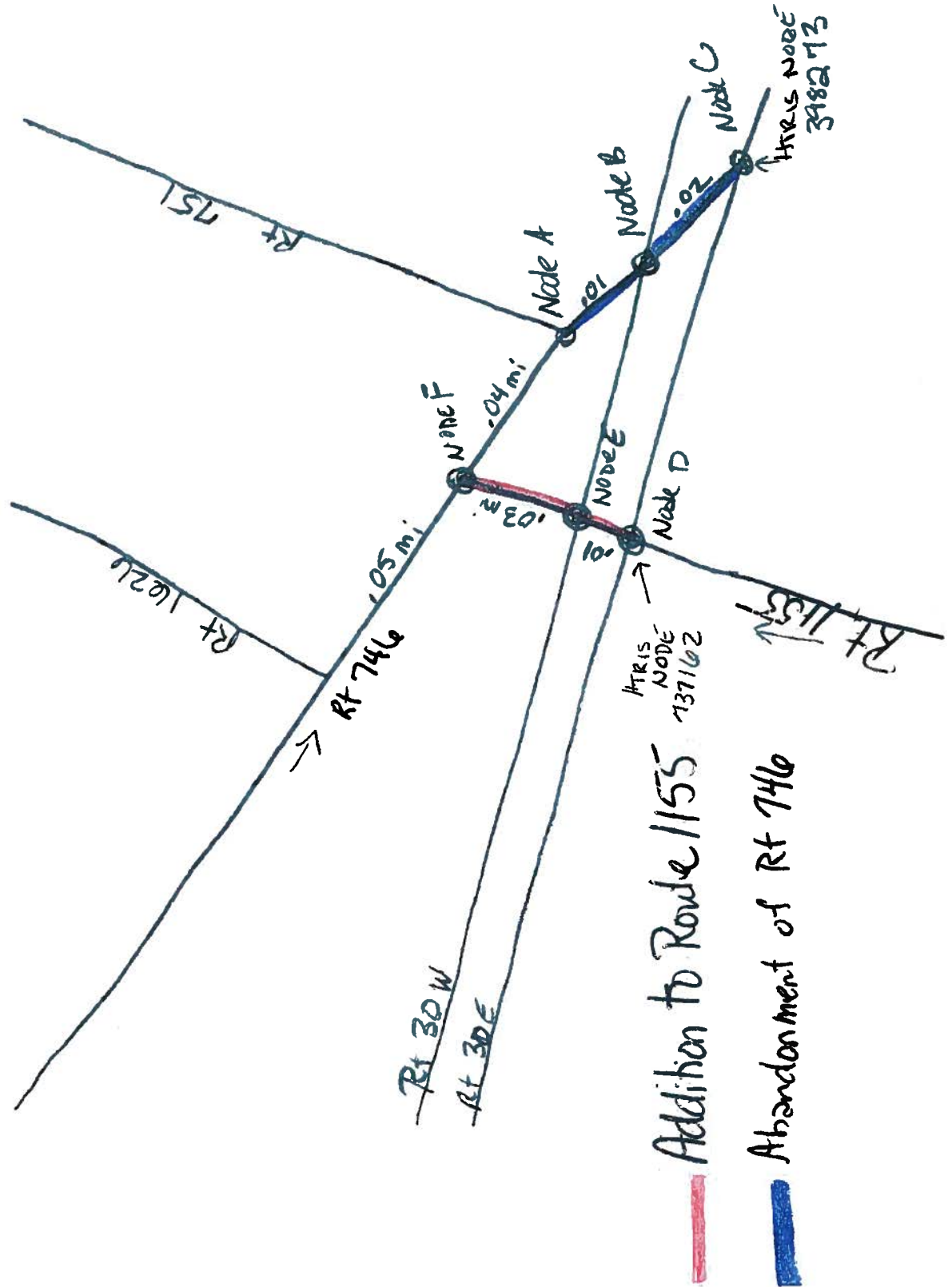
James City County

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be.

Path: M:\Departments\Environmental\Street Dedication\Old_Stage_Rd.mxd Date: 8/27/2013

James City County
Williamsburg
Residency

Whitehall Development Project



In the County of James City

By resolution of the governing body adopted September 10, 2013

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

A Copy Testee

Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision Rt 746, 1155 (School House Road)
Intersection with Rt 30

Type Change to the Secondary System of State Highways: Abandonment

The following facilities of the Secondary System of State Highways are hereby ordered abandoned, pursuant to the statutory authority cited:

Reason for Change: Developer Project - Section 33.1-155

Pursuant to Code of Virginia Statute: §33.1-155

Street Name and/or Route Number

◆ , State Route Number 746

Old Route Number: 0

-
- From: Route 746 Intersection with Route 30W (Node B)

To: Rt 746 intersection with Rt 30E (Node C), a distance of: 0.02 miles.

Street Name and/or Route Number

◆ , State Route Number 746

Old Route Number: 0

-
- From: Rt 746 Intersection with Rt 751 (Node A)

To: Route 746 Intersection with Route 30W (Node B), a distance of: 0.01 miles.

Report of Changes in the Secondary System of State Highways

Project/Subdivision Rt 746, 1155 (School House Road)

Intersection with Rt 30

Type Change to the Secondary System of State Highways: Addition

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

Reason for Change: Developer relocated VDOT roadway

Pursuant to Code of Virginia Statute: §33.1-229

Street Name and/or Route Number

◆ , State Route Number 1155

Old Route Number: 0

-
- From: Rt 1155 intersection with Rt 30E (Node D)

To: Rt 1155 intersection with Rt 30 W (Node E), a distance of: 0.01 miles.

Recordation Reference: N/A

Right of Way width (feet) = 0

Street Name and/or Route Number

◆ , State Route Number 1155

Old Route Number: 0

-
- From: Rt 1155 intersection with Rt 30 W (Node E)

To: Route 1155 .03 mi N to intersection with Rt 746 (Node F), a distance of: 0.03 miles.

Recordation Reference: N/A

Right of Way width (feet) = 0

MEMORANDUM COVER

Subject: Department of Motor Vehicles Grant Award - Alcohol Enforcement - \$22,095

Action Requested: Shall the Board approve the resolution to accept the Virginia Department of Motor Vehicles (DMV) Alcohol Enforcement grant award?

Summary: The James City County Police Department (JCCPD) has been awarded a highway safety grant from DMV's Highway Safety Office for \$22,095. Funds in the amount of \$620 will be used for training and conferences, \$2,995 will be used for the purchase of a Laser Interferometry Detection and Ranging LIDAR, and the balance will be used for overtime pay for traffic enforcement focusing on impaired driving.

Staff recommends adoption of the attached resolution.

Fiscal Impact: N/A

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: September 10, 2013

M E M O R A N D U M

DATE: September 10, 2013

TO: The Board of Supervisors

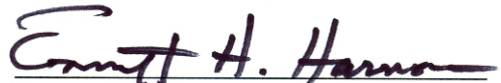
FROM: Emmett H. Harmon, Police Chief

SUBJECT: Department of Motor Vehicles Grant Award - Alcohol Enforcement - \$22,095

The James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$22,095. The funds are to be used toward traffic enforcement overtime and related training and equipment. Funds in the amount of \$620 will be used for training and conferences, \$2,995 will be used for the purchase of a Laser Interferometry Detection and Ranging LIDAR (used to detect the speed of a vehicle), and the balance will be used for overtime pay for traffic enforcement focusing on impaired driving. The grant requires only an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties. These funds will not take the place of budgeted expenses.

The DMV typically administers three recurring annual grants passed through the National Highway Transportation Safety Administration for the purpose of supporting statewide goals in enforcing highway safety laws. Each grant has a different enforcement focus area including alcohol, speed, and occupant protection. The Department has been awarded grants in each of the focus areas.

Staff recommends adoption of the attached resolution.


Emmett H. Harmon

EHH/gb
AlcoEnfoGrant_mem

Attachment

RESOLUTION

DEPARTMENT OF MOTOR VEHICLES GRANT AWARD -

ALCOHOL ENFORCEMENT - \$22,095

WHEREAS, the James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$22,095; and

WHEREAS, funds in the amount of \$620 will be used for training and conferences, \$2,995 will be used for the purchase of a LIDAR, and the balance will be used for overtime pay for traffic enforcement focusing on impaired driving; and

WHEREAS, the grant requires only an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$22,095 grant awarded by the Virginia DMV.

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

Revenue:

FY14 DMV - Alcohol Enforcement	\$22,095
--------------------------------	----------

Expenditure:

FY14 DMV - Alcohol Enforcement	\$22,095
--------------------------------	----------

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	___	___	___
BRADSHAW	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of September, 2013.

MEMORANDUM COVER

Subject: Department of Motor Vehicles Grant Award - Occupant Protection - \$4,620

Action Requested: Shall the Board approve the resolution to accept the Virginia Department of Motor Vehicles (DMV) Occupant Protection grant award?

Summary: The James City County Police Department has been awarded a highway safety grant from DMV's Highway Safety Office for \$4,620. The funds are to be used toward traffic enforcement overtime where officers will focus on the enforcement of laws related to proper use of occupant restraints.

Staff recommends adoption of the attached resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell DP

County Administrator

Robert C. Middaugh [Signature]

Attachments:

1. Memorandum
2. Resolution

Agenda Item No.: H-4

Date: September 10, 2013

M E M O R A N D U M

DATE: September 10, 2013

TO: The Board of Supervisors

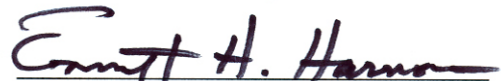
FROM: Emmett H. Harmon, Police Chief

SUBJECT: Department of Motor Vehicles Grant Award - Occupant Protection - \$4,620

The James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$4,620. The funds are to be used toward traffic enforcement overtime where officers will focus on the enforcement of laws related to proper use of occupant restraints. The grant requires only an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties. These funds will not take the place of budgeted expenses.

The DMV typically administers three recurring annual grants passed through the National Highway Transportation Safety Administration for the purpose of supporting statewide goals in enforcing highway safety laws. Each grant has a different enforcement focus area including alcohol, speed, and occupant protection. The Department has been awarded grants in each of the focus areas.

Staff recommends adoption of the attached resolution.


Emmett H. Harmon

EHH/gb
OccuProtGrant_mem

Attachment

RESOLUTION

DEPARTMENT OF MOTOR VEHICLES GRANT AWARD -

OCCUPANT PROTECTION - \$4,620

WHEREAS, the James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$4,620; and

WHEREAS, funds are to be used toward traffic enforcement overtime where officers will focus on the enforcement of laws related to proper use of occupant restraints; and

WHEREAS, the grant requires only an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$4,620 grant awarded by the Virginia DMV.

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

Revenue:

FY14 DMV – Occupant Protection Enforcement \$4,620

Expenditure:

FY14 DMV – Occupant Protection Enforcement \$4,620

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	_____	_____	_____
BRADSHAW	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of September, 2013.

OccuProtGrant_res

MEMORANDUM COVER

Subject: Department of Motor Vehicles Grant Award - Speed Enforcement - \$15,708

Action Requested: Shall the Board approve the resolution to accept the Virginia Department of Motor Vehicles (DMV) Speed Enforcement grant award?

Summary: The James City County Police Department has been awarded a highway safety grant from DMV's Highway Safety Office for \$15,708. The funds are to be used toward speed traffic enforcement overtime.

Staff recommends adoption of the attached resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell



County Administrator

Robert C. Middaugh



Attachments:

1. Memorandum
2. Resolution

Agenda Item No.: H-5

Date: September 10, 2013

M E M O R A N D U M

DATE: September 10, 2013

TO: The Board of Supervisors

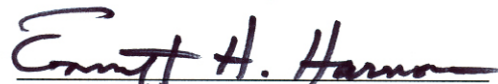
FROM: Emmett H. Harmon, Police Chief

SUBJECT: Department of Motor Vehicles Grant Award - Speed Enforcement - \$15,708

The James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$15,708. The funds are to be used toward speed traffic enforcement overtime. The grant requires only an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties. These funds will not take the place of budgeted expenses.

The DMV typically administers three recurring annual grants passed through the National Highway Transportation Safety Administration for the purpose of supporting statewide goals in enforcing highway safety laws. Each grant has a different enforcement focus area including alcohol, speed, and occupant protection. The Department has been awarded grants in each of the focus areas.

Staff recommends adoption of the attached resolution.


Emmett H. Harmon

EHH/gb
SpedEnfoGrant_mem

Attachment

RESOLUTION

DEPARTMENT OF MOTOR VEHICLES GRANT AWARD -

SPEED ENFORCEMENT - \$15,708

WHEREAS, the James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$15,708; and

WHEREAS, funds are to be used towards speed traffic enforcement overtime; and

WHEREAS, the grant requires only an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$15,708 grant awarded by the Virginia DMV.

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

Revenue:

FY14 DMV – Speed Enforcement \$15,708

Expenditure:

FY14 DMV – Speed Enforcement \$15,708

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	_____	_____	_____
BRADSHAW	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of September, 2013.

SpedEnfoGrant_res

MEMORANDUM COVER

Subject: Service Agreements for Debris Removal, Reduction, and Disposal and Monitoring for Debris Removal, Reduction, and Disposal-VPPSA

Action Requested: Shall the Board of Supervisors approve the resolution to allow the County Administrator to sign service agreements with the Virginia Peninsula Public Service Authority (VPPSA) on debris removal, reduction, and disposal and monitoring of debris removal, reduction, and disposal?

Summary: Virginia Peninsula Public Service Authority (VPPSA) has selected firms to provide debris management services to VPPSA member jurisdictions. In order to access the services, VPPSA and the County must execute service agreements. Two such agreements are recommended for approval.

Staff recommends approval of the attached resolution.

Fiscal Impact: Funding already available in the FY13 Operational budget.

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell DP

County Administrator

Robert C. Middaugh 

Attachments:

1. Memorandum
2. Resolution
3. Service Agreements

Agenda Item No.: H-6

Date: September 10, 2013

M E M O R A N D U M

DATE: September 10, 2013

TO: The Board of Supervisors

FROM: John T. P. Horne, General Services Director

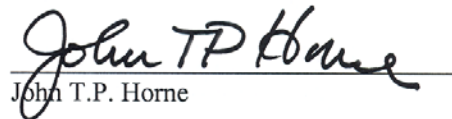
SUBJECT: Service Agreements for Debris Removal, Reduction, and Disposal and Monitoring For Debris Removal, Reduction, and Disposal-VPPSA

Attached are a memorandum and two service agreements from the Virginia Peninsulas Public Service Authority (VPPSA) for two services related to debris management from natural disasters. Approval of these agreements would provide access by the County to contracts for:

- Debris Removal, Reduction, and Disposal, and
- Monitoring of Debris Removal, Reduction, and Disposal

For the first service, the County has used the VPPSA contract on two occasions for Hurricanes Isabel and Irene. The County had monitoring services for Hurricane Irene through a County contract. If the agreement is approved, monitoring services for future events would also be through the VPPSA contract. Staff from General Services was on the selection committee for both contracts and agrees with the selection of the firms. The VPPSA Board of Directors, with County representation, has approved the agreements and they need to be approved by the County for services to be made available to the County.

Staff recommends approval of the attached resolution authorizing the County Administrator to sign the service agreements.


John T.P. Horne

JTPH/tlc
VPPSAagree_mem

Attachments

RESOLUTION

SERVICE AGREEMENTS FOR DEBRIS REMOVAL, REDUCTION, AND DISPOSAL AND

MONITORING FOR DEBRIS REMOVAL, REDUCTION, AND DISPOSAL-VPPSA

WHEREAS, the Virginia Peninsulas Public Service Authority (VPPSA) provides access to contracts for debris removal, reduction, and disposal services and contracts for monitoring of debris removal, reduction, and disposal services for James City County; and

WHEREAS, VPPSA provides these services through service agreements with the County; and

WHEREAS, it is necessary to approve service agreements to allow the County to have access to these contracts.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to sign service agreements between the County and VPPSA for debris removal, reduction, and disposal and monitoring for debris removal, reduction, and disposal.

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	_____	_____	_____
BRADSHAW	_____	_____	_____


Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of September, 2013.

VPPSAagree_res



Virginia Peninsulas Public Service Authority

July 22, 2013

MEMORANDUM TO: John Horne
 FROM: Stephen B. Geissler 
 SUBJECT: Service Agreements for Debris Management

Removal, Reduction and Disposal of Debris from Hurricanes and Other Disasters

A Request for Proposals was issued in January 2013 by the Virginia Peninsulas Public Service Authority (VPPSA) for the Removal, Reduction and Disposal of Debris from Hurricanes and Other Disasters. Six proposals were received in response to the RFP.

A committee consisting of representatives from Hampton, James City County and York County reviewed the proposals with VPPSA staff. The review committee recommended that the VPPSA Board enter into agreements with the following on behalf of the member cities and counties of VPPSA:

- AshBritt Inc., Pompano Beach, Florida
- Ceres Environmental Services, Inc., Sarasota, Florida
- Crowder Gulf, Theodore, Alabama
- Phillips and Jordan, Robbinsville, North Carolina

The VPPSA Board has entered into agreements with all four firms.

Attached is a Service Agreement between VPPSA and James City County that will allow the County to use any of the agreements for the Removal, Reduction and Disposal of Debris from Hurricanes and Other Disasters.

Monitoring Services for the Removal, Reduction and Disposal of Debris from Hurricanes and Other Disasters

Over the last ten years, FEMA has modified documentation requirements for reimbursement for collection, processing and disposal of debris. The requirements have evolved so that currently a third party monitor must be used to have reasonable assurance of receiving reimbursement.

Five proposals were received in March 2013 in response to a Request for Proposals issued by VPPSA for Monitoring Services for the Removal, Reduction and Disposal of Debris from Hurricanes and Other Disasters.



A committee consisting of representatives from Hampton, James City County and York County reviewed the proposals with VPPSA staff. The review committee recommended that the VPPSA Board enter into agreements with the following on behalf of the member cities and counties of VPPSA:

- ARCADIS U.S., Inc., Newport News, Virginia
- Science Applications International Corporation, Maitland, Florida
- Witt OBrien's, LLC, Washington DC

The VPPSA Board has entered into agreements with all four firms.

Attached is a Service Agreement between VPPSA and James City County that will allow the County to use any of the agreements for Monitoring Services for the Removal, Reduction and Disposal of Debris from Hurricanes and Other Disasters.

Please contact me if you have any questions or if you need additional information.

**Monitoring Services
For
Debris Removal, Reduction, and Disposal
For
Hurricanes and Other Disasters
Service Agreement**

This Service Agreement for Monitoring Services for Debris Removal, Reduction, and Disposal for Hurricanes and other Disasters is made this ____ day of _____, 2013, between the VIRGINIA PENINSULAS PUBLIC SERVICE AUTHORITY, a political subdivision of the Commonwealth of Virginia formed under the Virginia Water and Waste Authorities Act, VA. Code §15.2-5100 et seq. (the "Authority"), and the COUNTY OF JAMES CITY, a political subdivision of the Commonwealth of Virginia (the "Community").

RECITALS

- A. The Authority was formed for the purpose of developing regional refuse collection, waste reduction, and disposal alternatives with the ultimate goal of acquiring, financing, constructing and/or operating and maintaining a regional residential, commercial and industrial garbage and refuse collection and disposal system or systems.
- B. The member jurisdictions of the Authority are the cities of Hampton, Poquoson and Williamsburg and the counties of Essex, James City, King and Queen, King William, Mathews, Middlesex and York.
- C. The Authority desires to make monitoring services for debris removal, reduction and disposal for hurricanes and other disasters available to the member jurisdictions.
- D. The Authority has entered into agreements dated June 7, 2013 with ARCADIS US, Inc.; Science Applications International Corporation; and Witt OBrien's, LLC (the "Contractor" or "Contractors") to provide monitoring services for debris removal, reduction, and disposal for hurricanes and other disasters.
- E. The Community and the Authority are entering into this Agreement to set forth the rights, duties, and obligations of the parties with respect to the services.

AGREEMENT

NOW, THEREFORE, the parties hereto hereby agree as follows:

ARTICLE I

TERM

The term of this Agreement shall coincide with the term of the agreements for monitoring services for debris removal, reduction, and disposal for hurricanes and other disasters between the Authority and the Contractors.

ARTICLE II

SERVICES

Section 2.1. Authority as Service Provider: The Community hereby retains the Authority to provide monitoring services for debris removal, reduction, and disposal for hurricanes and other disasters, and the Authority hereby agrees to provide said services in accordance with and subject to the terms and conditions of this Agreement and the agreements for monitoring services for debris removal, reduction, and disposal for hurricanes and other disasters between the Authority and the Contractors.

Section 2.2. Use of Contractor: The Community and the Authority hereby agree that the Authority will use one or more of the Contractors, as selected by the Community, to provide the services.

Section 2.3. Authorization to Provide Services: When services are required, the Authority will notify the Contractor or Contractors of the intent to use the services of the Contractor(s). The Contractor or Contractors will receive authorization to provide services through task orders issued and executed by the Community. Each task order shall set forth a specific scope of services, amount of compensation, and completion date for the authorized service.

ARTICLE III

RESPONSIBILITIES OF THE COMMUNITIES

Section 3.1. Assignment of Personnel: The Community shall assign appropriate personnel to serve as the representative of the Community and to act on behalf of the Community.

ARTICLE IV

COMPENSATION

Section 4.1. Payment for Services: Payment will be made by the Community directly to the Contractor or Contractors for any work performed by the Contractor or Contractors as a result of issuance of a task order. Payment by the Community shall not be contingent upon reimbursement by the Federal Emergency Management Agency (FEMA) or any other state or federal agency. The Community shall be responsible for compiling all information and preparing all documentation for reimbursement from any state or federal agency.

Section 4.2. Administrative Fees: The Community agrees to pay an administrative fee for the services provided by the Authority whenever the Authority activates an Agreement with a Contractor or Contractors on behalf of the Community as described in Section 2.3. The administrative fee payable to the Authority will be \$2,000 for each event in which Agreements are activated plus a share of direct costs incurred by the Authority for each event as determined by the Authority's Board of Directors. The direct costs shall include but not be limited to overtime pay, advertising, printing, postage, and office supplies.

ARTICLE V

ADDITIONAL AGREEMENTS

Section 5.1. Records: The Authority shall maintain its books and records related to the performance of this Agreement in accordance with the following minimum requirements.

The Authority shall maintain any and all ledgers, books of account, invoices, vouchers, and cancelled checks, as well as all other records or documents evidencing or relating to charges for services, expenditures or disbursements borne by the Authority for a minimum period of five (5) years, or for any longer period required by law, from the date of final payment to the Contractor or Contractors pursuant to this Agreement.

The Authority shall maintain all documents and records which demonstrate performance under this Agreement for a minimum period of five (5) years, or for any longer period required by law, from the date of termination or completion of this Agreement.

Any records or documents required to be maintained pursuant to this Agreement shall be made available for inspection or audit, at any time, during regular business

hours, upon written request by the Community. The records shall be available at the Authority's address indicated for receipt of notices in this Agreement or at such other location as designated in writing by the Authority.

Section 5.2. Equal Opportunity: During the performance of this contract, the Authority agrees as follows:

A. The Authority will not discriminate against any employee or applicant for employment because of age, disability, race, religion, color, sex or national origin, except where religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the Authority. The Authority agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.

B. The Authority, all solicitations or advertisements for employees placed by or on behalf of the Authority, will state that such Authority is an equal opportunity employer.

C. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

The Authority will include the provisions of the foregoing paragraphs A, B, and C in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

Section 5.3. Drug Free Workplace: During the performance of this contract, the Authority agrees as follows:

During the performance of this contract, the Authority agrees to (i) provide a drug-free workplace for the Authority's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Authority's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the Authority that the Authority maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every contract or purchase order of over \$10,000, so that the provisions will be binding upon each contractor or vendor.

For the purposes of this section, "drug-free workplace" means a site for the performance of work done in connection with this Service Agreement awarded to a

Authority, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the contract.

Section 5.3. Immigration Law: During the performance of this Contract, the Authority shall not knowingly employ an unauthorized alien as defined in the federal Immigration and Control Act of 1986.

ARTICLE VI

TERMINATION AND DEFAULTS

Section 6.1. Termination: This Agreement may be terminated by either party hereto upon one years prior written notice to the other.

Section 6.2. Defaults: Each of the following shall constitute an Event of Default hereunder:

- A. Failure by the Community to pay any amount due hereunder when due;
- B. Breach by either party of any other term or condition hereof which breach is not remedied within thirty (30) days the giving of notice of such breach by the non-defaulting party; provided, however, that if the defaulting party has commenced action to cure such default within such thirty-day (30) period and thereafter diligently pursues such cure to completion, such party shall not be deemed to have defaulted hereunder.

Section 6.3. Remedies: If an Event of Default by either party has occurred and is continuing, the non-defaulting party, in addition to any other remedies it may have at law or in equity, may immediately terminate this Agreement.

ARTICLE VII

MISCELLANEOUS

Section 7.1. Entire Agreement; Amendments: This Agreement represents the entire and integrated agreement between the Authority and the Community and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by a written agreement signed by the Authority and the Community.

Section 7.2. Assignment: No assignment of this Agreement, or any right occurring under this Agreement, shall be made in whole or partly by either party without the other party's express written consent.

Section 7.3. Partnership: Nothing herein shall be construed to constitute a joint venture between the Authority and any Community or the formation of a partnership.

Section 7.4. Severability of Invalid Provisions: If any clause, provision or section of this Agreement is held to be illegal or invalid by any court, the invalidity of the clause, provision or section will not affect any of the remaining clauses, provisions or sections, and this Agreement will be construed and enforced as if the illegal or invalid clause, provision or section had not been contained in it.

Section 7.5. Notices: All notices, invoices, certificates, requests or other communications under this Agreement must be in writing and will be deemed given, unless otherwise required, when mailed by first-class mail, postage prepaid, to the address set forth below:

If to the Authority:

Virginia Peninsulas Public Service Authority
Attention: Executive Director
475 McLaws Circle Suite 3B
Williamsburg, Virginia 23185

If to the Community:

County of James City
Attention County Administrator
P.O. Box 8784
Williamsburg, Virginia 23187

The parties may by notice given under this Section, designate such other addresses as they may deem appropriate for the receipt of notices under this Agreement. If, by reason of the suspension of or irregularities in regular mail service, it is impractical to mail notice of any event when notice is required to be given, then any manner of giving notice which is satisfactory to the intended recipient will be deemed to be sufficient.

Section 7.6. Counterparts: This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have each caused this Agreement to be signed as of the date above written.

**VIRGINIA PENINSULAS
PUBLIC SERVICE AUTHORITY**

By: 

Title: Executive Director

COUNTY OF JAMES CITY

By: _____

Title: _____

**Debris Removal, Reduction, and Disposal Services
For
Hurricanes and Other Disasters
Service Agreement**

This Service Agreement for Debris Removal, Reduction, and Disposal Services for Hurricanes and other Disasters is made this ____ day of _____, 2013, between the VIRGINIA PENINSULAS PUBLIC SERVICE AUTHORITY, a political subdivision of the Commonwealth of Virginia formed under the Virginia Water and Waste Authorities Act, VA. Code §15.2-5100 et seq. (the "Authority"), and the COUNTY OF JAMES CITY, a political subdivision of the Commonwealth of Virginia (the "Community").

RECITALS

- A. The Authority was formed for the purpose of developing regional refuse collection, waste reduction, and disposal alternatives with the ultimate goal of acquiring, financing, constructing and/or operating and maintaining a regional residential, commercial and industrial garbage and refuse collection and disposal system or systems.
- B. The member jurisdictions of the Authority are the cities of Hampton, Poquoson and Williamsburg and the counties of Essex, James City, King and Queen, King William, Mathews, Middlesex and York.
- C. The Authority desires to make debris removal, reduction and disposal services for hurricanes and other disasters available to the member jurisdictions, the County of Gloucester and the Virginia Department of Transportation.
- D. The Authority has entered into agreements dated April 3, 2013 with AshBritt, Inc.; Ceres Environmental Services, Inc.; Crowder Gulf, Inc.; and Phillips and Jordan, Inc.; (the "Contractor" or "Contractors") to provide debris removal, reduction, and disposal services for hurricanes and other disasters.
- E. The Community desires to retain the Authority as an independent contractor to provide debris removal, reduction, and disposal services for hurricanes and other disasters for the Community through its Agreements with the Contractors. The Community and the Authority are entering into this Agreement to set forth the rights, duties, and obligations of the parties with respect to the services.

AGREEMENT

NOW, THEREFORE, the parties hereto hereby agree as follows:

ARTICLE I

TERM

The term of this Agreement shall coincide with the Term of the Agreements for Debris Removal, Reduction, and Disposal Services for Hurricanes and Other Disasters dated April 3, 2013 between the Authority and the Contractors.

ARTICLE II

SERVICES

Section 2.1. Authority as Service Provider: The Community hereby retains the Authority to provide debris removal, reduction and disposal services for hurricanes and other disasters, and the Authority hereby agrees to provide said services in accordance with and subject to the terms and conditions of this Agreement and the Agreements for Debris Removal, Reduction and Disposal Services for Hurricanes and Other Disasters and any amendments to the Agreements approved by the Authority's Board of Directors.

Section 2.2. Use of Contractor: The Community and the Authority hereby agree that the Authority will use one or more of the Contractors, as selected by the Community, to provide the services.

Section 2.3. Authorization to Provide Services: When services are required, the Authority will notify the Contractor or Contractors of the intent to use the services of the Contractor(s). The Contractor or Contractors will receive authorization to provide services through task orders issued and executed by the Community. Each task order shall set forth a specific scope of services, amount of compensation, and completion date for the authorized service.

ARTICLE III

RESPONSIBILITIES OF THE COMMUNITIES

Section 3.1. Identification of sites: The Community shall be responsible to identify sites that can be used for the temporary storage and reduction of debris that is collected by the Contractor or Contractors. Sites may be within the borders of the Community or in adjacent communities.

Section 3.2. Assignment of Personnel: The Community shall assign appropriate personnel to serve as the representative of the Community and to act on behalf of the Community.

ARTICLE IV

COMPENSATION

Section 4.1. Payment for Services: Payment will be made by the Community directly to the Contractor or Contractors for any work performed by the Contractor or Contractors as a result of issuance of a task order. Payment by the Community shall not be contingent upon reimbursement by the Federal Emergency Management Agency (FEMA) or any other state or federal agency. The Community shall be responsible for compiling all information and preparing all documentation for reimbursement from any state or federal agency.

Section 4.2. Administrative Fees: The Community agrees to pay an administrative fee for the services provided by the Authority whenever the Authority activates an Agreement with a Contractor or Contractors on behalf of the Community as described in Section 2.3. The administrative fee payable to the Authority will be \$2,000 for each event in which Agreements are activated plus a share of direct costs incurred by the Authority for each event as determined by the Authority's Board of Directors. The direct costs shall include but not be limited to overtime pay, advertising, printing, postage, and office supplies.

ARTICLE V

ADDITIONAL AGREEMENTS

Section 5.1. Records: The Authority shall maintain its books and records related to the performance of this Agreement in accordance with the following minimum requirements.

The Authority shall maintain any and all ledgers, books of account, invoices, vouchers, and cancelled checks, as well as all other records or documents evidencing or relating to charges for services, expenditures or disbursements borne by the Authority for a minimum period of five (5) years, or for any longer period required by law, from the date of final payment to the Contractor or Contractors pursuant to this Agreement.

The Authority shall maintain all documents and records which demonstrate performance under this Agreement for a minimum period of five (5) years, or for any

longer period required by law, from the date of termination or completion of this Agreement.

Any records or documents required to be maintained pursuant to this Agreement shall be made available for inspection or audit, at any time, during regular business hours, upon written request by the Community. The records shall be available at the Authority's address indicated for receipt of notices in this Agreement or at such other location as designated in writing by the Authority.

Section 5.2. Equal Opportunity: During the performance of this contract, the Authority agrees as follows:

A. The Authority will not discriminate against any employee or applicant for employment because of age, disability, race, religion, color, sex or national origin, except where religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the Authority. The Authority agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.

B. The Authority, all solicitations or advertisements for employees placed by or on behalf of the Authority, will state that such Authority is an equal opportunity employer.

C. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

The Authority will include the provisions of the foregoing paragraphs A, B, and C in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

Section 5.3. Drug Free Workplace: During the performance of this contract, the Authority agrees as follows:

During the performance of this contract, the Authority agrees to (i) provide a drug-free workplace for the Authority's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Authority's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the Authority that the Authority maintains a drug-free workplace; and (iv)

include the provisions of the foregoing clauses in every contract or purchase order of over \$10,000, so that the provisions will be binding upon each contractor or vendor.

For the purposes of this section, "drug-free workplace" means a site for the performance of work done in connection with this Service Agreement awarded to a Authority, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the contract.

Section 5.3. Immigration Law: During the performance of this Contract, the Authority shall not knowingly employ an unauthorized alien as defined in the federal Immigration and Control Act of 1986.

ARTICLE VI

TERMINATION AND DEFAULTS

Section 6.1. Termination: This Agreement may be terminated by either party hereto upon one years prior written notice to the other.

Section 6.2. Defaults: Each of the following shall constitute an Event of Default hereunder:

- A. Failure by the Community to pay any amount due hereunder when due;
- B. Breach by either party of any other term or condition hereof which breach is not remedied within thirty (30) days the giving of notice of such breach by the non-defaulting party; provided, however, that if the defaulting party has commenced action to cure such default within such thirty-day (30) period and thereafter diligently pursues such cure to completion, such party shall not be deemed to have defaulted hereunder.

Section 6.3. Remedies: If an Event of Default by either party has occurred and is continuing, the non-defaulting party, in addition to any other remedies it may have at law or in equity, may immediately terminate this Agreement.

ARTICLE VII

MISCELLANEOUS

Section 7.1. Entire Agreement; Amendments: This Agreement represents the entire and integrated agreement between the Authority and the Community and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by a written agreement signed by the Authority and the Community.

Section 7.2. Assignment: No assignment of this Agreement, or any right occurring under this Agreement, shall be made in whole or partly by either party without the other party's express written consent.

Section 7.3. Partnership: Nothing herein shall be construed to constitute a joint venture between the Authority and any Community or the formation of a partnership.

Section 7.4. Severability of Invalid Provisions: If any clause, provision or section of this Agreement is held to be illegal or invalid by any court, the invalidity of the clause, provision or section will not affect any of the remaining clauses, provisions or sections, and this Agreement will be construed and enforced as if the illegal or invalid clause, provision or section had not been contained in it.

Section 7.5. Notices: All notices, invoices, certificates, requests or other communications under this Agreement must be in writing and will be deemed given, unless otherwise required, when mailed by first-class mail, postage prepaid, to the address set forth below:

If to the Authority:

Virginia Peninsulas Public Service Authority
Attention: Executive Director
475 McLaws Circle Suite 3B
Williamsburg, Virginia 23185

If to the Community:


County of James City
Attention County Administrator
P.O. Box 8784
Williamsburg, Virginia 23187

The parties may by notice given under this Section, designate such other addresses as they may deem appropriate for the receipt of notices under this Agreement. If, by reason of the suspension of or irregularities in regular mail service, it is impractical to mail notice of any event when notice is required to be given, then any manner of giving notice which is satisfactory to the intended recipient will be deemed to be sufficient.

Section 7.6. Counterparts: This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have each caused this Agreement to be signed as of the date above written.

**VIRGINIA PENINSULAS
PUBLIC SERVICE AUTHORITY**

By: 
Title: Executive Director

COUNTY OF JAMES CITY

By: _____

Title: _____

MEMORANDUM COVER

Subject: Williamsburg-James City County (WJCC) Year-End Fund Balance

Action Requested: Shall the Board approve a re-allocation of the projected school operating budget fund balance to other spending?

Summary: Provision 1c of the April 2012 amendment to the City/County School Contract indicates that the local fund balance at year end becomes part of the appropriation of City and County funds for the following year unless the Schools submit a spending plan for the unexpended year-end funds and that the spending plan is approved by both the City and County.

The School Board has estimated a June 30, 2013, year-end fund balance of \$1,238,093 and at its June 18, 2013, meeting, adopted the following as its spending plan:

Replacement Buses	\$ 500,000
New Student Information System – Year 2	202,200
Email Server Replacement	120,000
One-to-One Technology Advancement	219,693
CIP Projects:	
Energy Efficient Lighting	32,200
Technology Refresh	164,000
Total Proposed Spending Plan	\$1,238,093

The County share of the total is 90.83 percent or \$1,124,560 (\$178,210 for capital, the remainder for the operating budget). If audit adjustments decrease this total by minor amounts, changes will be made to the allocation of funds for Technology Refresh, which focuses on classroom technology.

The resolution would appropriate the County's share of this School Fund Balance if the City also concurs. The City is expected to consider this request at a Council meeting in September.

Fiscal Impact: Above

FMS Approval, if Applicable: Yes ☒ No ☐

Assistant County Administrator

Doug Powell



County Administrator

Robert C. Middaugh



Attachments:

1. Memorandum
2. Resolution

Agenda Item No.: H-7

Date: September 10, 2013

MEMORANDUM

DATE: September 10, 2013

TO: The Board of Supervisors

FROM: John E. McDonald, Director of Financial and Management Services

SUBJECT: Williamsburg-James City County (WJCC) Year-End Fund Balance

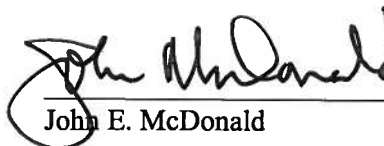
Provision 1c of the April 2012 amendment to the City/County School Contract indicates that the local fund balance at year end becomes part of the appropriation of City and County funds for the following year unless the Schools submit a spending plan for the unexpended year-end funds and that spending plan is approved by both the City and County.

The Schools Board has estimated a June 30, 2013, year-end fund balance of \$1,238,093 and at its June 18, 2013, meeting, adopted the following as its spending plan:

Replacement Buses	\$ 500,000
New Student Information System – Year 2	202,200
Email Server Replacement	120,000
One-to-One Technology Advancement	219,693
CIP Projects:	
Energy Efficient Lighting	32,200
Technology Refresh	<u>164,000</u>
Total Proposed Spending Plan	<u>\$1,238,093</u>

The County share of the total is 90.83 percent or \$1,124,560 (\$178,210 for capital, the remainder for the operating budget). If audit adjustments increase or decrease this total by minor amounts, changes will be made to the allocation of funds for Technology Refresh, which focuses on classroom technology. County staff has met with the school superintendent to review each of the spending items and agrees that the plan is reasonable and focuses on necessary expenses.

Staff recommends approval of the attached resolution, which would appropriate the County's share of the projected June 30, 2013, School fund balance to the WJCC School Operating and Capital budgets in FY 2014 if a similar resolution is approved by City Council. The City is expected to consider this request at a Council meeting in September.



John E. McDonald

JEM/nb
WJCCYearFBal_mem

Attachment

RESOLUTION

WILLIAMSBURG-JAMES CITY COUNTY (WJCC) YEAR-END FUND BALANCE

WHEREAS, a provision of the April 2012 amendment to the City/County School Contract indicates that the local fund balance at year end becomes part of the appropriation of City and County funds for the following year unless the Schools submit a spending plan for the unexpended year-end funds and that spending plan is approved by both the City and County; and

WHEREAS, the School Board has estimated a June 30, 2013, year-end fund balance of \$1,238,093 and at its June 18, 2013, meeting, adopted a spending plan that includes \$1,041,893 for the FY 2014 operating budget for replacement buses and technology and \$196,200 for the FY 2014 capital budget for technology and energy efficiency; and

WHEREAS, the County share of the total is 90.83 percent or \$1,124,560, \$178,210 for capital, and \$946,350 for the operating budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby executes the following appropriation and budget amendment in the WJCC School Board's FY 2014 operating and capital budgets:

Revenue/Funding:

School Year-End Fund Balance	<u>\$1,124,560</u>
------------------------------	--------------------

Expenditures:

School Operating Budget	\$ 946,350
School Capital Budget	<u>178,210</u>
	<u>\$1,124,560</u>

BE IT FURTHER RESOLVED that this budget amendment will become effective when the Council of the City of Williamsburg has adopted a similar resolution.

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	_____	_____	_____
BRADSHAW	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of September, 2013.

WJCCYearFBal_res

MEMORANDUM COVER

Subject: Case No. Z-0002-2013/SUP-0005-2013. Wellington, Windsor Ridge, Section 4

Action Requested: Shall the Board approve a rezoning and Special Use Permit (SUP) for Wellington, Windsor Ridge, Section 4 and accept the voluntary proffers?

Summary: On November 27, 2012, the Board of Supervisors adopted an Initiating Resolution calling for the rezoning of the 15-acre property located at 225 Meadowcrest Trail by a vote of 4-1.

The proposal would rezone the undeveloped County owned 15-acre property adjacent to the Wellington subdivision from PL, Public Lands, to R-1, Limited Residential, subject to a master plan and proffers that would permit the development of 28 single-family lots compatible with the surrounding development within Windsor Ridge and Wellington. The proposed gross density of the development would be 1.87 dwelling units per acre. An SUP is required to achieve a density greater than one unit per acre, but less than two units per acre.

On August 7, 2013, the Planning Commission recommended approval of this proposal by a vote of 5-0.

Staff finds the proposal to be consistent with surrounding zoning and development and consistent with the Zoning Ordinance and 2009 Comprehensive Plan. Staff recommends that the Board of Supervisors approve this application subject to the attached conditions and acceptance of the voluntary proffers.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell DP

County Administrator

Robert C. Middaugh RCM

Attachments:

1. Rezoning Resolution
2. SUP Resolution
3. Location Map
4. Unapproved Minutes of the August 7, 2012, PC Meeting
5. Proffers
6. DRW Consultants, LLC, Traffic Assessment
7. Fiscal Impact Analysis, prepared by Ted Figura
8. Fiscal Impact Analysis, prepared by Planning Staff
9. Housing Opportunities Policy
10. Initiating Resolution
11. Adjacent Property Owner Correspondence
12. Master Plan

Agenda Item No.: I-1

Date: September 10, 2013

AGENDA ITEM NO. I-1**REZONING-0002-2013/Special Use Permit-0005-2013. Wellington, Windsor Ridge, Section 4
Staff Report for the September 10, 2013, 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

July 3, 2013 (staff deferral), 7:00 p.m.

August 7, 2013, 7:00 p.m.

Board of Supervisors:

September 10, 2013, 7:00 p.m.

SUMMARY FACTS

Applicant:

James City County

Land Owner:

James City County (NVR, Inc., Ryan Homes – contract purchaser)

Proposal:

Rezone the property to allow for up to 28 single-family lots at a gross density of 1.87 dwelling units per acre

Location:

225 Meadowcrest Trail

Tax Map/Parcel No.:

1330100016

Parcel Size:

± 15.00 acres

Existing Zoning:

PL, Public Lands

Proposed Zoning:

R-1, Limited Residential, with proffers

Comprehensive Plan:

Low Density Residential

Primary Service Area:

Inside

STAFF RECOMMENDATION

Staff finds the proposal to be consistent with surrounding zoning and development and consistent with the Zoning Ordinance and 2009 Comprehensive Plan. Staff recommends that the Board of Supervisors approve this application subject to the attached conditions and acceptance of the voluntary proffers.

Staff Contact:

Christopher Johnson, Principal Planner

Phone: 253-6690

PLANNING COMMISSION RECOMMENDATION

On August 7, 2013, the Planning Commission recommended approval of this proposal by a vote of 5-0.

Proposed Changes Made Since Planning Commission Meeting

None

Proffers:

The cash proffer summary listed below represents the monetary values typically associated with proffers submitted with rezoning applications and has been included for comparative and illustrative purposes. The all-inclusive sales price for the property has been previously negotiated; therefore, there are no cash proffers associated with this rezoning application. The proffers (Attachment No. 5) include a condition which requires adherence to the Board adopted Housing Opportunities Policy.

Cash Proffer Summary	
Use	Amount
Water	\$1,342 per dwelling unit
Recreation	\$71.49 per dwelling unit for fields \$391.97 per dwelling unit for trails
School Facilities	\$18,929.19 per dwelling unit
Library Facilities	\$61 per dwelling unit
Fire/EMS Facilities	\$71 per dwelling unit
Total Amount per Unit (in 2013 dollars)	\$20,866.65 per dwelling unit
Total Amount (in 2013 dollars)*	\$546,706.23 total

**Note: the six proffered affordable/workforce dwelling units (two in each of the three targeted Area Median Income ranges) reduce the total calculation of cash proffers in accordance with the adopted Housing Opportunities Policy.*

Project History

The R-1, Limited Residential, zoning for the Wellington subdivision was enacted as part of James City County Case No. Z-20-86 and proffers associated with the application have been fully satisfied. The County was given the property as part of the Wellington development agreement in March 2000 and it has remained undeveloped since that time. On November 27, 2012, the Board of Supervisors adopted an Initiating Resolution calling for the rezoning of the 15-acre property adjacent to the Wellington subdivision (Attachment No. 10). Representatives from the contract purchaser, NVR, Inc., Ryan Homes, have indicated a desire to purchase the property and to develop it as part of the single-family development known as Windsor Ridge. County staff has held initial discussions with the Board of Directors of the Wellington Homeowners Association (HOA) and the HOA has indicated its support for amending the Wellington covenants, conditions, and restrictions to incorporate the proposed development. It is anticipated that the development on the property would be incorporated as part of the HOA following Board approval of the rezoning and subsequent approval of the Wellington residents (Proffer No. 6).

Project Description

The proposal would rezone the undeveloped County owned 15-acre property from PL, Public Lands, to R-1, Limited Residential, subject to a master plan and proffers and permit the development of 28 single-family lots compatible with the surrounding development within Windsor Ridge and Wellington. The proposed gross density of the development would be 1.87 dwelling units per acre. The property is located at 225 Meadowcrest Trail and abuts additional R-1, Limited Residential, and R-8, Rural Residential, properties. The property is adjacent to the Mirror Lake subdivision as well. An SUP is required to achieve a density greater than one unit per acre, but less than two units per acre. To achieve this density, the contract purchaser has agreed to provisions within Section 24-549 of the Residential Cluster Development density standards to provide two bonus points: one for achieving green building certification using EarthCraft, Leadership in Energy and Environmental Design (LEED) or an equivalent program for all 28 dwelling units and one point for the provision of pedestrian accommodations on both sides of all internal roadways within the property.

PUBLIC IMPACTS

Archaeology

A Phase I archaeological study was conducted prior to the development of the Wellington subdivision. As no potentially eligible archaeological sites were identified during this study and the property is not in an area identified as highly sensitive in the *Preserving Our Hidden Heritage* Archaeological Assessment of James City County, the applicant will not be required to conduct any further archaeological studies for the property.

Natural Resources

In queries submitted to the Virginia Department of Game and Inland Fisheries requesting a list of sensitive species known to occur in the area, two Federally listed species were confirmed: the bald eagle and the small whorled pogonia. No evidence of bald eagle activity has been documented on the property, and the generally open characteristics of the site would not usually be considered suitable habitat for the small whorled pogonia. As a result, a natural resources inventory, consistent with the County's adopted Natural Resources Policy, was not determined to be necessary for the project as the property is not located in close proximity to any suitable habitats for natural resources, including rare, threatened, and endangered species or rare and exemplary natural communities.

Engineering and Resource Protection

Watershed: Ware Creek

Staff Comments: Prior to final approval of the plan of development associated with the proposed development, it must be effectively demonstrated that all surrounding stormwater conveyance systems and management measures are capable of conveying, controlling, and providing the appropriate level of water quality for the proposed impervious areas and additional runoff. An assessment of the downstream Best Management Practices (BMPs) and stormwater conveyance system will be required to ensure that all information is based on existing conditions and not what has been previously approved.

Public Utilities

The property is served by public water and sewer. The contract purchaser may be required to submit an analysis of existing gravity sewer lines, pump station, and force mains impacted by the proposed development that proves that there is sufficient capacity to accept the flow based on Regional Design Guidelines or what upgrades would be required to provide adequate capacity. Any required upgrades shall be made as part of the development plans for the project.

Proffers

Water Conservation. Standards will be reviewed and approved by the James City Service Authority (JCSA). The standards shall address such water conservation measures as limitations on the installation and use of approved landscaping design and materials to promote water conservation and minimize the use of public water resources. Because the standards refer to landscaping, irrigation, and plant materials, the JCSA shall approve the standards prior to final development plan or subdivision plat approval.

Transportation

DRW Consultants prepared a traffic assessment for this project (Attachment No. 6). Previous traffic studies such as those associated with the 2008 Candle Factory and Stonehouse rezoning applications included traffic forecasts for 2015, which accounted for development of the remaining area within Wellington. Windsor Ridge, Section 4, would have access to Rochambeau Drive to the north via Ashington Way and to Croaker Road to the southeast via Point O'Woods Drive, Rose Lane, and Meadowcrest Trail.

2007 County Traffic Counts: Croaker Road, a two-lane road which is slated to be expended to four-lanes in the future, recorded 9,275 vehicle trips per day and Rochambeau Drive recorded 7,600 vehicle trips per day.

2035 Daily Traffic Volume Projected (from 2009 Comprehensive Plan): On Rochambeau Drive, for the segment between Anderson's Corner and Croaker Road, 29,293 average annual daily vehicle trips (AADT) are projected. On Croaker Road between Rochambeau Drive and Richmond Road, 28,584 AADT are projected. The recommended improvements to upgrade Rochambeau Drive to a four-lane road have been proffered by the Stonehouse development. The Comprehensive Plan specifically addresses Croaker Road and notes that the section extending from Richmond Road to Rose Lane is projected to warrant road widening by 2035 based on future traffic projections. The Croaker Road widening project is partially funded and is listed as the County's second priority on its Secondary Six Year Plan.

Staff Comments: The DRW Consultants report projects 10 a.m. peak hour vehicle trips, 11 p.m. peak hour vehicle trips and 108 vehicle trips per day at full build-out of the Windsor Ridge, Section 4 development. Windsor Ridge produces less than a one percent increase in traffic at the Richmond Road/Croaker Road intersection based on 2008 counts and the 2015 forecast. For the p.m. peak hour, which is the highest capacity demand, the Windsor Ridge, Section 4 development increase is about one half of one percent over 2008 counts and one-third of one percent over the 2015 forecast. Staff finds that this level of increase is unlikely to have any discernible effect on traffic operations.

Proffers

Sidewalks. There shall be sidewalks installed on both sides of the public streets on the property, with sidewalks installed in phases as residential units are constructed. Sidewalks shall be installed prior to issuance of any Certificate of Occupancy (CO) for adjacent dwelling units.

Street Design. Streets within the property shall be constructed with curb and gutter in accordance with the Virginia Department of Transportation (VDOT) design standards.

Streetscape Guidelines. The contract purchaser shall prepare and install streetscape improvements in accordance with the applicable provisions of the County's Streetscape Guidelines Policy, or with the permission of VDOT, the plantings may be installed within the adjacent VDOT right-of-way.

VDOT Comments: The proposed development will be subject to the requirements of the Secondary Street Acceptance Requirements (SSAR) of the Virginia Administrative Code as it relates to pedestrian accommodations, utility installation, and the proposed streets must be designed per the VDOT Road Design Manual, Appendix B(1). VDOT concurred that the project would be a minor traffic generator and have little or no impact on the operation of either Croaker Road or Rochambeau Drive. As a result, no improvements are recommended for either roadway as a result of the proposed development.

Fiscal

A fiscal impact analysis was prepared and submitted by Ted Figura for the proposed development using the County's standard worksheet and assumptions adopted by the Board of Supervisors in June 2012 (Attachment No. 7). The worksheet indicates that the project will be fiscally negative with a fiscal impact of negative \$21,449 at build out.

Staff Comments: The County typically expects purely residential developments to be fiscally negative (with only one or two examples to the contrary). The fiscal impact analysis submitted with the application did not indicate that any of the 28 proposed dwelling units would be offered at either affordable or workforce housing price ranges. With six dwelling units proffered to be offered at different price ranges in accordance with the adopted Housing Opportunities Policy, staff prepared a revised fiscal impact analysis worksheet (Attachment No. 8) which incorporated the six affordable and workforce dwelling units. The net result was that the overall fiscal impact was slightly more negative (\$29,107 versus \$21,449) than originally estimated.

Housing

Sample architectural elevations provided to staff for five styles of single-family dwellings typical for this proposed development range in size from 2,265 square feet to 3,959 square feet in size and between three to six bedrooms and two to six baths. Eleven of the dwellings (Lots 1, 12-13, and 21-28) are identified in the proffers as “Transition Lots” bordering existing residential development within Wellington and Windsor Ridge. The 11 lots are proffered to contain a specified set of design criteria (Proffer No. 7) in an effort to establish a measure of consistency between the lots bordering existing lots in Wellington and Windsor Ridge. These same criteria were established by the contract purchaser when developing earlier sections of Windsor Ridge that border lots in Wellington.

According to the adopted Housing Opportunities Policy, at least 20 percent of a development’s proposed dwelling units should be offered for sale at prices that are targeted at households earning 30 to 120 percent of the Area Median Income (AMI). The target price ranges are calculated annually by the James City County Office of Housing and Community Development based on definitions contained within the Policy. For 2013, the target price ranges are listed below:

Targeted AMI	Price Range (Min. – Max.)
30 percent – 60 percent	\$99,876 - \$174,256
Over 60 percent - 80 percent	\$174,257 - \$243,462
Over 80 percent – 120 percent	\$243,463 - \$381,991

With the proffers, the six affordable/workforce dwelling units should be fully integrated in the development with regard to location, architectural detailing, quality of exterior materials, and general appearance. The Policy increases the range of housing choices in the County through the provision of affordable and workforce housing in all rezoning applications that include a residential component. The price ranges listed above typically allow for purchases by entry level professionals and first time homebuyers.

For comparison purposes, as of January 1, 2013, the median assessed value of the 242 properties in the adjacent Mirror Lake development is \$225,725.

Proffers

Green Building. Written evidence or documentation which establishes that the development of the property has obtained EarthCraft and/or Energy Star Single-Family Certification, or an equivalent certification, shall be provided to the Planning Director within one month of a CO, or such other time as is agreed upon in writing in advance by the Planning Director.

Housing Opportunities. Development of the property shall be done in a manner consistent with criteria established by the Housing Opportunities Policy adopted by the Board of Supervisors on November 27, 2012, to promote affordable and workforce housing opportunities at different price ranges to achieve the greater housing diversity goal described in the 2009 Comprehensive Plan.

Public Facilities

The project is located within the Stonehouse Elementary School, Toano Middle School, and Warhill High School districts. Per the adequate public school facilities test adopted by the Board of Supervisors, all rezoning or SUP applications should meet the test for adequate public school facilities. The test adopted by the Board uses design capacity of a school, while the Williamsburg-James City County (WJCC) schools recognize effective capacity as the means of determining student capacities. As shown in the following table, all three schools are projected to have sufficient capacity.

School	Enrollment (2012-2013)	Projected Students Generated by Proposal	Enrollment plus Projected Students	Effective Capacity
Stonehouse Elementary School	665	3	668	765
Toano Middle School	693	3	696	790
Warhill High School	1,109	5	1,114	1,441

**Note – The WJCC School System no longer lists or uses design capacity in its documents.*

COMPREHENSIVE PLAN

The property is designated as Low Density Residential on the 2009 Comprehensive Plan Land Use Map. Low Density Residential areas should be in the Primary Service Area where public services and utilities exist or are expected to be expanded to serve the site over the next 20 years. Low Density Residential areas have natural characteristics such as terrain and soils suitable for residential development.

Low Density Residential areas contain gross densities of up to one unit per acre, depending on the character and density of surrounding development, the physical attributes of the property, buffers, the number of dwelling units proposed, and the degree to which the development is consistent with the Comprehensive Plan. Proposed developments which contain a gross density from one unit per acre up to four units per acre may be permitted if particular public benefits are provided. Examples of such public benefits include mixed cost housing, affordable and workforce housing, enhanced environmental protection, or development that adheres to the principles of open space design.

RECOMMENDATION

Staff finds the proposal to be consistent with surrounding zoning and development and consistent with the Zoning Ordinance and 2009 Comprehensive Plan. Staff recommends that the Board of Supervisors approve this application subject to the attached conditions and acceptance of the voluntary proffers.


Christopher Johnson

CONCUR:


Allen J. Murphy, Jr.

CJ/nb

Z2-13SUP5-13Wellington

Attachments:

1. Rezoning Resolution
2. Special Use Permit Resolution
3. Location Map
4. Unapproved Minutes of the August 7, 2012, Planning Commission Meeting
5. Proffers
6. DRW Consultants, LLC Traffic Assessment dated April 13, 2013
7. Fiscal Impact Analysis Worksheet and Assumptions, prepared by Ted Figura
8. Fiscal Impact Analysis Worksheet and Assumptions, prepared by Planning Staff
9. Housing Opportunities Policy adopted November 27, 2012
10. Initiating resolution adopted by the Board of Supervisors dated November 27, 2012
11. Adjacent Property Owner Correspondence
12. Master Plan

RESOLUTION

CASE NO. Z-0002-2013. WELLINGTON, WINDSOR RIDGE, SECTION 4

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-0002-2013, for rezoning ± 15.00 acres from PL, Public Lands, to R-1, Limited Residential, with proffers; and

WHEREAS, the proposed project is shown on an Exhibit prepared by AES Consulting Engineers, entitled “Windsor Ridge Master Plan for Rezoning and Special Use Permit,” and dated December 21, 2012; and

WHEREAS, the Planning Commission of James City County, following its public hearing on August 7, 2013, recommended approval, by a vote of 5 to 0; and

WHEREAS, the property is located at 225 Meadowcrest Trail and can be further identified as James City County Real Estate Tax Map No. 1330100016.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-0002-2013 and accept the voluntary proffers.

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	_____	_____	_____
BRADSHAW	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of September, 2013.

Z2-13Wellington_res

RESOLUTION

CASE NO. SUP-0005-2013. WELLINGTON, WINDSOR RIDGE, SECTION 4

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, James City County has applied to allow the development of up to 28 single-family lots at a gross density of 1.87 dwelling units per acre; and

WHEREAS, the proposed project is shown on a master plan prepared by AES Consulting Engineers, entitled "Windsor Ridge Master Plan for Rezoning and Special Use Permit," and dated December 21, 2012; and

WHEREAS, the property is zoned R-1, Limited Residential, with proffers, and can be further identified as James City County Real Estate Tax Map No. 1330100016; and

WHEREAS, the Planning Commission, following its public hearing on August 7, 2013, voted 5 to 0 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0005-2013 as described herein with the following conditions:

1. Commencement of Construction. If construction has not commenced on this project within 36 months from the issuance of an SUP, the SUP shall become void. Construction shall be defined as obtaining a land disturbing permit for the project.
2. Landscape Buffer. The applicant shall submit a landscape plan along with the plan of development which demonstrates that the proposed 20-foot landscape buffer adjacent to residential properties within the Mirror Lakes subdivision will screen the development to the same degree as a 35-foot buffer as determined by the Planning Director.
3. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

John J. McGlennon
Chairman, Board of Supervisors

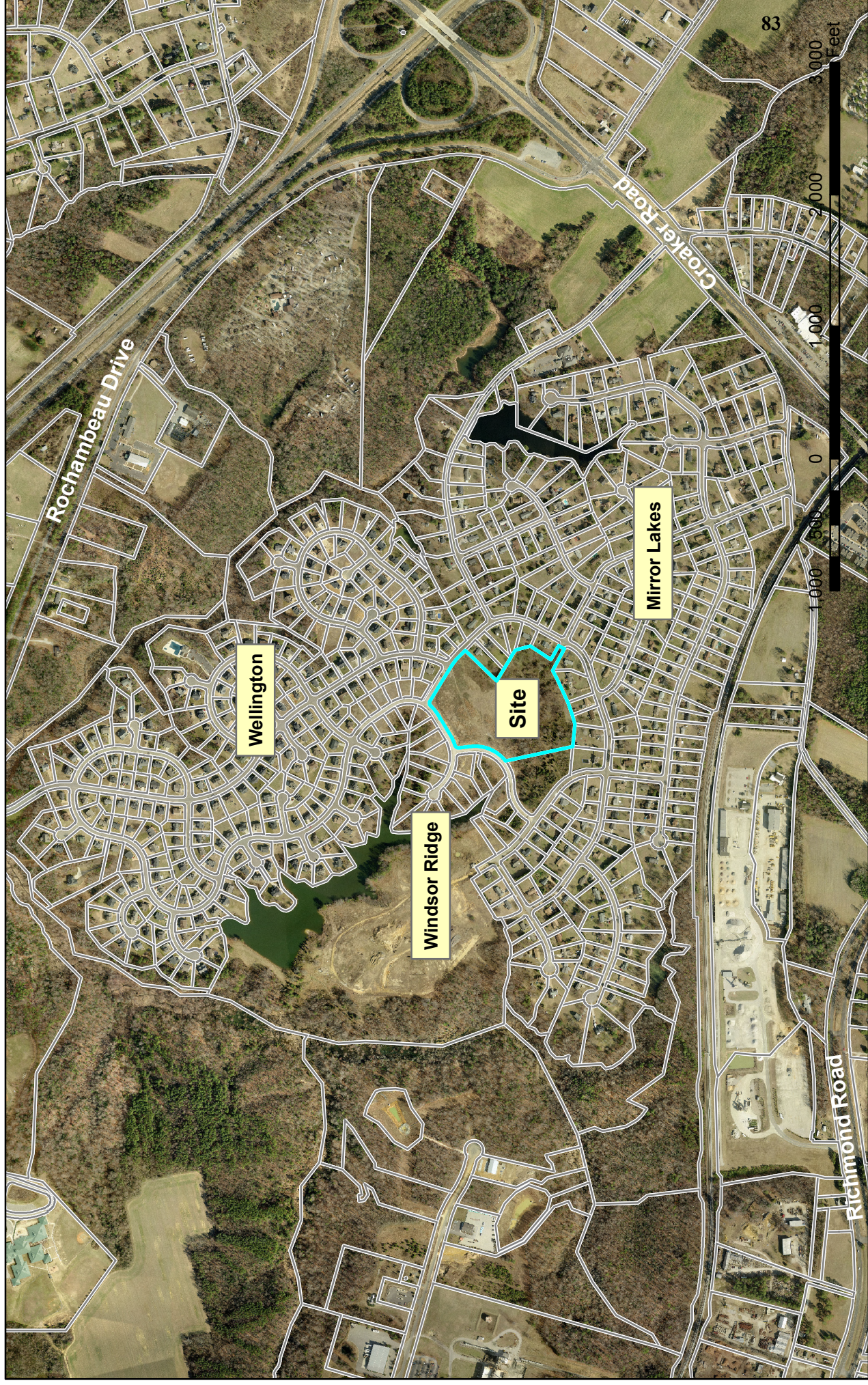
ATTEST:

Robert C. Middaugh
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
JONES	_____	_____	_____
KENNEDY	_____	_____	_____
ICENHOUR	_____	_____	_____
BRADSHAW	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of September, 2013.

Case Nos. Z-0002-2013/SUP-0005-2013 Wellington, Windsor Ridge, Section 4



Unapproved Minutes of the August 7, 2013 Planning Commission Meeting

A. Case Nos. Z-0002-2013/SUP-0005-2013. Wellington, Windsor Ridge, Section 4.

Mr. Chris Johnson, Principal Planner, addressed the Planning Commission giving a summary of the staff report included in the Agenda Packet.

Mr. Krapf stated that there have been several changes to ordinances and new ordinances related to tree protection and soil stock piling on single family parcels. Mr. Krapf asked if the new ordinance provisions for tree protection and stock piling apply to this project and if the clearing will be phased or all at once.

Mr. Johnson stated this development will be subject to the newly adopted ordinances. The applicant's community impact statement states that build out will occur over a two year period. Phased clearing is applicable for projects of 25 acres or more so this development of 15 acres would not be subject to that criteria but is subject to all other ordinances and policies that have been adopted over the last several years.

Ms. Bledsoe asked if the proposed development in Windsor Ridge will have a similar density to Wellington and Mirror Lakes. Ms. Bledsoe stated that Mirror Lakes seems to have a little more space.

Mr. Johnson replied that Mirror Lakes is zoned R-8 and is a much older neighborhood. The proposed development will have the exact zoning and similar density to both Windsor Ridge and Wellington.

Mr. Krapf opened the public hearing.

As no one wished to speak, Mr. Krapf closed the public hearing.

Mr. Krapf opened the floor to discussion by the Commissioners.

Mr. George Drummond moved to approve the application with the recommendations in staff report.

Mr. Basic stated the 15 acres is pretty isolated; therefore, it would benefit the neighborhoods more than a public use, so he supported the application.

On a roll call vote, the Planning Commission voted to recommend approval of the application with the conditions listed in the staff report by a vote of 5-0.

PROFFERS

THESE PROFFERS are made this _____ day of _____ 2013 by the COUNTY OF JAMES CITY (the "County"), a political subdivision of the Commonwealth of Virginia (together with its successors in title and assigns, the "Owner").

RECITALS

- A. The County is the owner of certain real property located in James City County, Virginia, with an address of 225 Meadowcrest Trail and further identified as Parcel No. 1330100016 on the James City County Real Estate Tax Map (the "Property") containing approximately 15.00 acres being more specifically described on Exhibit A, attached hereto.
- B. The Property is now zoned PL, Public Lands and is designated Low Density Residential on the County's 2009 Comprehensive Plan Land Use Map.
- C. The County has applied to rezone the Property from PL, Public Lands, to R-1, Limited Residential, with proffers.
- D. By resolution dated November 27, 2012, the County's Board of Supervisors initiated rezoning of the Property with any other zoning changes (including, but not limited to a special use permit) necessary to achieve a density on the Property similar to that in the adjacent Windsor Ridge neighborhood.
- E. The County has submitted a master plan entitled "Windsor Ridge, Master Plan for Rezoning and Special Use Permit," prepared by AES Consulting Engineers dated 12/21/12 (the "Master Plan") in accordance with the County Zoning Ordinance.
- F. The Owner desires to offer certain conditions on the development of the Property not generally applicable to land zoned R-1, General Residential.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2303 of the *Code of Virginia*, 1950, as amended, and the County Zoning Ordinance, the Owner together with its successors in title and assigns agrees that it shall meet and comply with the applicable following conditions in developing the Property. If the requested rezoning is not granted by the Board of Supervisors, these proffers shall be null and void.

CONDITIONS

- 1. Density. There shall be no more than twenty-eight (28) dwelling units ("dwelling units") as shown on the Master Plan.
- 2. Master Plan. The Property shall be developed generally as shown on the Master Plan. Development plans may deviate from the Master Plan as provided in Section 24-556 of the Zoning Ordinance.

3. **Water Conservation.** For all residential lots and/or developed parcels on the Property, the County or its successor in title shall be responsible for developing and implementing water conservation standards which shall be submitted to and approved by the James City Service Authority (the "JCSA") and subsequently for enforcing these standards. The standards shall address such water conservation measures as prohibitions on the installation of irrigation systems and irrigation wells, the use of drought resistant native and other adopted low water use landscape materials, the use of warm season turf on lots and common areas in areas with appropriate growing conditions for such turf and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. These standards shall be approved by the JCSA prior to final subdivision or site plan approval.
4. **Green Building.** Written evidence or documentation which establishes that the development of the Property has obtained EarthCraft and/or Energy Star Single Family Certification, or an equivalent certification, shall be provided to the Planning Director within one month of issuance of a Certificate of Occupancy, or such other time as is agreed to in writing in advance by the Planning Director.
5. **Housing Opportunities.** Development of the Property shall be done in a manner consistent with criteria established by the Housing Opportunities Policy adopted by the Board of Supervisors on November 27, 2012 to provide affordable and workforce housing opportunities at different price ranges to achieve the greater housing diversity goal described in the 2009 Comprehensive Plan.
6. **Owners Association.** The County or its successor in title shall join an existing neighborhood association (the "Association") in accordance with Virginia law or organize a separate Association for development within the Property, which all property owners by virtue of their property ownership within the Property shall be members and required to join. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and reviewed by the County Attorney for consistency with this Proffer prior to the final subdivision or site plan approval. The Governing Documents shall require that the Association adopt an annual maintenance budget, which shall include a reserve for maintenance of stormwater management BMPs, recreation areas, sidewalks and all other common areas including dedicated open space within the Property under the jurisdiction of the Association and shall require that the Association (i) assess all members for the maintenance of all properties owned or maintained by the Association and (ii) file liens on members' properties for non-payment of such assessments. The Governing Documents shall grant each Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents. The Governing Documents shall authorize the Association to develop, implement, and enforce a water conservation plan as provided herein. In the event that the Property is not subjected to the provisions of the declaration of the declaration of restrictive covenants for an existing Association, and the stormwater management system serving the Property utilizes or empties into any BMP system owned, operated, or maintained by an existing Association, the property owner's association established for the Property shall contribute, pro-rata, for all of the costs of maintaining, repairing, replacing and improving such system (and if such Association fails to make such

contributions, in addition to all other remedies, the Association shall have the right to specially assess the lots within the Property.

7. **Design Criteria.** The County or its successor in title shall prepare and submit architectural elevations to the Planning Director for review and approval setting forth design criteria and architectural standards for the development of the Property generally consistent with the Supplemental Submittal materials submitted as a part of the rezoning application and on file with the Planning Division and the general intent to establish a measure of consistency between certain residential lots on the Property (the "Transition Area") with development on adjacent residential properties within the Windsor Ridge and Wellington neighborhoods. Design criteria and architectural elevations shall be approved by the Planning Director prior to final subdivision or site plan approval for any development of the Property. Once approved, the architectural elevations may not be amended without the prior approval of the Planning Director. For the Transition Area, Lots 1, 12-13, and 21-28, as shown on the Master Plan, shall meet the following design criteria:

- a. 1,800 sq. ft. minimum for a ranch (1 or 1.5 story) dwelling;
- b. 2,300 sq. ft. minimum for a 2-story dwelling;
- c. Foundations shall be a crawl space or basement and the veneer of the foundation shall be brick or stone on the front elevation, and shall be brick, stone or stamped/colored concrete to match the dwelling color on side and rear elevations;
- d. Stoops and steps on the front of the home shall be brick or decorative (not cinder block) stone;
- e. Exterior facades shall be beaded vinyl, brick, stone, cementitious siding, or a combination thereof;
- f. Driveways, patios, and sidewalks shall be concrete or exposed aggregate concrete;
- g. Roofing shall be architectural grade shingles;
- h. Fences installed during new construction shall be no taller than 4.5 feet, not extend beyond the front corner of the dwelling, and of a style currently approved by the Wellington HOA. Fences after new construction shall be approved by the governing ARB;
- i. Detached structures installed during new construction shall match the main dwelling. After new construction, any additions shall be reviewed by the governing ARB;
- j. Mailboxes shall be of a style currently approved by the Wellington Estates HOA;
- k. Water conservation measures shall be adhered to as required by the municipality; and;
- l. Builder shall install street trees as shown on approved plans. Trees shall be native deciduous and have a minimum caliper of 1-inch at four feet above ground level.

For those lots that do not fall within the Transition Area lots described above, all such lots shall comply with the Architectural Guidelines of the Wellington Estates Homeowner's Association in force as of the date of recordation hereof (the "Guidelines"), regardless of whether the Property is subjected to the declaration of restrictive covenants for Wellington Estates Homeowner's

Association (and if the same is so subjected, such shall comply with the Guidelines as they shall be amended from time to time); provided, however, that to the extent that any such lots must be developed to comply with the Housing Opportunities Policy more particularly described in Section 5 hereof, such lots may contain a small minimum square footage of living space solely to the extent necessary to comply with such policy, but shall in all other regards comply with the Guidelines.

8. Sidewalks. There shall be sidewalks installed on both sides of each of the public streets on the Property, which sidewalks may be installed in phases as residential units are constructed. Sidewalks shall be installed prior to issuance of any certificates of occupancy for adjacent dwelling units. The Planning Director shall review and approve sidewalk design prior to final subdivision or site plan approval for any development of the Property.
9. Street Design. Streets within the Property shall be constructed with curb and gutter in accordance with Virginia Department of Transportation design standards.
10. Streetscape Guidelines. The Owner shall prepare and install streetscape improvements in accordance with the applicable provisions of the County's Streetscape Guidelines Policy or, with the permission of VDOT, the plantings (meeting County standards for tree size and spacing) may be installed in the adjacent VDOT right-of-way. The streetscape improvements shall be shown on development plans for that portion of the Property and shall be approved by the Planning Director prior to final subdivision or site plan approval for any development of the Property.
11. Severability. In the event that any clause, sentence, paragraph, section or subsection of these proffers shall be adjudged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any governmental agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity or any clause, sentence, paragraph, section or subsection or provision herein.

WITNESS the following signatures:

THE COUNTY OF JAMES CITY, VIRGINIA

BY: _____
Robert C. Middaugh, Jr. County Administrator

COMMONWEALTH OF VIRGINIA

County of James City, to-wit:

The foregoing Proffers were acknowledged before me this _____ day of _____, 2013
by Robert C. Middaugh, Jr.

Notary Public

My Commission expires on: _____

Registration No. _____

EXHIBIT A

ALL that certain lot, piece or parcel of land situate, lying and being in James City County, Virginia, more particularly described as "Area of Parcel, 653,400 S.F. \pm or 15.00 Acres \pm on a plat attached hereto and made a part hereof entitled "Plat of Subdivision, Being A Portion Of Parcel "A", Containing 15.00 \pm Acres, Owned By Wellington, LLC, Stonehouse District, James City County, Virginia" dated 1/7/2000 made by G.T. Wilson, Jr. of AES Consulting Engineers, a copy of which is attached hereto, made apart hereof to be recorded herewith.

BEING a portion of the same property conveyed to the Declarant by deed July 15, 1999 from Nice Properties Co. of record in the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City as document no. 990015562.



MEMORANDUM

TO: James Peters, AES
FROM: Dexter R. Williams
SUBJECT: Traffic Assessment For Wellington/Windsor Ridge 4
DATE: April 19, 2013

Table 1 on enclosed Exhibit 1 shows trip generation for the proposed 28 lots in Wellington/Windsor Ridge 4. VDOT procedures specify trip generation equations (first row in Table 1) and not rates be used for trip generation. Equation values are probably a little high given that the small number of lots in this section produces relatively high trip generation values, but this section is part of a larger overall development which produces lower trip generation values. The higher equation values are used in this study per VDOT procedures.

Windsor Ridge 4 has access to adjacent roads via Ashington Way (through Wellington) to Rochambeau Drive and via Point of Woods Road, Mirror Lake Drive and Meadow Crest Trail (through Mirror Lakes) to Croaker Road. Table 2 on Exhibit 1 shows these four routes to adjacent roads with 2011 VDOT average daily traffic (ADT) and resulting percentage splits between the four routes.

The Table 2 distribution percentages are applied to Windsor Ridge 4 peak and daily trips in Table 3 to produce site trip distribution to the four routes.

Turning movement peak hour counts were conducted in 2006 on Croaker Road at Point of Woods Road and Rose Lane (access to Mirror Lake Drive and Meadow Crest Trail). The north/south splits from the 2006 Croaker Road counts are applied to Table 3 trips to Croaker Road in Table 4 to produce north and south trip distribution on Croaker.

Regarding traffic impact on roads in the area, the Rt. 60 Richmond Road/Croaker Road intersection is the major intersection in the area. A 2008 DRW study for the Candle Factory Traffic provided for 2008 counts and a forecast for 2015 that included the Candle Factory rezoning and the Stone house development. The following table shows Windsor Ridge traffic at the Rt. 60 Richmond Road/Croaker Road as a percentage increase over the 2008 counts and the 2015 forecast:

TABLE 1
WINDSOR RIDGE TRAFFIC PERCENTAGE OF
RICHMOND ROAD/CROAKER ROAD INTERSECTION

	AM Peak Hour	PM Peak Hour	Daily
Windsor Ridge 4	10	11	108
2008 Intersection Total	1555	2141	20270
Windsor Ridge 4 Per Cent Over 2008	0.64%	0.51%	0.53%
2015 Intersection Total	2347	3431	34994
Windsor Ridge 4 Per Cent Over 2015	0.43%	0.32%	0.31%

Windsor Ridge 4 produces less than a 1% increase in traffic at the Richmond Road/Croaker Road intersection for 2008 counts or the 2015 forecast. For the PM peak hour which is the highest capacity demand, the Windsor Ridge 4 increase is only about one half of one percent over 2008 counts and one third of one percent over the 2015 forecast. This level of increase will have no discernible effect on traffic operations.

VALUE		LAND USE	LAND USE CODE	SQ.FT., OTHER UNITS	WEEKDAY TRIP GENERATION						
					AM PEAK HOUR			PM PEAK HOUR			DAILY
					Enter	Exit	Total	Enter	Exit	Total	

TABLE 1 - WINDSOR RIDGE 4 TRIP GENERATION

eq.-adj. st.	Single-Family	210	28 units	7	22	29	21	12	33	326
rate-adj. st.	Single-Family	210	28 units	5	16	21	18	10	28	267

TABLE 2 - MIRROR LAKES/WELLINGTON/WINDSOR RIDGE TRIP DISTRIBUTION - 2011 VDOT ADT

	ADT	% Dist.
Rt. 1070 Ashington Way To Rochambeau	520	23%
Rt. 1647 Point of Woods Road To Croaker Road	850	38%
Rt. 1640 Mirror Lake Drive to Rose Lane/Croaker Road	270	12%
Rt. 1642 Meadow Crest Trail to Rose Lane/Croaker Road	620	27%
	2260	

TABLE 3 - TRIP DISTRIBUTION TO ROCHAMBEAU DRIVE AND CROAKER ROAD - VDOT ADT BASIS

Rt. 1070 Ashington Way To Rochambeau	2	5	7	5	3	8	75
Rt. 1647 Point of Woods Road To Croaker Road	3	8	11	8	5	12	123
Rt. 1640 Mirror Lake Drive to Rose Lane/Croaker Road	1	3	3	3	1	4	39
Rt. 1642 Meadow Crest Trail to Rose Lane/Croaker Road	2	6	8	6	3	9	89
TOTAL	8	22	29	22	12	33	326
Croaker Road Subtotal	6	17	22	17	9	25	251

TABLE 4 - NORTH/SOUTH TRIP DISTRIBUTION ON CROAKER ROAD - 2006 PEAK HOUR COUNTS

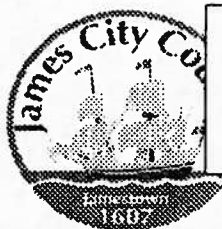
		6				17		22		17		9		25		251	
		AM Peak Hour				PM Peak Hour				Daily Traffic							
		Entering Traffic		Exiting Traffic		Entering Traffic		Exiting Traffic		Exiting Traffic							
Direction		% Dist.	Trips	% Dist.	Trips	% Dist.	Trips	% Dist.	Trips	% Dist.	Trips	% Dist.	Trips	% Dist.	Trips	% Dist.	Trips
North		57%	3	61%	10	57%	10	57%	5	57%	143						
South		43%	3	39%	7	43%	7	43%	4	43%	108						
		100%	6	100%	17	100%	17	100%	9	100%	251						

Trip generation rates from Trip Generation, 9th Edition (TG9) by
the Institute of Transportation Engineers (ITE)

WELLINGTON/WINDSOR RIDGE SECTION 4
TRIP GENERATION AND DISTRIBUTION

DRW Consultants, LLC
804-794-7312

Exhibit 1



Please make sure to use the accompanying Excel Spreadsheet to calculate the numbers below.

Version 10.21.11

FISCAL IMPACT ANALYSIS WORKSHEET AND ASSUMPTIONS

Please fill out all *applicable* sections. Please use the provided spreadsheet to perform calculations. If space provided is insufficient, please feel free to include additional pages. If you have any questions, please contact the Planning Office at (757) 253-6685 or planning@james-city.va.us

- 1a) PROPOSAL NAME Windsor Ridge at Wellington
- 1b) Does this project propose residential units? Yes X No (if no, skip Sec. 2)
- 1c) Does this project include commercial or industrial uses? Yes No X (If no, skip Sec. 3)

Fiscal Impact Analysis Worksheet Section 2: Residential Developments

2a) TOTAL NEW DWELLING UNITS. Please indicate the total number of each type of proposed dwelling unit. Then, *add* the total number of new dwelling units.

Single Family Detached	28	Apartment	
Townhome/Condominium/Single Family Attached		Manufactured Home	
Total Dwelling Units			

Are any units affordable? Yes No X (If yes, how many?)

Residential Expenses – School Expenses

2b) TOTAL NEW STUDENTS GENERATED. *Multiply* the number of each type of proposed unit from (2a) its corresponding Student Generation Rate below. Then, *add* the total number of students generated by the proposal.

Unit Type	Number of Proposed Units (from 2a)	Student Generation Rate	Students Generated
Single Family Detached	28	0.40	11.2
Townhome/Condo/Attached		0.17	
Apartment		0.31	
Manufactured Home		0.46	
Total			

2c) TOTAL SCHOOL EXPENSES. *Multiply* the total number of students generated from (2b) by the Per-Student Total Expenses below.

Total Students Generated	Per-Student Operating Expenses	Per-Student Capital Expenses	Per-Student Total Expenses	Total School Expenses
11.2	\$5920.16	\$2176.06	\$8096.22	\$90,677.66

Residential Expenses - Non-School Expenses

2d) TOTAL POPULATION GENERATED. *Multiply* the number of proposed units from (2a) and multiply by the Average Household Size number below.

Total Units Proposed	Average Household Size	Total Population Generated
28	2.19	61.32

2e) TOTAL NON-SCHOOL EXPENSES. *Multiply* the population generated from (2d) by the Per-Capita Non-School Expenses below.

Total Population Generated	Per-Capita Non-School Expenses	Total Non-School Expenses
61.32	\$640.98	\$39,304.89

2f) TOTAL RESIDENTIAL EXPENSES. *Add* school expenses from (2c) and non-school expenses (2e) to determine total residential expenses.

Total School Expenses	Non-School Expenses	Total Residential Expenses
\$90,677.66	\$39,304.89	\$129,982.56

Residential Revenues

2g) TOTAL REAL ESTATE EXPECTED MARKET VALUE. Write the number of each type of units proposed from (2a). Then *determine the average* expected market value for each type of unit. Then, *multiply* the number of unit proposed by their average expected market value. Finally, *add* the total expected market value of the proposed units.

Unit Type:	Number of Units:	Average Expected Market Value:	Total Expected Market Value:
Single Family Detached	20	\$400,253	\$8,005,060
	8	\$420,265	\$3,362,120
Townhome/Condo/Multifamily		\$	\$
Total:		N/A	\$11,367,180

2h) TOTAL REAL ESTATE TAXES PAID. *Multiply* the total market value from (2g) by the real estate tax rate below.

Total Market Value	Real Estate Tax Rate	Total Real Estate Taxes Paid
\$11,367,180	0.0077	\$87,527.29

2i) TOTAL PERSONAL PROPERTY TAXES PAID. *Multiply* the total real estate taxes paid (2h) by the property tax average below.

Real Estate Tax Paid	Personal Property Tax Average	Personal Property Taxes Paid
\$87,527.29	0.15	\$13,129.09

2j) TOTAL SALES & MEALS TAXES PAID. *Multiply* the total real estate taxes paid (2h) by the sales and meals tax average below:

Real Estate Tax Paid	Sales and Meals Tax Average	Total Sales & Meals Taxes Paid
\$87,527.29	.09	\$7,877.46

2k) TOTAL CONSERVATION EASEMENT TAXES PAID. If the proposal contains a conservation easement, *multiply* the size of the proposed conservation easement by the conservation easement assessment rate.

Proposed Conservation Easement Size	Assessment Rate	Conservation Easement Taxes Paid
0	\$2000/acre (prorated)	\$0

2l) TOTAL HOA TAXES PAID. If the HOA will own any property that will be rented to non-HOA members, *multiply* the expected assessed value of those rentable facilities by the real estate tax rate below.

HOA Property Type	Total Assessed Value	Real Estate Tax Rate	Total HOA Taxes Paid
0		.0077	\$0

2m) TOTAL RESIDENTIAL REVENUES. *Add* all residential taxes paid to the County from (2h) through (2l).

Total Residential Revenues	\$
----------------------------	----

2n) RESIDENTIAL FISCAL IMPACT. Subtract total residential revenues (2m) from total residential expenses (2f).

Total Residential Expenses	Total Residential Revenues	Total Residential Fiscal Impact
		\$108,533.33

Fiscal Impact Analysis Worksheet Section 3: Commercial and Industrial Developments

Commercial and Industrial Expenses

3a) TOTAL NEW BUSINESSES. How many new businesses are proposed? _____

(include all businesses that will rent or lease space at the location as part of the proposal, including probable tenants of an office park or strip mall).

3b) TOTAL COMMERCIAL EXPENSES. *Multiply* the total business real estate expected assessment value from (3c) below by the Commercial Expenses Rate below.

Total Expected Assessment Value	Commercial Expense Rate	Total Commercial Expenses
	0.0045	\$

Commercial & Industrial Revenues

3c) TOTAL REAL ESTATE EXPECTED ASSESSMENT VALUE. *Estimate* the expected real estate assessment value, at buildout, of all proposed commercial element properties below.

Proposed Business Properties (by use and location)	Expected Assessment Value
Total:	\$

3d) TOTAL REAL ESTATE TAXES PAID. *Multiply* the total expected market property value from (3c) by the real estate tax rate below.

Expected Market Value	Real Estate Tax Rate	Real Estate Taxes Paid
	0.0077	\$

3e) TOTAL BUSINESS PERSONAL PROPERTY TAXES PAID. *Multiply* the total business capitalization for each proposed commercial element by the business personal property tax rate below. Then *add* the total personal property taxes paid.

Proposed Business Name	Total Business Capitalization	Personal Property Tax Rate	Total Business Property Taxes Paid
		0.01	
		0.01	
		0.01	
Total:		N/A	\$

3f) TOTAL BUSINESS MACHINERY AND TOOLS TAXES PAID. If any manufacturing is proposed, *multiply* the total business capitalization for each proposed manufacturing element by the business machinery and tools tax rate below. Then, *add* the machinery and tools tax paid.

Proposed Business Name	Total Business Capitalization	Machinery and Tools Tax Rate	Total Business Property Taxes Paid
		0.01	
		0.01	
		0.01	
Total:		N/A	\$

3g) **TOTAL SALES TAXES PAID.** *Estimate* the applicable total gross retail sales, prepared meals sales, and hotel/motel room sales for proposal's commercial elements below. Then, *multiply* the projected commercial gross sales by the applicable sales tax rates. Then, *add* the total sales taxes paid.

Tax Type	Projected Gross Sales	Sales Tax Rates	Sales Taxes Paid
Retail Sales		0.01 of Gross Retail Sales	
Prepared Meals		0.04 of Prepared Sales	
Hotel, Motel		0.02 of Gross Sales*	
Total:	N/A	N/A	\$

*Actual Occupancy Tax is 5% of Gross Sales, however, 60% of those funds are targeted to tourism.

3h) **TOTAL BUSINESS LICENSES FEES PAID.** Estimate each business element's total gross sales. *Multiply* each business element's projected gross sales by the Annual Business License rate to determine annual business licenses fee paid.

Proposed Business Name(s)	Business Type* (see exhibit sheet)	Projected Total Gross Sales	Business License Rate	Annual Business License Fees Paid
	Professional Services		0.0058	
	Retail Services		0.0020	
	Contractors		0.0016	
	Wholesalers		0.0005	
	Exempt*		No fee due	
	Other Services		0.0036	
	Total	N/A	N/A	\$

3i) **TOTAL COMMERCIAL AND INDUSTRIAL REVENUES.** *Add* the total taxes and fees paid by all of the business elements from (3d) through (3h).

Total Commercial and Industrial Revenues	\$
---	----

3j) **COMMERCIAL FISCAL IMPACT.** *Subtract* total commercial and industrial revenues (3i) from total commercial and industrial expenses (3b).

Total Commercial Expenses	Total Commercial Revenues	Total Commercial Fiscal Impact
		\$

3k) **TOTAL PROPOSED FISCAL IMPACT.** *Add* residential fiscal impacts (2n) and commercial fiscal impacts (3j).

Residential Fiscal Impact	Commercial Fiscal Impact	Total Proposed Fiscal Impact
		\$

Fiscal Impact Analysis Worksheet Section 4: Current Land Use

Current Residential Use (If there are no existing residential units, skip to (4g)).

4a) **TOTAL CURRENT DWELLING UNITS.** Please indicate the total number of each type of existing dwelling unit. Then, *add* the total number of existing dwelling units.

Single Family Detached	0	Apartment	
Townhome/Condominium/Single Family Attached		Manufactured Home	
Total Dwelling Units			

Residential Expenses - School Expenses

4b) **TOTAL CURRENT STUDENTS.** *Multiply* the number of existing units from (4a) by its corresponding Student Generation Rate below. Then, *add* the total number of existing students.

Unit Type	Number of Existing Units	Student Generation Rate	Existing Students
Single Family Detached	0	0.40	0
Townhome/Condo/Attached		0.17	
Apartment		0.31	
Manufactured Home		0.46	
Total		N/A	

4c) **TOTAL CURRENT SCHOOL EXPENSES.** *Multiply* the total number of current students from (4b) by the per-student school cost below.

Number of Existing Students	Per-Student School Cost	Current School Expenses
0	\$8096.22	\$0

Residential Expenses - Non-School Expenses

4d) **TOTAL CURRENT POPULATION.** *Multiply* the total number of existing units from (4a) by average household size below.

Total Existing Units	Average Household Size	Total Current Population
0	2.08	\$0

4e) **TOTAL CURRENT NON-SCHOOL EXPENSES.** *Multiply* the current population from (4d) by per-capita non-school expenses below.

Total Current Population	Per-Capita Non-School Expenses	Current Non-School Expenses
0	\$762.14	\$0

4f) TOTAL RESIDENTIAL EXPENSES. *Add* school expenses from (4c) and non-school expenses from (4e).

School Expenses	Non-School Expenses	Residential Expenses
\$0	\$0	\$0

Residential Revenues

4g) TOTAL CURRENT ASSESSMENT VALUE. *Search* for each residential property included in the proposal on the Parcel Viewer at <http://property.iccegov.com/parcelviewer/Search.aspx>. *Indicate* each property's total assessment value below. Then, *add* total assessment values.

Property Address and Description	Assessment Value
225 Meadowcrest Trail	\$453,800
	\$
	\$
Total:	\$453,800

4h) TOTAL CURRENT REAL ESTATE TAXES PAID. *Multiply* the total assessment value from (4g) by the real estate tax rate below.

Total Assessment Value	Real Estate Tax Rate	Real Estate Taxes Paid
\$453,800	.0077	\$0

Property is owned by the County and is not taxable

4i) TOTAL CURRENT PERSONAL PROPERTY TAXES PAID. *Multiply* total real estate taxes paid from (4h) by the personal property tax average below.

Real Estate Tax Paid	Personal Property Tax Average	Personal Property Paid
\$0	0.15	\$0

4j) TOTAL CURRENT SALES AND MEALS TAXES PAID. *Multiply* the total real estate taxes paid from (4h) by the sales and meals tax average below.

Real Estate Tax Paid	Sales and Meals Tax Average	Average Excise Tax Paid
\$0	.09	\$0

4k) TOTAL CURRENT RESIDENTIAL REVENUES. *Add* all current residential taxes paid to the County from (4h) through (4j).

Total Current Residential Revenues	\$0
------------------------------------	-----

4l) CURRENT RESIDENTIAL FISCAL IMPACT. *Subtract* total residential revenues (4k) from total residential expenses (4f).

Total Residential Expenses	Total Residential Revenues	Total Residential Fiscal Impact
\$0	\$0	\$0

4m) **FINAL RESIDENTIAL FISCAL IMPACT.** *Subtract* current residential fiscal impact from (4l) from proposed residential fiscal impact from (2n).

Proposed Residential Impact	Current Residential Impact	Final Residential Fiscal Impact
\$(21,448.72)	\$0	\$(21,448.72)

Current Commercial Use

Current Commercial Expenses (if there are no current businesses or commercial properties, skip to (5k).

5a) **TOTAL CURRENT BUSINESSES.** How many businesses exist on the proposal properties?
0 (include all businesses that rent or lease space at the location).

5b) **TOTAL CURRENT COMMERCIAL EXPENSES.** *Multiply* the current number of businesses operating on the proposal properties by the per-business expense rate below.

Total Expected Assessment Value	Commercial Expense Rate	Total Commercial Expenses
	0.0045	\$

Current Commercial Revenues

5c) **TOTAL CURRENT ASSESSMENT VALUE.** *Search* for each commercial property included in the proposal on the Parcel Viewer at <http://property.iccegov.com/parcelviewer/Search.aspx>. *Indicate* each property's total assessment value below. Then, *add* total assessment values.

Addresses	Assessment Value	Real Estate Tax Rate	Real Estate Tax Paid
		.0077	
		.0077	
Total:			\$

5d) **TOTAL CURRENT BUSINESS PERSONAL PROPERTY TAXES PAID.** *Multiply* the total business capitalization for each current commercial element by the business personal property tax rate below. Then *add* the total personal property taxes paid.

Current Business	Total Business Capitalization	Personal Property Tax Rate	Business Property Taxes Paid
		0.01	
		0.01	
		0.01	
Total:		N/A	\$

5e) **TOTAL CURRENT MACHINERY AND TOOLS TAX PAID.** If any manufacturing exists, *multiply* the total capitalization for manufacturing equipment by the business machinery and tools tax rate below.

Current Business	Total Business Capitalization	Personal Property Tax Rate	Machinery and Tools Tax Paid
		0.01	\$

- Businesses will paying tools tax will pay it instead business personal property.

5f) **TOTAL CURRENT SALES TAXES PAID.** *Estimate* the applicable total gross retail sales, prepared meals sales, and hotel/motel sales for existing commercial elements below. Then, *multiply* the projected commercial gross sales by the applicable sales tax rates. Then, *add* the total sales taxes paid.

Activity	Projected Gross Sales	Tax Rate	Sales Taxes Paid
Retail Sales		0.01 of Gross Retail Sales	
Prepared Meals		0.04 of Prepared Sales	
Hotel, Motel		0.02 of Gross Sales*	
Total:	N/A	N/A	\$

* Actual Occupancy Tax is 5% of Gross Sales, however, 60% of those funds are targeted to tourism.

5g) **TOTAL CURRENT BUSINESS LICENSES FEES PAID.** *Estimate* each current business element's total gross sales. Then, *multiply* each business element's projected gross sales by the Annual Business License rate to determine annual business licenses fee paid. Then, *add* the total business license fees paid.

Business Type	Gross Sales	Business License Rate	Annual Business License Fees Paid
Professional Services		\$0.0058	
Retail Sales		\$0.0020	
Contractors		\$0.0016	
Wholesalers		\$0.0005	
Manufacturers		No tax	
Other Services		\$0.0036	
Total:	N/A	N/A	\$

5h) **TOTAL CURRENT COMMERCIAL REVENUES.** *Add* all current commercial revenues paid by existing businesses from (5c) through (5g).

Total Current Commercial Revenues	\$
--	----

5i) **CURRENT COMMERCIAL FISCAL IMPACT.** *Subtract* total commercial revenues (5h) from total residential expenses (5b).

Total Commercial Expenses	Total Commercial Revenues	Total Commercial Fiscal Impact
		\$

5j) **FINAL COMMERCIAL FISCAL IMPACT.** *Subtract* current commercial fiscal impact from (5i) from proposed commercial fiscal impact from (3j).

Proposed Commercial Impact	Current Commercial Impact	Final Commercial Fiscal Impact
\$0	\$0	\$0

5k) **FINAL FISCAL IMPACT.** *Subtract* the final commercial fiscal impact from (5i) from final residential fiscal impact from (4m).

Final Residential Impact	Final Commercial Impact	Final Fiscal Impact
\$(21,448.72)	\$0	\$(21,448.72)

Fiscal Impact Worksheet Section 6: Phasing

Residential Phasing

6a) *Copy and paste* the residential phasing template from the accompanying Excel sheet to the page below.

Total Units Proposed		28				
	Year 1	Year 2	Year 3	Year 4	Year 5	Buildout
Homes Built	20	8				28
	\$	\$	\$	\$	\$	
Total Res Exp	129,982.56	129,982.56	129,982.56	129,982.56	129,982.56	
	\$	\$	\$	\$	\$	\$
Per Unit Exp	4,642.23	4,642.23	4,642.23	4,642.23	4,642.23	4,642.23
	\$	\$	\$	\$	\$	\$
Total Res Exp	92,844.68	37,137.87	-	-	-	129,982.56
	\$	\$	\$	\$	\$	
Total Res Rev	108,533.83	108,533.83	108,533.83	108,533.83	108,533.83	
	\$	\$	\$	\$	\$	\$
Per Unit Rev	3,876.21	3,876.21	3,876.21	3,876.21	3,876.21	3,876.21
	\$	\$	\$	\$	\$	\$
Total Res Rev	77,524.17	77,524.17	77,524.17	77,524.17	77,524.17	387,620.84
	\$	\$	\$	\$	\$	\$
Per Unit Impact	766.03	766.03	766.03	766.03	766.03	766.03
	\$	\$	\$	\$	\$	
Res Impact	15,320.52	21,448.72	21,448.72	21,448.72	21,448.72	

Commercial Phasing

6b) *Copy and paste* the commercial phasing template from the accompanying Excel sheet to the page below.

Final Phasing Projections

6c) *Copy and paste* the final phasing projection from the accompanying Excel sheet to the page below.

	Year 1	Year 2	Year 3	Year 4	Year 5	Buildout
	\$	\$	\$	\$	\$	\$
Res Impact	15,320.52	21,448.72	21,448.72	21,448.72	21,448.72	21,448.72
Bus Impact	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
Final Impact	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	

Fiscal Impact Worksheet Section 7: Employment

7a) *Copy and paste* the employment projections from the accompanying Excel sheet to the page below.

	Business	FTE Jobs Generated	Average Payroll
1			\$
2			-
			\$
3			-
			\$
4			-
			\$
5			-
			\$
6			-

Version 12.6.12



Please make sure to use the accompanying Excel Spreadsheet to calculate the numbers below.

FISCAL IMPACT WORKSHEET AND ASSUMPTIONS

Please complete all *applicable* sections. Please use the provided spreadsheet to perform calculations. If space provided is insufficient, please feel free to include additional pages. If you have any questions please contact the Planning Office at (757) 253-6685 or planning@jamestowncitycountyva.gov

- 1a) PROPOSAL NAME Wellington, Windsor Ridge, Section 4
 1b) Does this project propose residential units? Yes X No (if no, skip Sec. 2)
 1c) Does this project include commercial or industrial uses? Yes No X (If no, skip Sec. 3)

Fiscal Impact Worksheet Section 2: Residential Developments

- 2a) TOTAL NEW DWELLING UNITS. Please indicate the total number of each type of proposed dwelling unit. Then, *add* the total number of new dwelling units.

Single Family Detached	28	Apartment	
Townhome/Condominium/Single Family Attached		Manufactured Home	
Total Dwelling Units			

Are any units affordable? Yes No X (If yes, how many?) 6

Residential Expenses – School Expenses

- 2b) TOTAL NEW STUDENTS GENERATED. *Multiply* the number of each type of proposed unit from (2a) its corresponding Student Generation Rate below. Then, *add* the total number of students generated by the proposal.

Unit Type	Number of Proposed Units (from 2a)	Student Generation Rate	Students Generated
Single Family Detached	28	0.40	11.2
Townhome/Condo/Attached		0.17	
Apartment		0.31	
Manufactured Home		0.46	
Total			11.2

2c). **TOTAL SCHOOL EXPENSES.** *Multiply* the total number of students generated from (2b) by the Per-Student Total Expenses below.

Total Students Generated	Per-Student Operating Expenses	Per-Student Capital Expenses	Per-Student Total Expenses	Total School Expenses
11.2	\$5920.16	\$2176.06	\$8096.22	\$ 90,677.66

Residential Expenses - Non-School Expenses

2d) **TOTAL POPULATION GENERATED.** *Multiply* the number of proposed units from (2a) and multiply by the Average Household Size number below.

Total Units Proposed	Average Household Size	Total Population Generated
28	2.19	61.32

2e) **TOTAL NON-SCHOOL EXPENSES.** *Multiply* the population generated from (2d) by the Per-Capita Non-School Expenses below.

Total Population Generated	Per-Capita Non-School Expenses	Total Non-School Expenses
61.32	\$640.98	\$ 39,304.89

2f) **TOTAL RESIDENTIAL EXPENSES.** *Add* school expenses from (2c) and non-school expenses (2e) to determine total residential expenses.

Total School Expenses	Non-School Expenses	Total Residential Expenses
\$ 90,677.66	\$ 39,304.89	\$ 129,982.56

Residential Revenues

2g) **TOTAL REAL ESTATE EXPECTED MARKET VALUE.** Write the number of each type of units proposed from (2a). Then *determine the average* expected market value for each type of unit. Then, *multiply* the number of unit proposed by their average expected market value. Finally, *add* the total expected market value of the proposed units.

Unit Type:	Number of Units:	Average Expected Market Value:	Total Expected Market Value:
Single Family Detached	14	\$ 400,253	\$ 5,603,542
	8	\$ 420,265	\$ 3,362,120
	2	\$ 381,991	\$ 763,982
	2	\$ 243,462	\$ 486,924
	2	\$ 174,256	\$ 348,512
Townhome/Condo/Multifamily	N/A	N/A	N/A
Total:	28	N/A	\$ 10,565,080

2h) **TOTAL REAL ESTATE TAXES PAID.** *Multiply* the total market value from (2g) by the real estate tax rate below.

Total Market Value	Real Estate Tax Rate	Total Real Estate Taxes Paid
\$ 10,565,080.00	0.0077	\$ 81,351.12

2i) TOTAL PERSONAL PROPERTY TAXES PAID. *Multiply* the total real estate taxes paid (2h) by the property tax average below.

Real Estate Tax Paid	Personal Property Tax Average	Personal Property Taxes Paid
\$ 81,351.116	0.15	\$ 12,202.67

2j) TOTAL SALES & MEALS TAXES PAID. *Multiply* the total real estate taxes paid (2h) by the sales and meals tax average below:

Real Estate Tax Paid	Sales and Meals Tax Average	Total Sales & Meals Taxes Paid
\$ 81,351.116	.09	\$ 7,321.60

2k) TOTAL CONSERVATION EASEMENT TAXES PAID. If the proposal contains a conservation easement, *multiply* the size of the proposed conservation easement by the conservation easement assessment rate.

Proposed Conservation Easement Size	Assessment Rate	Conservation Easement Taxes Paid
N/A	\$2000/acre (prorated)	\$ 0

2l) TOTAL HOA TAXES PAID. If the HOA will own any property that will be rented to non-HOA members, *multiply* the expected assessed value of those rentable facilities by the real estate tax rate below.

HOA Property Type	Total Assessed Value	Real Estate Tax Rate	Total HOA Taxes Paid
N/A	N/A	.0077	\$ 0

2m) TOTAL RESIDENTIAL REVENUES. *Add* all residential taxes paid to the County from (2h) through (2l).

Total Residential Revenues	\$ 100,875.38
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2n) RESIDENTIAL FISCAL IMPACT. Subtract total residential revenues (2m) from total residential expenses (2f).

Total Residential Expenses	Total Residential Revenues	Total Residential Fiscal Impact
		(\$ 29,107.17)

Fiscal Impact Analysis Worksheet Section 3: Commercial and Industrial Developments

Commercial and Industrial Expenses

3a) TOTAL NEW BUSINESSES. How many new businesses are proposed? _____
(include all businesses that will rent or lease space at the location as part of the proposal, including probable tenants of an office park or strip mall).

3b) TOTAL COMMERCIAL EXPENSES. *Multiply* the total business real estate expected assessment value from (3c) below by the Commercial Expenses Rate below.

Total Expected Assessment Value	Commercial Expense Rate	Total Commercial Expenses
\$1	0.0045	\$

Commercial & Industrial Revenues

3c) TOTAL REAL ESTATE EXPECTED ASSESSMENT VALUE. *Estimate* the expected real estate assessment value, at buildout, of all proposed commercial element properties below.

Proposed Business Properties (by use and location)	Expected Assessment Value
Total:	\$

3d) TOTAL REAL ESTATE TAXES PAID. *Multiply* the total expected market property value from (3c) by the real estate tax rate below.

Expected Market Value	Real Estate Tax Rate	Real Estate Taxes Paid
	0.0077	\$

3e) TOTAL BUSINESS PERSONAL PROPERTY TAXES PAID. *Multiply* the total business capitalization for each proposed commercial element by the business personal property tax rate below. Then *add* the total personal property taxes paid.

Proposed Business Name	Total Business Capitalization	Personal Property Tax Rate	Total Business Property Taxes Paid
		0.01	
		0.01	
		0.01	
Total:		N/A	\$

3f) TOTAL BUSINESS MACHINERY AND TOOLS TAXES PAID. If any manufacturing is proposed, *multiply* the total business capitalization for each proposed manufacturing element by the business machinery and tools tax rate below. Then, *add* the machinery and tools tax paid.

Proposed Business	Total Business	Machinery and Tools	Total Business
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Name	Capitalization	Tax Rate	Property Taxes Paid
		0.01	
		0.01	
Total:		N/A	\$

3g) **TOTAL SALES TAXES PAID.** *Estimate* the applicable total gross retail sales, prepared meals sales, and hotel/motel room sales for proposal's commercial elements below. Then, *multiply* the projected commercial gross sales by the applicable sales tax rates. Then, *add* the total sales taxes paid.

Tax Type	Projected Gross Sales	Sales Tax Rates	Sales Taxes Paid
Retail Sales		0.01 of Gross Retail Sales	
Prepared Meals		0.04 of Prepared Sales	
Hotel, Motel		0.02 of Gross Sales*	
Total:	N/A	N/A	\$

*Actual Occupancy Tax is 5% of Gross Sales; however, 60% of those funds are targeted to tourism.

3h) **TOTAL BUSINESS LICENSES FEES PAID.** Estimate each business element's total gross sales. *Multiply* each business element's projected gross sales by the Annual Business License rate to determine annual business licenses fee paid.

Proposed Business Name(s)	Business Type* (see exhibit sheet)	Projected Total Gross Sales	Business License Rate	Annual Business License Fees Paid
	Professional Services		0.0058	
	Retail Services		0.0020	
	Contractors		0.0016	
	Wholesalers		0.0005	
	Exempt*		No fee due	
	Other Services		0.0036	
	Total	N/A	N/A	\$

3i) **TOTAL COMMERCIAL AND INDUSTRIAL REVENUES.** *Add* the total taxes and fees paid by all of the business elements from (3d) through (3h).

Total Commercial and Industrial Revenues	\$
---	----

3j) **COMMERCIAL FISCAL IMPACT.** *Subtract* total commercial and industrial revenues (3i) from total commercial and industrial expenses (3b).

Total Commercial Expenses	Total Commercial Revenues	Total Commercial Fiscal Impact
		\$

3k) TOTAL PROPOSED FISCAL IMPACT. *Add* residential fiscal impacts (2n) and commercial fiscal impacts (3j).

Residential Fiscal Impact	Commercial Fiscal Impact	Total Proposed Fiscal Impact
(\$ 29,107.17)	0	(\$ 29,107.17)

Fiscal Impact Analysis Worksheet Section 4: Current Land Use

Current Residential Use (If there are no existing residential units, skip to (4g)).

4a) TOTAL CURRENT DWELLING UNITS. Please indicate the total number of each type of existing dwelling unit. Then, *add* the total number of existing dwelling units.

Single Family Detached	N/A	Apartment	N/A
Townhome/Condominium/Single Family Attached	N/A	Manufactured Home	N/A
Total Dwelling Units	N/A		N/A

Residential Expenses - School Expenses

4b) TOTAL CURRENT STUDENTS. *Multiply* the number of existing units from (4a) by its corresponding Student Generation Rate below. Then, *add* the total number of existing students.

Unit Type	Number of Existing Units	Student Generation Rate	Existing Students
Single Family Detached		0.40	
Townhome/Condo/Attached		0.17	
Apartment		0.31	
Manufactured Home		0.46	
Total		N/A	

4c) TOTAL CURRENT SCHOOL EXPENSES. *Multiply* the total number of current students from (4b) by the per-student school cost below.

Number of Existing Students	Per-Student School Cost	Current School Expenses
	\$8096.22	\$ 0

Residential Expenses - Non-School Expenses

4d) TOTAL CURRENT POPULATION. *Multiply* the total number of existing units from (4a) by average household size below.

Total Existing Units	Average Household Size	Total Current Population
	2.19	\$ 0

4e) TOTAL CURRENT NON-SCHOOL EXPENSES. *Multiply* the current population from (4d) by per-capita non-school expenses below.

Total Current Population	Per-Capita Non-School Expenses	Current Non-School Expenses
	\$640.98	\$ 0

4f) TOTAL RESIDENTIAL EXPENSES. Add school expenses from (4c) and non-school expenses from (4e).

School Expenses	Non-School Expenses	Residential Expenses
\$	\$	\$

Residential Revenues

4g) TOTAL CURRENT ASSESSMENT VALUE. Search for each residential property included in the proposal on the Parcel Viewer at <http://property.iccegov.com/parcelviewer/Search.aspx>. Indicate each property's total assessment value below. Then, add total assessment values.

Property Address and Description	Assessment Value
	\$
	\$
	\$
Total:	\$

4h) TOTAL CURRENT REAL ESTATE TAXES PAID. Multiply the total assessment value from (4g) by the real estate tax rate below.

Total Assessment Value	Real Estate Tax Rate	Real Estate Taxes Paid
\$ 453.800	.0077	\$ 0

4i) TOTAL CURRENT PERSONAL PROPERTY TAXES PAID. Multiply total real estate taxes paid from (4h) by the personal property tax average below.

Real Estate Tax Paid	Personal Property Tax Average	Personal Property Paid
	0.15	\$ 0

4j) TOTAL CURRENT SALES AND MEALS TAXES PAID. Multiply the total real estate taxes paid from (4h) by the sales and meals tax average below.

Real Estate Tax Paid	Sales and Meals Tax Average	Average Excise Tax Paid
	.09	\$ 0

4k) TOTAL CURRENT RESIDENTIAL REVENUES. Add all current residential taxes paid to the County from (4h) through (4j).

Total Current Residential Revenues	\$ 0
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4l) **CURRENT RESIDENTIAL FISCAL IMPACT.** *Subtract* total residential revenues (4k) from total residential expenses (4f).

Total Residential Expenses	Total Residential Revenues	Total Residential Fiscal Impact
		\$

4m) **FINAL RESIDENTIAL FISCAL IMPACT.** *Subtract* current residential fiscal impact from (4l) from proposed residential fiscal impact from (2n).

Proposed Residential Impact	Current Residential Impact	Final Residential Fiscal Impact
		\$

Current Commercial Use

Current Commercial Expenses (if there are no current businesses or commercial properties, skip to (5k).

5a) **TOTAL CURRENT BUSINESSES.** How many businesses exist on the proposal properties?
N/A (include all businesses that rent or lease space at the location).

5b) **TOTAL CURRENT COMMERCIAL EXPENSES.** *Multiply* the current number of businesses operating on the proposal properties by the per-business expense rate below.

Total Expected Assessment Value	Commercial Expense Rate	Total Commercial Expenses
	0.0045	\$ N/A

Current Commercial Revenues

5c) **TOTAL CURRENT ASSESSMENT VALUE.** *Search* for each commercial property included in the proposal on the Parcel Viewer at <http://property.iccegov.com/parcelviewer/Search.aspx>. *Indicate* each property's total assessment value below. Then, *add* total assessment values.

Addresses	Assessment Value	Real Estate Tax Rate	Real Estate Tax Paid
		.0077	
		.0077	
Total:			\$ N/A

5d) **TOTAL CURRENT BUSINESS PERSONAL PROPERTY TAXES PAID.** *Multiply* the total business capitalization for each current commercial element by the business personal property tax rate below. Then *add* the total personal property taxes paid.

Current Business	Total Business Capitalization	Personal Property Tax Rate	Business Property Taxes Paid
		0.01	
		0.01	
		0.01	
Total:		N/A	\$ N/A

5e) **TOTAL CURRENT MACHINERY AND TOOLS TAX PAID.** If any manufacturing exists, *multiply* the total capitalization for manufacturing equipment by the business machinery and tools tax rate below.

Current Business	Total Business Capitalization	Personal Property Tax Rate	Machinery and Tools Tax Paid
		0.01	\$

5f) **TOTAL CURRENT SALES TAXES PAID.** *Estimate* the applicable total gross retail sales, prepared meals sales, and hotel/motel sales for existing commercial elements below. Then, *multiply* the projected commercial gross sales by the applicable sales tax rates. Then, *add* the total sales taxes paid.

Activity	Projected Gross Sales	Tax Rate	Sales Taxes Paid
Retail Sales		0.01 of Gross Retail Sales	
Prepared Meals		0.04 of Prepared Sales	
Hotel, Motel		0.02 of Gross Sales*	
Total:	N/A	N/A	\$

* Actual Occupancy Tax is 5% of Gross Sales; however, 60% of those funds are targeted to tourism.

5g) **TOTAL CURRENT BUSINESS LICENSES FEES PAID.** *Estimate* each current business element's total gross sales. Then, *multiply* each business element's projected gross sales by the Annual Business License rate to determine annual business licenses fee paid. Then, *add* the total business license fees paid.

Business Type	Gross Sales	Business License Rate	Annual Business License Fees Paid
Professional Services		\$0.0058	
Retail Sales		\$0.0020	
Contractors		\$0.0016	
Wholesalers		\$0.0005	
Manufacturers		No tax	
Other Services		\$0.0036	
Total:	N/A	N/A	\$

5h) **TOTAL CURRENT COMMERCIAL REVENUES.** *Add* all current commercial revenues paid by existing businesses from (5c) through (5g).

Total Current Commercial Revenues	\$
--	----

5i) **CURRENT COMMERCIAL FISCAL IMPACT.** *Subtract* total commercial revenues (5h) from total residential expenses (5b).

Total Commercial Expenses	Total Commercial Revenues	Total Commercial Fiscal Impact
		\$ 0

5j) FINAL COMMERCIAL FISCAL IMPACT. *Subtract* current commercial fiscal impact from (5i) from proposed commercial fiscal impact from (3j).

Proposed Commercial Impact	Current Commercial Impact	Final Commercial Fiscal Impact
	N/A	\$ 0

5k) FINAL FISCAL IMPACT. *Subtract* the final commercial fiscal impact from (5i) from final residential fiscal impact from (4m).

Final Residential Impact	Final Commercial Impact	Final Fiscal Impact
(\$ 29,107.17)	N/A	(\$ 29,107.17)

Fiscal Impact Worksheet Section 6: Phasing

Residential Phasing

6a) *Copy and paste* the residential phasing template from the accompanying Excel sheet to the page below.

Commercial Phasing

6b) *Copy and paste* the commercial phasing template from the accompanying Excel sheet to the page below.

Final Phasing Projections

6c) *Copy and paste* the final phasing projection from the accompanying Excel sheet to the page below.

Fiscal Impact Worksheet Section 7: Employment

7a) *Copy and paste* the employment projections from the accompanying Excel sheet to the page below.

RESOLUTION

HOUSING OPPORTUNITIES POLICY

WHEREAS, the 2009 Comprehensive Plan recognizes the importance of providing housing opportunities which are affordable for homeowners and renters with particular emphasis on households earning 30 to 120 percent of James City County's Area Median Income (AMI); and

WHEREAS, consideration of measures to promote affordable and workforce housing was included as part of the Zoning Ordinance update methodology adopted by the Board of Supervisors in May 2010; and

WHEREAS, the Policy Committee recommended approval of the Housing Opportunities Policy to the Planning Commission on October 11, 2011; and

WHEREAS, the James City County Planning Commission, after a public hearing, recommended approval of the Housing Opportunities Policy on November 7, 2012, by a vote of 6-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes the following Housing Opportunities Policy in order to identify criteria whereby the provision of workforce housing in residential and multiple-use rezoning cases is done in a consistent manner:

The Housing Section of the 2009 Comprehensive Plan sets the following goal for housing opportunities in the County: *"Achieve high quality in design and construction of all residential development and neighborhood design, and provide a wide range of choices in housing type, density, price range, and accessibility."* In order to address the objectives of this goal, this policy is designed to increase the range of housing choices in the County through the provision of affordable and workforce housing in all rezoning applications that include a residential component.

This policy identifies criteria whereby the provision of affordable and workforce housing (rental and ownership) in residential rezoning cases is consistent yet flexible. Provision of housing at different price ranges is a strategy to achieve the greater housing diversity goal described in the 2009 Comprehensive Plan.

I. Definitions

- a. **Affordable Housing.** Housing available at a sales price or rental amount that does not exceed 30 percent of the total monthly income of households earning between 30 percent and 80 percent of the area median income as determined by the U.S. Department of Housing and Urban Development (HUD).
- b. **Workforce Housing.** Housing available at a sales price or rental amount that does not exceed 30 percent of the total monthly income of households earning between greater than 80 percent and 120 percent of the area median income as determined by the U.S. Department of Housing and Urban Development (HUD).

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2. Provision and Integration of Housing Opportunity Dwelling Units

- a. At least 20 percent of a development's proposed dwelling units should be offered for sale or made available for rent at prices that are targeted at households earning 30 to 120 percent of Area Median Income (AMI). Of that 20 percent, the units should be targeted at the AMI ranges specified below:

Units targeted to (percent of AMI):	Percent of the development's proposed dwelling units expected
30 percent – 60 percent	8 percent
Over 60 percent – 80 percent	7 percent
Over 80 percent – 120 percent	5 percent

- b. These units should be fully integrated in the development with regard to location, architectural detailing, quality of exterior materials, and general appearance.

3. Applicability of Cash Proffers for Housing Opportunity Dwelling Units

- a. Units targeted at household meeting 30 to 120 percent of AMI will have reduced expectations for cash proffers in accordance with the amounts set forth in the Cash Proffer Policy for Schools adopted by the Board of Supervisors on July of 2007, as amended, other cash proffers related for water and sewer improvements (typically proffered to the James City Service Authority), and other public facility and infrastructure capital improvement program items. The reductions in the expected proffer amounts would be as follows:

Units targeted to (percent of AMI):	Percent cash proffer reduction:
30 percent – 60 percent	100 percent
Over 60 percent – 80 percent	60 percent
Over 80 percent – 120 percent	30 percent

4. Retention of Housing Opportunity Units Over Time

- a. Rental units must be made available at the targeted rents for a period of at least 30 years.
- b. Sales of all targeted for-sale units as specified in paragraph one shall include a soft second mortgage payable to the benefit of James City County or third party approved by the Office of Housing and Community Development and the County Attorney's Office. The term of the soft second mortgage shall be at least 50 years. In addition, a provision shall be included in the deed that establishes a County right of first refusal in the event that the owner desires to sell the unit.

5. In-lieu Contribution to the Housing Fund

Applicants may choose to offer cash contributions in-lieu of the provision of the percentages of affordable and workforce housing units specified above. Such cash contributions shall be payable to the James City County Housing Fund. The Housing Fund will be used to increase the supply and availability of units targeted at households earning 30 to 120 percent of AMI in the County. If applicants choose to offer a cash contribution in-lieu of construction of the units, the guideline minimum amount per unit shall be:

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Units targeted to (percent of AMI):	Cash in-lieu amount
30 percent – 60 percent	The cost to construct a 1,200 square-foot dwelling as determined below
Over 60 percent – 80 percent	The cost to construct a 1,200 square-foot dwelling as determined below
Over 80 percent – 120 percent	The cost to construct a 1,400 square-foot dwelling as determined below

Beginning in February 2013, and continuing in every subsequent February, the Housing and Community Development Director shall establish the average square foot cost to construct an affordable/workforce dwelling unit, which will be added to the median cost of a lot in the proposed subject development. The dwelling unit construction cost shall be determined based on the cost information provided by at least three builders of affordable/workforce dwellings in James City County. If no costs are available from James City County builders, the Director may consult builders from nearby localities. The anticipated median cost of a lot in the proposed development shall be documented and submitted by the developer; in the case of a proposed all-apartment development, the developer shall work with the Housing and Community Development Director to reach an acceptable estimate based on land and infrastructure costs.


6. Procedures

- a. For rental units, the developer shall provide assurances in a form acceptable to the County Attorney that the development will provide a statement of rental prices, demonstrating that they are within the specified affordable and workforce housing income range, for the proffered units for each year of the 30-year term.
- b. For for-sale units, the developer shall offer units at prices that fit within the affordable and workforce housing price range as stated in the definitions¹, which shall be calculated and made available on an annual basis by the County.
 - i. With regard to the soft-second mortgages, the James City County Office of Housing and Community Development ("OHCD") shall be named beneficiary of a second deed of trust for an amount equal to the sales price of the market rate unit and the sales price of the proffered unit. The soft second shall be a forgivable loan, upon the terms specified in Section 5 above, in a form approved by OHCD and the County Attorney. The soft second deed of trust, the deed of trust note, and the settlement statement shall be subject to the approval of the County Attorney and Housing and Community Development Director prior to closing. The original note and deed of trust and a copy of the settlement statement identifying the net sales price shall be delivered by the closing agent of the OHCD after the deed of trust is recorded and no later than 45 days after closing. If down-payment assistance loans are authorized by OHCD, the lien on the deed of trust for the soft second may be recorded in third priority.
 - ii. Owner shall consult with and accept referrals of, and sell to qualified buyers from the OHCD on a noncommission basis.

¹ The prices shall be established based on payment of 30 percent of household income toward housing cost.

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- iii. Prior to closing, OHCD shall be provided with copies of the HUD deed and the original deed of trust and note for the soft second.


 John J. McGlennon
 Chairman, Board of Supervisors

ATTEST:


 Robert C. Midgough
 Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<u>X</u>	—	—
JONES	<u>X</u>	—	—
KENNEDY	<u>X</u>	—	—
ICENHOUR	<u>X</u>	—	—
KALE	<u>X</u>	—	—

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of November, 2012.

ZO-07-09-10_res2

RESOLUTION

INITIATION OF ZONING CHANGES TO 225 MEADOWCREST TRAIL

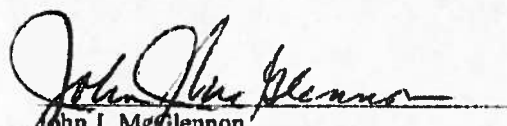
WHEREAS, the County is the owner of certain real property located at 225 Meadowcrest Trail and further identified as Parcel No. 1330100016 on the James City County Real Estate Tax Map (the "Property"); and

WHEREAS, NVR, Inc. (Ryan Homes) desires to purchase the Property so that it may be incorporated into the Windsor Ridge neighborhood; and

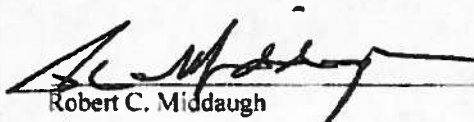
WHEREAS, the Property may not be used for residential development unless and until the current PL, Public Lands, zoning designation is changed; and

WHEREAS, the Board of Supervisors of James City County is of the opinion that it is in the public interest to rezone the Property for use as a residential development.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia does hereby initiate the rezoning of the Property from PL, Public Lands to R-1, Limited Residential with any other zoning changes (including, but not limited to a special use permit) necessary to achieve a density on the Property similar to that in the adjacent Windsor Ridge neighborhood. The Planning Commission shall hold at least one public hearing on the proposed rezoning and Special Use Permit and shall forward its recommendation thereon to the Board of Supervisors in accordance with the law.


John J. McGlennon
Chairman, Board of Supervisors

ATTEST:


Robert C. Middaugh
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<u>X</u>	—	—
JONES	<u>X</u>	—	—
KENNEDY	—	<u>X</u>	—
ICENHOUR	<u>X</u>	—	—
KALE	<u>X</u>	—	—

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of November, 2012.

225Meadowcrest_res

Christopher Johnson

From: M Casbarra <mcasbarra@hotmail.com>

Date: August 14, 2013, 6:30:04 PM EDT

To: "jccboard@jamescitycountyva.gov" <jccboard@jamescitycountyva.gov>

Subject: Affordable Housing in Wellington

Dear Members of the Board of Supervisors,

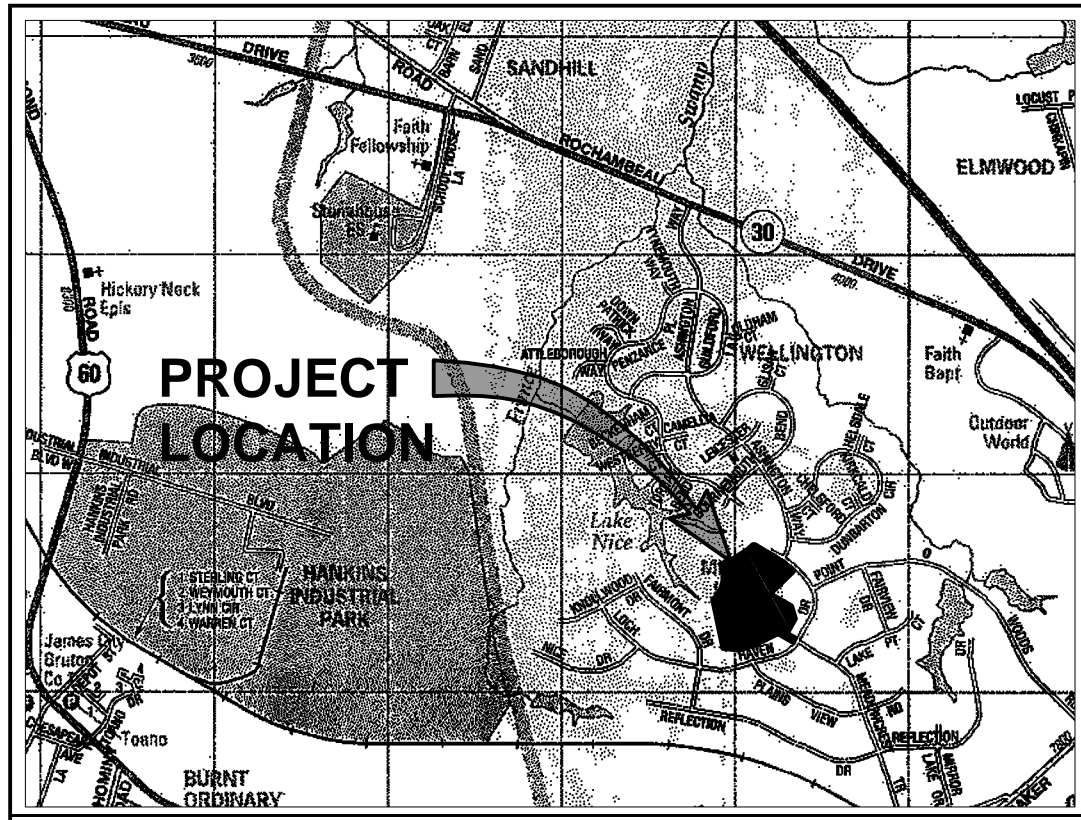
It has come to our attention that Ryan Homes has proposed to buy from James City County 15 acres of public land at 225 Meadow Crest Trail in Williamsburg for development of residential homes with the intent of making it part of Windsor Ridge at Wellington. As homeowners in Wellington, we are highly disappointed and concerned that affordable housing is required to be part of this development. We do not want any number or type of affordable housing in or near our neighborhood as this could greatly impact our property values. In addition, we have concerns about overcrowding and want to see this parcel left as greenspace as it has greatly enhanced our neighborhood. While homeowners in the Wellington subdivision will have to approve adopting the new development into our HOA by a vote of two-thirds, we will not support it if affordable housing is to be built in this parcel. While we are not against affordable housing, we do not want it in our backyard. We ask that you take our concerns into deep consideration when this proposal comes to your agenda and treat this as if it were your neighborhood.

Thanks,

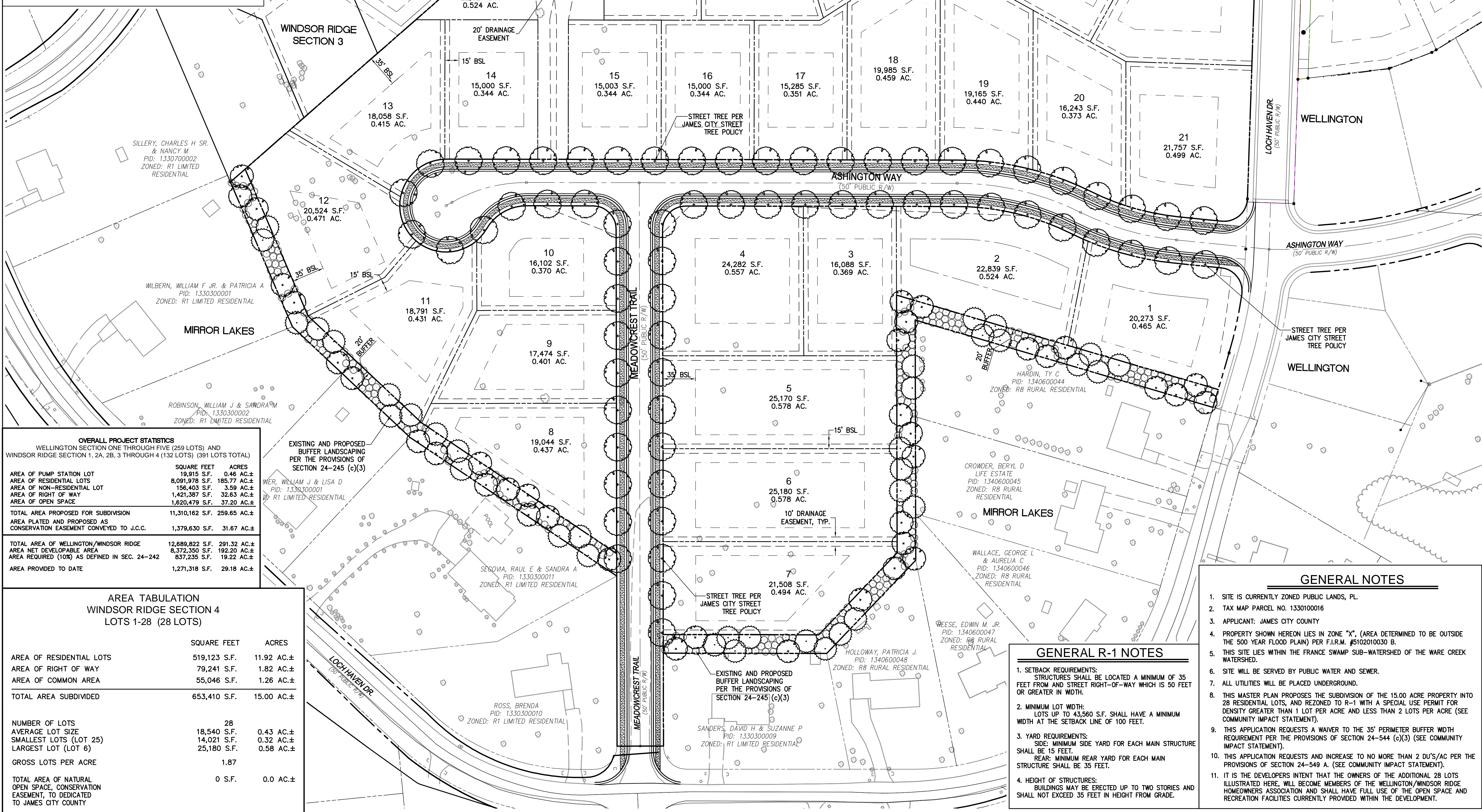
David & Melissa Casbarra

3909 Leicester South

Williamsburg, VA 23188



VICINITY MAP
(APPROXIMATE SCALE: 1"=2000')
MAP COPYRIGHT KAPPA MAP GROUP LLC
(800)829-6277
PERMITTED USE NUMBER 21004223



- ### GENERAL NOTES
- SITE IS CURRENTLY ZONED PUBLIC LANDS, PL.
 - TAX MAP PARCEL NO. 1330100016
 - APPLICANT: JAMES CITY COUNTY
 - PROPERTY SHOWN HEREON LIES IN ZONE "X". (AREA DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN) PER F.I.R.M. #5102010030 B.
 - THIS SITE LIES WITHIN THE FRANCE SWAMP SUB-WATERSHED OF THE WARE CREEK WATERSHED.
 - SITE WILL BE SERVED BY PUBLIC WATER AND SEWER.
 - ALL UTILITIES WILL BE PLACED UNDERGROUND.
 - THIS MASTER PLAN PROPOSES THE SUBDIVISION OF THE 15.00 ACRE PROPERTY INTO 28 RESIDENTIAL LOTS, AND REZONED TO R-1 WITH A SPECIAL USE PERMIT FOR DENSITY GREATER THAN 1 LOT PER ACRE AND LESS THAN 2 LOTS PER ACRE (SEE COMMUNITY IMPACT STATEMENT).
 - THIS APPLICATION REQUESTS A WAIVER TO THE 35' PERIMETER BUFFER WIDTH REQUIREMENT PER THE PROVISIONS OF SECTION 24-544 (c)(3) (SEE COMMUNITY IMPACT STATEMENT).
 - THIS APPLICATION REQUESTS AND INCREASE TO NO MORE THAN 2 DU'S/AC PER THE PROVISIONS OF SECTION 24-549 A. (SEE COMMUNITY IMPACT STATEMENT).
 - IT IS THE DEVELOPERS INTENT THAT THE OWNERS OF THE ADDITIONAL 28 LOTS ILLUSTRATED HERE, WILL BECOME MEMBERS OF THE WELLINGTON/WINDSOR RIDGE HOMEOWNERS ASSOCIATION AND SHALL HAVE FULL USE OF THE OPEN SPACE AND RECREATION FACILITIES CURRENTLY PROVIDED WITHIN THE DEVELOPMENT.

- ### GENERAL R-1 NOTES
- SETBACK REQUIREMENTS:
STRUCTURES SHALL BE LOCATED A MINIMUM OF 35 FEET FROM AND STREET RIGHT-OF-WAY WHICH IS 50 FEET OR GREATER IN WIDTH.
 - MINIMUM LOT WIDTH:
LOTS UP TO 43,560 S.F. SHALL HAVE A MINIMUM WIDTH AT THE SETBACK LINE OF 100 FEET.
 - YARD REQUIREMENTS:
SIDE: MINIMUM SIDE YARD FOR EACH MAIN STRUCTURE SHALL BE 15 FEET.
REAR: MINIMUM REAR YARD FOR EACH MAIN STRUCTURE SHALL BE 35 FEET.
 - HEIGHT OF STRUCTURES:
BUILDINGS MAY BE ERRECTED UP TO TWO STORIES AND SHALL NOT EXCEED 35 FEET IN HEIGHT FROM GRADE.

OVERALL PROJECT STATISTICS			
WELLINGTON SECTION ONE THROUGH FIVE (259 LOTS) AND WINDSOR RIDGE SECTION 1, 2A, 2B, 3 THROUGH 4 (132 LOTS) (391 LOTS TOTAL)			
AREA OF PUMP STATION LOT	19,915 S.F.	0.46 AC.±	
AREA OF RESIDENTIAL LOTS	8,091,978 S.F.	185.77 AC.±	
AREA OF NON-RESIDENTIAL LOT	156,403 S.F.	3.59 AC.±	
AREA OF RIGHT OF WAY	1,421,387 S.F.	32.63 AC.±	
AREA OF OPEN SPACE	1,620,479 S.F.	37.20 AC.±	
TOTAL AREA PROPOSED FOR SUBDIVISION	11,310,162 S.F.	259.65 AC.±	
AREA PLATED AND PROPOSED AS CONSERVATION EASEMENT CONVEYED TO J.C.C.	1,379,630 S.F.	31.67 AC.±	
TOTAL AREA OF WELLINGTON/WINDSOR RIDGE	12,689,822 S.F.	291.32 AC.±	
AREA NET DEVELOPABLE AREA	8,372,350 S.F.	192.20 AC.±	
AREA REQUIRED (10%) AS DEFINED IN SEC. 24-242	837,235 S.F.	19.22 AC.±	
AREA PROVIDED TO DATE	1,271,318 S.F.	29.18 AC.±	

AREA TABULATION		
WINDSOR RIDGE SECTION 4		
LOTS 1-28 (28 LOTS)		
	SQUARE FEET	ACRES
AREA OF RESIDENTIAL LOTS	519,123 S.F.	11.92 AC.±
AREA OF RIGHT OF WAY	79,241 S.F.	1.82 AC.±
AREA OF COMMON AREA	55,046 S.F.	1.26 AC.±
TOTAL AREA SUBDIVIDED	653,410 S.F.	15.00 AC.±
NUMBER OF LOTS	28	
AVERAGE LOT SIZE	18,540 S.F.	0.43 AC.±
SMALLEST LOTS (LOT 25)	14,021 S.F.	0.32 AC.±
LARGEST LOT (LOT 6)	25,180 S.F.	0.58 AC.±
GROSS LOTS PER ACRE	1.87	
TOTAL AREA OF NATURAL OPEN SPACE, CONSERVATION EASEMENT, TO DEDICATED TO JAMES CITY COUNTY	0 S.F.	0.0 AC.±

Rev.	Date	Description

5245 Old Towne Road, Suite 1
James City County, VA 22026
Phone: (757) 253-0040
Fax: (757) 253-8894
www.aesva.com

AES
CONSULTING ENGINEERS

Hampton Roads | Central Virginia | Middle Peninsula

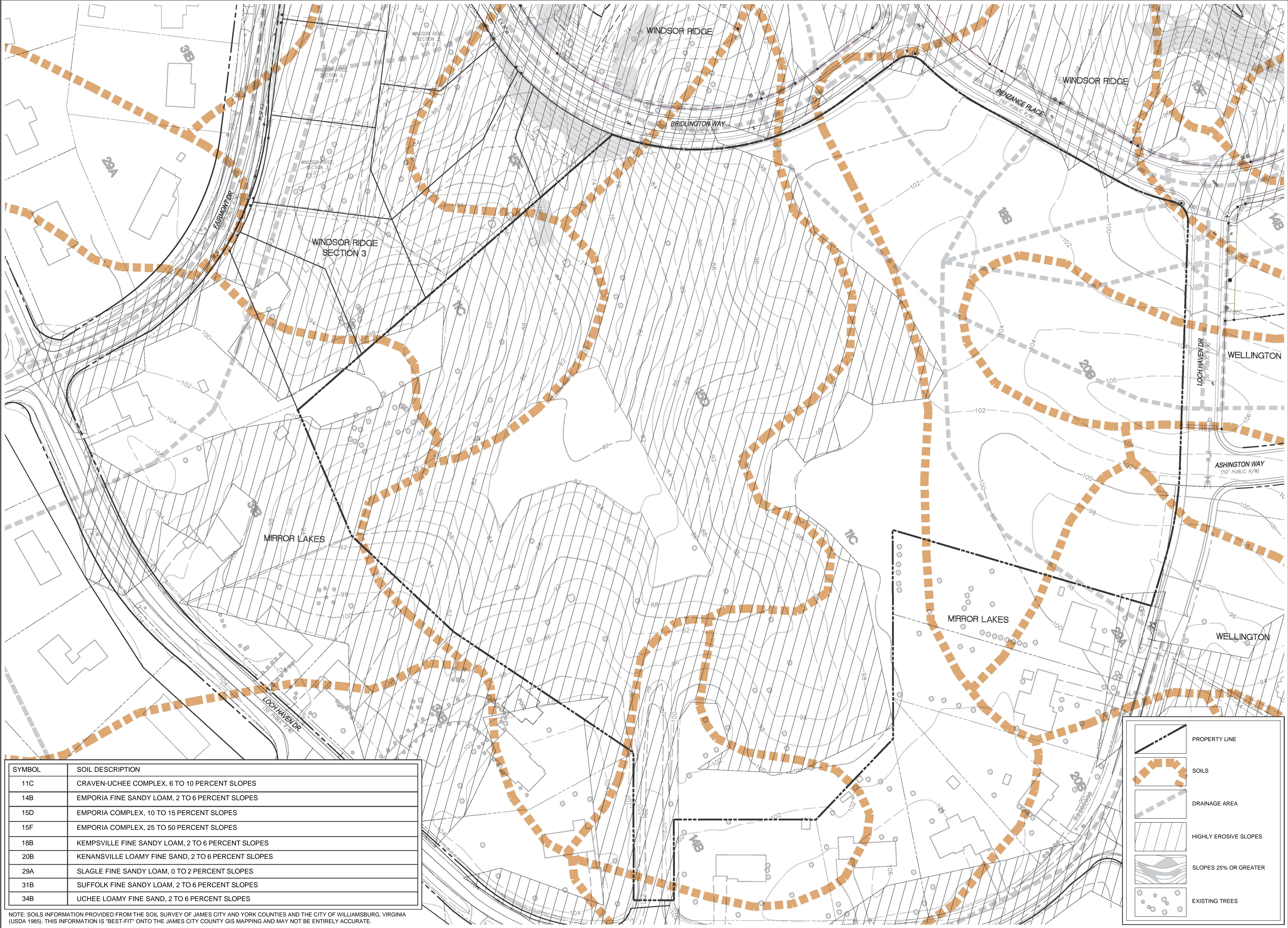
WINDSOR RIDGE
MASTER PLAN FOR REZONING
AND SPECIAL USE PERMIT

STONEHOUSE DISTRICT
JAMES CITY COUNTY
VIRGINIA

Project Contacts: VMB
Project Number: 8223-15
Scale: 1"=50'
Date: 12/21/12

Sheet Title:
**MASTER PLAN
BINDING PER
SEC. 24-23 (a)(2)**

Sheet Number:
M-01



Rev.	Date	Description	Revised By

5246 Old Towne Road, Suite 1
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Phone: (757) 233-0040
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AES
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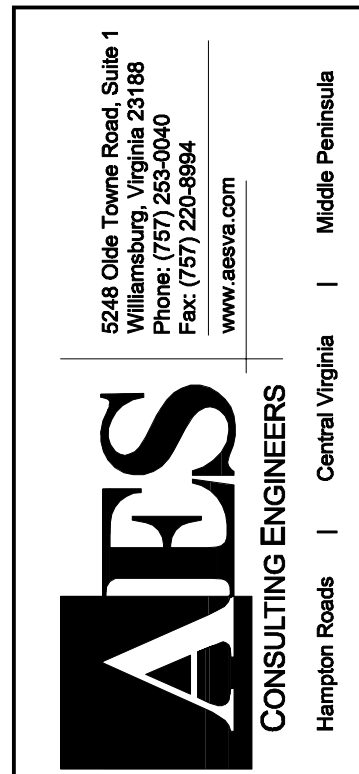
Hampton Roads | Central Virginia | Middle Peninsula

WINDSOR RIDGE
MASTER PLAN FOR REZONING
AND SPECIAL USE PERMIT

STONEHOUSE DISTRICT | JAMES CITY COUNTY | VIRGINIA

Project Contacts: VMB
Project Number: 8223-15
Scale: 1"=50' Date: 12/21/12
Sheet Title: ENVIRONMENTAL INVENTORY

Sheet Number
M-02



WINDSOR RIDGE
MASTER PLAN FOR REZONING
AND SPECIAL USE PERMIT

Project Contacts:		VMB
Project Number:		8223-15
Scale:	Date:	
1"=50'	12/21/12	
Sheet Title:		
<p>UTILITY & STORMWATER MANAGEMENT PLAN</p>		
Sheet Number		
<p>M-03</p>		

MEMORANDUM COVER

Subject: Case No. HW-0001-2013. A-B Brewery, Bulk Powder Storage Silo

Action Requested: Shall the Board approve a height waiver for a \pm 80 feet tall storage silo?

Summary: This proposal seeks to erect a \pm 80-foot-tall storage silo on a parcel located at 7801 Pocahontas Trail (Anheuser Busch brewery) and further identified as James City County Real Estate Tax Map No. 5130100001, zoned M-2, General Industrial, and designated General Industry on the Comprehensive Plan. Structures in excess of 60 feet in height from grade to the top of the structure require a height limitation waiver by the Board of Supervisors.

Staff recommends approval of the attached resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell 

County Administrator

Robert C. Middaugh 

Attachments:

1. Staff Report
2. Resolution
3. Location Map
4. A-B Brewery Key Plan
(two sheets)
5. New Silo Profile Sheet
6. Photo of existing gypsum storage silo
7. Perspective photo of existing storage lot

Agenda Item No.: I-2

Date: September 10, 2013

AGENDA ITEM NO. I-2**HEIGHT WAIVER-0001-2013. A-B Brewery, Bulk Powder Storage Silo
Staff Report for the September 10, 2013, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Board of Supervisors:

Building F Board Room; County Government Complex

September 10, 2013, 7:00 p.m.

SUMMARY FACTS

Applicant: Michael Brandt

Land Owner: Anheuser Busch, Inc.

Proposal: Bulk powder storage silo approximately 80 feet tall

Location: 7801 Pocahontas Trail

Tax Map/Parcel Nos.: 5130100001

Parcel Size: ±81.88 acres in James City County (an additional 9.86 acres of this property is located in York County)

Zoning: M-2, General Industrial

Comprehensive Plan: General Industry

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposal to be consistent with surrounding zoning and development and consistent with the Zoning Ordinance and 2009 Comprehensive Plan. Staff recommends that the Board of Supervisors approve this application subject to the attached conditions.

Staff Contact: Jose Ribeiro, Senior Planner II

Phone: 253-6890

PROJECT DESCRIPTION

Mr. Michael Brandt has applied on behalf of Anheuser Busch, Inc. for a height limitation waiver to permit the installation of a bulk powder storage silo at the Anheuser Busch Brewery. The silo is proposed to reach a height of approximately 80 feet above finished grade and would be located adjacent to other existing storage silos and equipment adjacent to the brewhouse building. A Brewery layout plan identifying locations, existing structures and building, as well as photographs of the proposed silo are attached. The proposed silo would be located immediately adjacent to an existing storage silo (Gypsum silo) approximately 45 feet in height and grain silo and cooling tanks which exceed 100 feet in height. According to the applicant, current beer brands produced in Williamsburg use a different powder material for filtration. New brands that will be produced in Williamsburg require new materials for filtration such as the bulk powder. Bulk powder is a non-combustible and non-hazardous inert substance.

SURROUNDING ZONING AND DEVELOPMENT

Busch Gardens, zoned M-1, Limited Business/Industrial, is located south of the Brewery and Busch Corporate Center and also zoned M-1, is located immediately north of the Brewery. The Kingsmill residential community, zoned R-4, Residential Planned Community, is located to the west of the Brewery. The proposed storage silo would not be visible from Route 60 or from adjacent residential or commercial development and would be indistinguishable from the existing storage silos, tanks, buildings, and other industrial appurtenances within the Brewery. Staff also finds that the proposed storage silo is consistent with industrial operations within the Brewery plant and is consistent with the surrounding zoning and the use of the property.

HEIGHT WAIVER

On property zoned M-2, General Industrial, structures in excess of 60 feet in height from grade to the top of the structure may be erected only upon the granting of a height limitation waiver from the Board of Supervisors. Section 24-443 (c) of the Zoning Ordinance states that a waiver may be granted upon finding:

1. Additional setbacks have been provided as required by Section 24-439 and Section 24-440; however, the Board of Supervisors may waive additional setbacks in excess of 60 feet.
Staff comment: The proposed storage silo would be located several hundred feet from the nearest property line; therefore, the setbacks are well in excess of those required by the Zoning Ordinance.
2. Such structure will not obstruct light from adjacent property.
Staff comment: Given that the proposed storage silo would not be taller than other existing structures and buildings at the Brewery, staff finds that the proposed structure will not obstruct light from adjacent property.
3. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments.
Staff comment: Given that the proposed storage silo will have no visual impacts on adjacent residential or commercial development, staff finds that the proposed structure will not impair the enjoyment of historic attractions or areas of historic interest.
4. Such structure will not impair property values in the area.
Staff comment: The Real Estate Assessments Division indicated that the region immediately adjacent to the Brewery has experienced stable or increasing property values over the last several years. The Director of Real Estate Assessments also indicated that his office had not seen any market changes in adjacent residential areas attributable to proximity to the Brewery. As such, his opinion is that the proposed storage silo will not negatively impact property values.
5. Such structure is adequately designed and served from the standpoint of safety and the County Fire Chief finds the fire safety equipment installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property.
Staff comment: The Fire Department has reviewed the proposal and indicated that they had no concern with the addition of the proposed storage silo.
6. Such structure will not be contrary to the public health, safety, and general welfare.
Staff comment: Based upon the information submitted by the applicant, staff finds that the proposed storage silo will not have an adverse impact on the public health, safety, or general welfare.

PUBLIC IMPACTS

1. Engineering and Resource Protection, Utilities, and Traffic

Staff comment: The proposed storage silo will have minimal impact on the environment, utility service, or traffic generation. The proposed storage silo would be located in an area, which is already impervious and would utilize existing utilities on the site and the proposed use is not anticipated to produce any new daily traffic to and from the site.

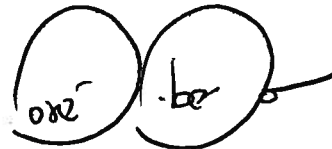
COMPREHENSIVE PLAN

The property is designated as General Industry on the 2009 Comprehensive Plan Land Use Map. General Industry areas should be in the Primary Service Area that are suitable for industrial uses which, because of their potential for creating dust, noise, odor, and other adverse environmental effects, require buffering from adjoining uses, particularly residential uses. General Industry uses usually require access to interstate and arterial highways, public water and sewer, adequate supply of electric power and other energy sources, access to a sufficient labor supply, and moderate to large sized sites with natural features such as soils, topography, and buffering suitable for intense development.

Staff comment: As the proposed development represents a small expansion of the existing industrial operation and will not have adverse impacts on surrounding property or development, staff finds that the proposal is consistent with Comprehensive Plan.

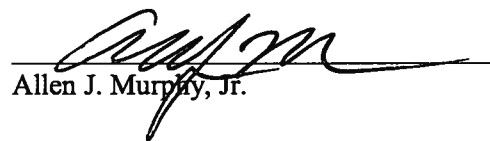
RECOMMENDATION

Staff finds the proposal to be consistent with surrounding zoning and development and consistent with the Zoning Ordinance and 2009 Comprehensive Plan. Staff recommends that the Board of Supervisors approve this application subject to the attached conditions.



Jose Ribeiro

CONCUR:



Allen J. Murphy, Jr.

JR/gb

HW-1-13StorSilo.doc

ATTACHMENTS:

1. Resolution
2. Location Map
3. A-B Brewery Key Plan (two pages)
4. New Silo Profile Sheet
5. Photo of Existing Gypsum Storage Silo
6. Perspective Photo of Existing Storage Silos

RESOLUTION

CASE NO. HW-0001-2013. A-B BREWERY, BULK POWDER STORAGE SILO

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Height Limitation Waiver process; and

WHEREAS, Mr. Michael Brandt has applied on behalf of Anheuser Busch, Inc. for a Height Limitation Waiver to allow for the installation of a bulk powder storage silo that is approximately 80 feet above grade (the "Silo"); and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. HW-0001-2013; and

WHEREAS, the proposed expansion will be constructed in its entirety on property zoned M-2, General Industrial, further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (51-3), and commonly known as the "Anheuser Busch Brewery" (the "Property"); and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-443(c) of the James City County Zoning Ordinance have been satisfied, in order to grant a height limitation waiver to allow for the erection of structures in excess of 60 feet in height.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Height Limitation Waiver HW-0001-2013 to grant the applicant a waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of a single Silo up to 80 feet tall as described herein, pursuant to the following conditions:

1. Commencement of Construction: Construction on this project shall commence within 24 months from the date of approval of this Height Limitation Waiver or this Height Limitation Waiver shall be void. Construction shall be defined as the obtaining of permits for the construction of foundations and/or footings.
2. Severance Clause: This Special Use Permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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	_____	_____	_____
BRADSHAW	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of September, 2013.

HW-1-13StorSilo_res

HW-0001-2013, A-B Brewery, Bulk Powder Storage Silo

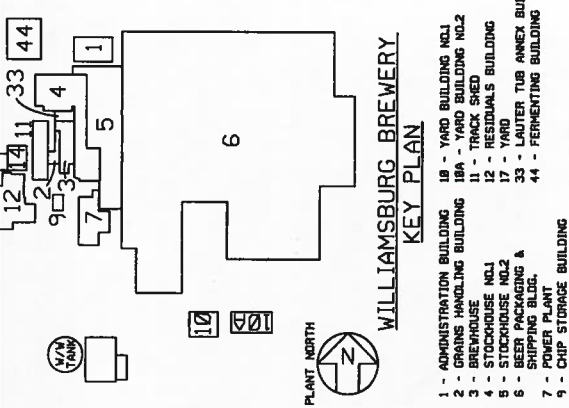
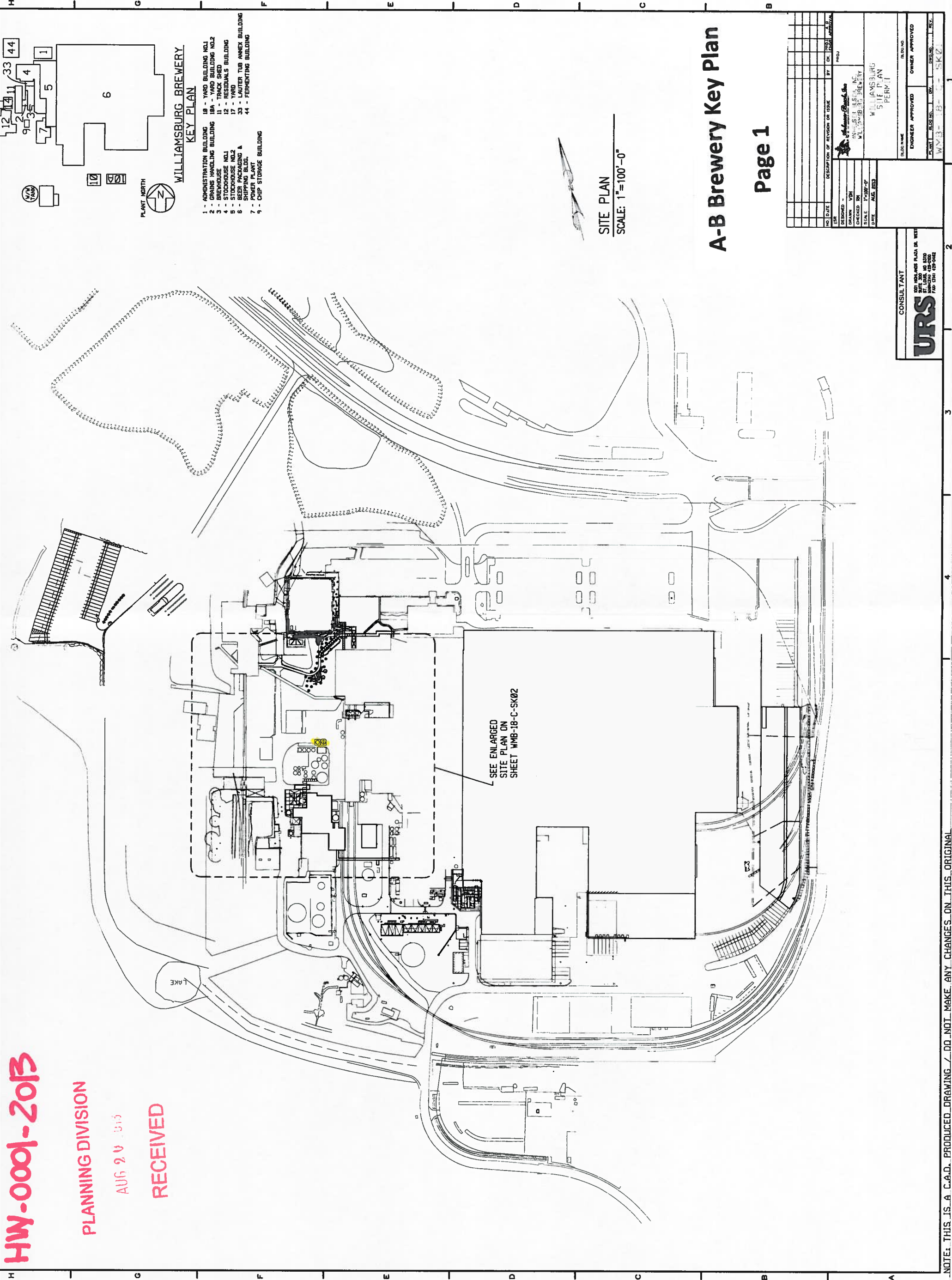


HW-0001-2013

PLANNING DIVISION

AUG 20 2013

RECEIVED



- WILLIAMSBURG BREWERY**
KEY PLAN
- 1 - ADMINISTRATION BUILDING
 - 2 - GRAINS HANDLING BUILDING
 - 3 - BREWHOUSE
 - 4 - STOCKHOUSE NO.1
 - 5 - STOCKHOUSE NO.2
 - 6 - BEER PACKAGING & SHIPPING BLDG.
 - 7 - CRIP STORAGE BUILDING
 - 10 - YARD BUILDING NO.1
 - 11 - TRACK SHED
 - 12 - RESIDUALS BUILDING
 - 17 - YARD
 - 33 - LAUTER TUB ANNEX BUILDING
 - 44 - FERMENTING BUILDING

SITE PLAN
SCALE: 1"=100'-0"

A-B Brewery Key Plan

Page 1

NO.	DATE	DESCRIPTION OF REVISION OR ISSUE	BY	CHK.	APPROVAL
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					

DESIGNED -	WILLIAMSBURG BREWERY
DRAWN -	WILLIAMSBURG BREWERY
CHECKED -	WILLIAMSBURG BREWERY
SCALE -	1"=100'-0"
DATE	AUG 2013

PROJECT NAME	WILLIAMSBURG BREWERY
ENGINEER APPROVED	OWNER APPROVED
PROJECT NO.	WMB-18-C-SK02
DATE	AUG 2013

CONSULTANT
URS
300 HIGHLAND PARK DR. WEST
SUITE 300
ANN ARBOR MI 48106
TEL: 734.769.4000
FAX: 734.769.4002

NOTE: THIS IS A C.A.D. PRODUCED DRAWING / DO NOT MAKE ANY CHANGES ON THIS ORIGINAL

A-B Brewery Key Plan
Page 2

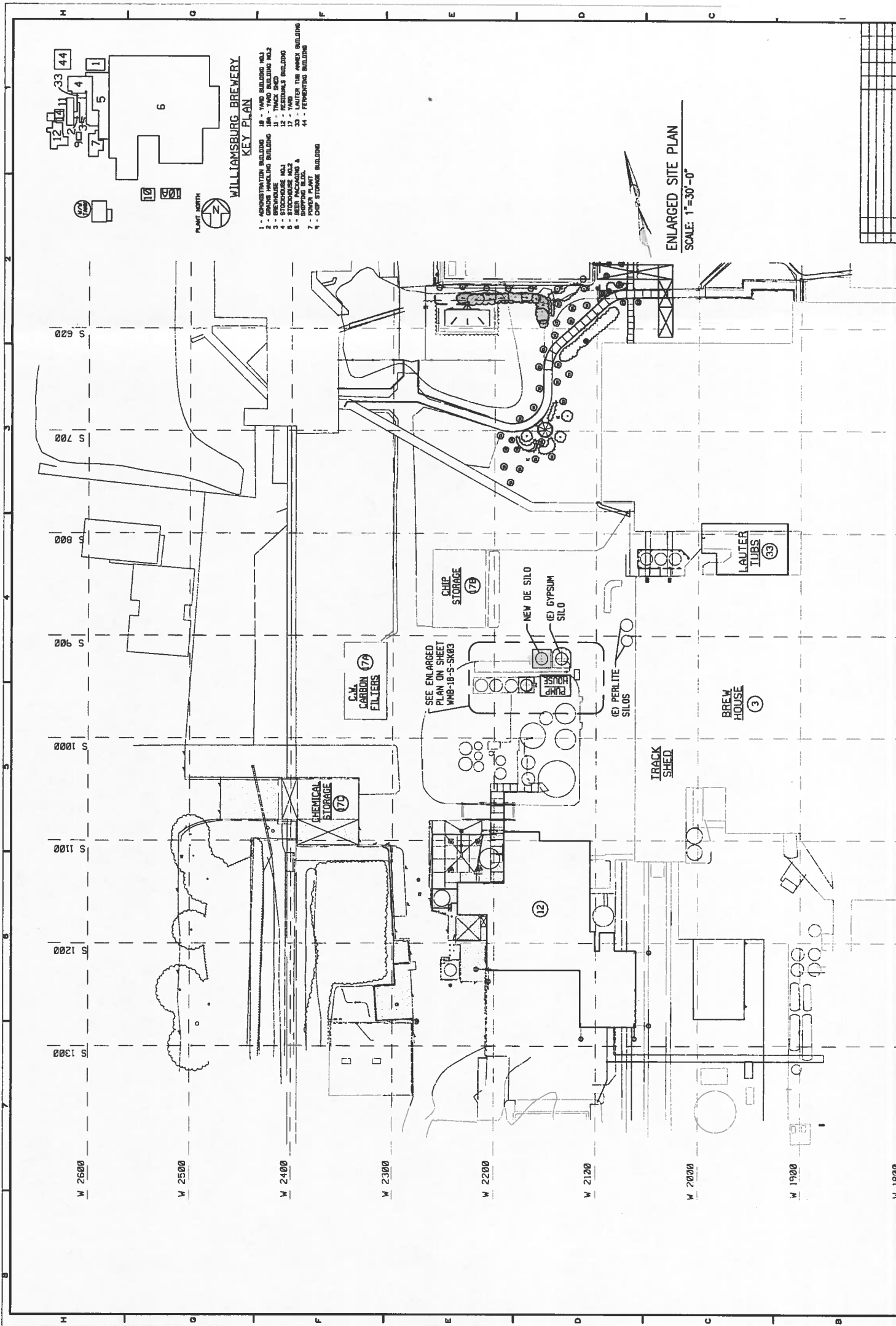
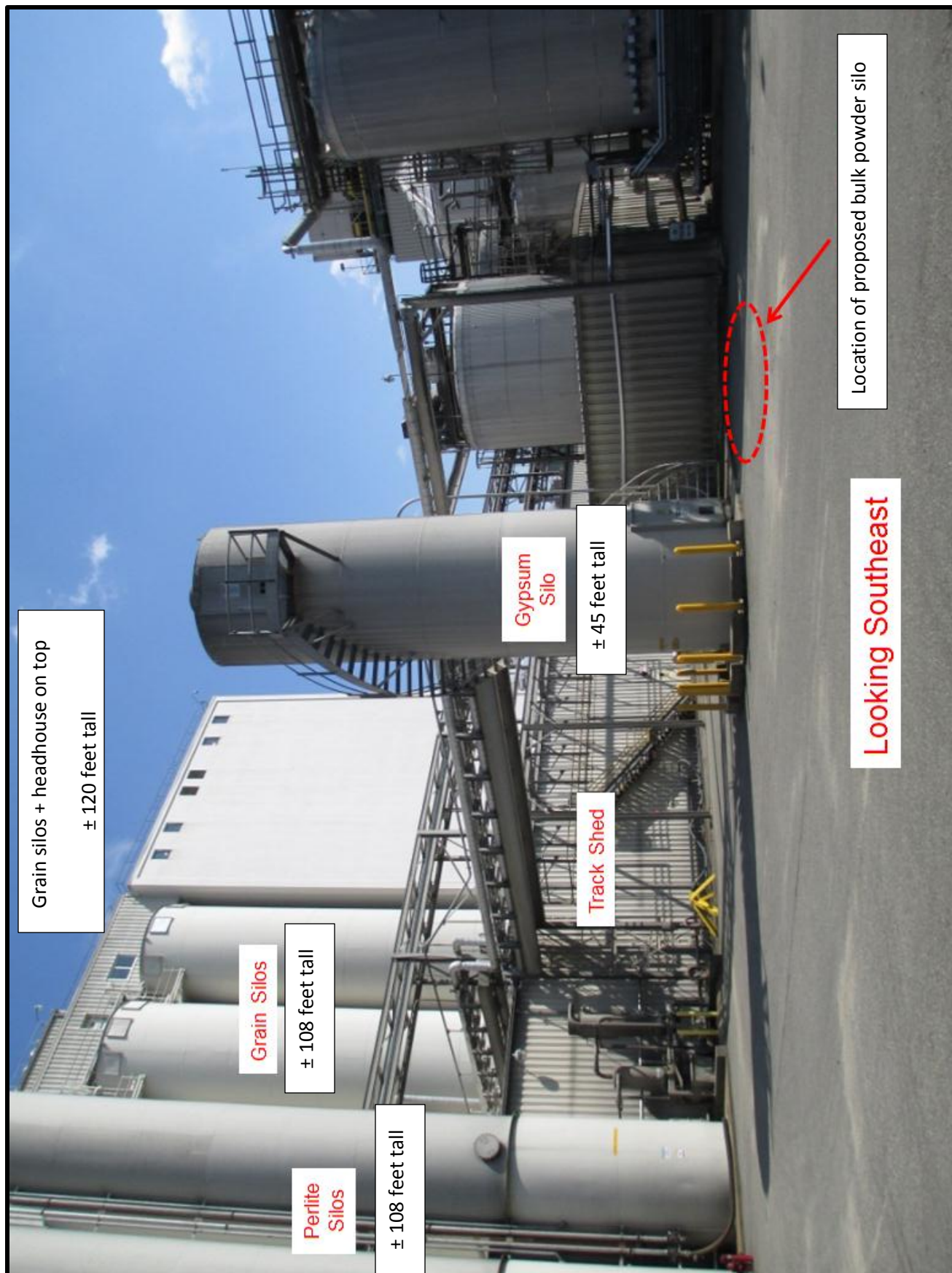




Photo of Existing Gypsum Storage Silo



Perspective Photo of Existing Storage Silos



MEMORANDUM COVER

Subject: Proposed Updates to the Williamsburg, James City County, and York County Regional Bicycle Facility Plan

Action Requested: Shall the Board adopt the updated Williamsburg, James City County, and York County Regional Bicycle Facility plan dated March 2013 to be used as the policy document identifying desired bikeway routes within the County?

Summary: James City County, the City of Williamsburg, and York County are currently in the process of updating the Williamsburg, James City County, and York County Regional Bicycle Facilities Plan as part of the regional coordinated Comprehensive Plan review process. In a series of meetings over the past ten months, staff from the three jurisdictions developed a revised map that strived to:

- provide bicycle access to major destinations (such as a park or school);
- eliminate routes with dead ends;
- be realistic regarding the necessity of the proposed facility type (e.g. a very low volume road would not need a 10-foot-wide multi-use path); and
- incorporate the multi-use paths, which cyclists would be permitted to use, as shown on the County's newly adopted Pedestrian Accommodation Plan.

On January 28, 2013, the Historic Triangle Bicycle Advisory Committee (HTBAC) endorsed the Plan. On July 17, 2013, the Parks and Recreation Advisory Commission endorsed the Plan.

On August 7, 2013, the Planning Commission recommended approval of the plan by a vote of 5-0.

Staff recommends that the Board of Supervisors adopt the attached Williamsburg, James City County, and York County Regional Bicycle Facility Plan.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell DP

County Administrator

Robert C. Middaugh [Signature]

Attachments:

1. Memorandum
2. Resolution
3. Draft Williamsburg, James City County, and York County Regional Bicycle Facility Plan
4. Unapproved Planning Commission Minutes

Agenda Item No.: I-3

Date: September 10, 2013

MEMORANDUM

DATE: September 10, 2013

TO: The Board of Supervisors

FROM: Luke Vinciguerra, Planner

SUBJECT: Proposed Updates to the Williamsburg, James City County, and York County Regional Bicycle Facility Plan

James City County, the City of Williamsburg, and York County are currently in the process of updating the Williamsburg, James City County, and York County Regional Bicycle Facilities Plan as part of the regional coordinated Comprehensive Plan review process. The purpose of the coordinated timing is to promote closer collaboration and communication concerning land use, transportation, and other comprehensive plan issues that cross jurisdictional boundaries.

Since its creation in 1993, the Regional Bicycle Facilities Plan has served as an example of inter-jurisdictional collaboration and coordination. It is used to identify and develop a viable bikeway system within the three localities. The map is a long-range plan that shows the desired type of bicycle facility (if any) at a particular location. This map is then used during road (re)construction or in the review of new development proposals with the ultimate goal of creating a comprehensive bicycle network.

Over the years, roads and land uses have changed substantially enough to warrant a wholesale review of the original plan (there have been some minor revisions from York County and Williamsburg in the past decade). In a series of meetings over the past ten months, staff from the three jurisdictions developed a revised map that strived to:

- provide bicycle access to major destinations (such as a park or school);
- eliminate routes with dead ends;
- be realistic regarding the necessity of the proposed facility type (e.g., a very low volume road would not need a 10-foot-wide multi-use path); and
- incorporate the multi-use paths, which cyclists would be permitted to use, as shown on the County's newly adopted Pedestrian Accommodation Plan.

To address the above-mentioned concerns, notable changes to the draft map include:

- removal of power line easements where the terrain is unsuitable for cycling;
- removal of a conceptual corridor connecting Hickory Sign Post Road to Ironbound Road on John Tyler Highway due to its excessive right-of-way acquisition requirements;
- removal of a conceptual corridor connecting John Tyler Highway to Forge Road due to environmental and right-of-way constraints;
- removal of a conceptual corridor connecting News Road to Jamestown Road due to excessive right-of-way constraints;
- removal of the share the road designation from Bush Neck Road, Menzels Road, Lakeview Drive, and Racefield Drive as they are not recommended cycling routes due to their limited width and surface quality;
- addition of proffered trails in Stonehouse; and
- recommendations for bicycle accommodations on the proposed Mooretown Road extension.

At the recommendation of staff, the Board of Supervisors canceled several active projects identified on the Bicycle Facilities Plan - a proposed multi-use trail on Longhill Road, shoulder bike lanes on Airport and Mooretown Roads, and bicycle facilities on Ironbound Road from Mid County Park to Jamestown Road. Because these projects were canceled due to insufficient funding and challenges as stand-alone bicycle projects rather than a re-evaluation of their necessity, staff has not removed these proposed facilities from the draft Plan. A corridor study for Longhill Road is currently underway where the need for bicycle and pedestrian facilities will be examined in detail. Additionally, York County has expressed interest in combining efforts for bicycle facilities on Mooretown Road. Updates to the Zoning Ordinance, such as required multi-use paths for major subdivisions and commercial development, may help expedite completion of these facilities.

At its October 15, 2012, meeting, the Historic Triangle Bicycle Advisory Committee (HTBAC) reviewed and provided comments on the draft map. HTBAC's recommendation was to identify only ideal routes for cyclists. This recommendation was incorporated by removing the aforementioned share-the-roadway segments that are not conducive to cycling. HTBAC subsequently endorsed the revised draft map at its January 28, 2013, meeting.

As part of a larger discussion on work products from the coordinated Comprehensive Plan review process, the Planning Commission's Policy Committee reviewed the draft map at its March 14 meeting, as did the Planning Commission at its May 1 meeting and the Board of Supervisors at its May 28 joint work session with the Planning Commission. None of three bodies had specific comments related to the draft plan at that time, but all indicated that it should move forward for formal consideration of adoption.

At its July 17 meeting, the Parks & Recreation Advisory Commission endorsed the draft Bicycle Facility Plan with the following comments: consider providing more pedestrian and bicycle facilities in Grove; consider using some utility easements for future multi-use paths; and consider removing the "shared roadway" designation on Cranston's Mill Pond Road, Jolly Pond Road, and Chickahominy Road due to the roads' limited width and poor pavement quality.

Staff has considered these comments and offers the following in response. Regarding pedestrian and bicycle facilities in Grove, Relocated Route 60 was previously not included on the map and has been added to more accurately reflect the multi-use path being planned for this project, which is in the preliminary engineering phase. With this addition, all major routes in Grove will have pedestrian and/or bicycle facilities, and no further additions are recommended. With respect to using utility easements for future bike lanes, the plan includes utilizing a pipeline utility near Olde Towne Road and Freedom Park as the most viable utility easement routes; however, staff will continue to seek other opportunities. Lastly, Cranston's Mill Pond Road, Jolly Pond Road, and Chickahominy Road are popular bike routes in James City County. Given their high usage, staff does not recommend taking them off the map.

At its August 7 meeting, the Planning Commission recommended adoption of the draft Bicycle Facility Plan by a vote of 5-0. As additional follow-up to Mr. Drummond's inquiry about potential coordination with the City of Newport News on Route 60 bike-pedestrian facilities, staff notes that the draft Regional Bikeways Plan recommends a multi-use path from Fire Station 2 to Greenmount Parkway, where pedestrian traffic is most likely, and a bike lane from Greenmount Parkway across the Skiffe's Creek Reservoir bridge to the County/City line, where there are right-of-way constraints and less pedestrian traffic anticipated. Newport News' bike plan recommends a "bike trail" (equivalent to a multi-use path) from the City line to Harpersville Road. Although James City County and Newport News recommend different facility types at the jurisdictional boundary on Route 60, staff believes that appropriate transitions can be made between them or plan revisions considered should a project move forward for this area. This is the case with Relocated Route 60, where the City and the County are working together with the Virginia Department of Transportation (VDOT) to provide bike-pedestrian facilities across jurisdictional boundaries.

Proposed Updates to the Williamsburg, James City County, and York County Regional Bicycle Facility Plan
September 10, 2013

Page 3

Staff recommends that the Board of Supervisors adopt the attached Williamsburg, James City County, and York County Regional Bicycle Facility Plan. The Williamsburg City Council has adopted its portion of the plan; the York County Board of Supervisors will be considering the map this summer as part of their Comprehensive Plan update.



Luke Vinciguerra

CONCUR:



Allen J. Murphy, Jr.

LV/gb

BikeFaciPlan_mem

Attachments:

1. Resolution
2. Draft Williamsburg, James City County, and York County Regional Bicycle Facility Plan
3. Unapproved Planning Commission Minutes

RESOLUTION

PROPOSED UPDATES TO THE WILLIAMSBURG, JAMES CITY COUNTY,

AND YORK COUNTY REGIONAL BICYCLE FACILITY PLAN

WHEREAS, as part of the Historic Triangle coordinated Comprehensive Plan review process, James City County, the City of Williamsburg, and York County have updated the Regional Bicycle Facilities Plan; and

WHEREAS, staff from the three jurisdictions have developed a revised map that strives to provide bicycle access to major destinations, eliminate routes with dead ends, recommend realistic facility types, and incorporate the multi-use paths, which cyclists would be permitted to use, as shown on the County's newly adopted Pedestrian Accommodation Plan; and

WHEREAS, Action T2.2 of the Comprehensive Plan recommends continuing the efforts of James City County, the City of Williamsburg, York County, and the Historic Triangle Bicycle Advisory Committee to coordinate and implement a regional bicycle network, including further joint planning and development of regional funding proposals; and

WHEREAS, Action T1.2.5 of the Comprehensive Plan recommends implementing strategies that encourage shorter automobile trips and accommodate walking, bicycling, and use of public transit; and

WHEREAS, on January 28, 2013, the Historic Triangle Bicycle Advisory Committee (HTBAC) endorsed the Plan; and

WHEREAS, on July 17, 2013, the Parks and Recreation Advisory Commission endorsed the Plan; and

WHEREAS, on August 7, 2013, following a public hearing, the Planning Commission recommended approval of the plan by a vote of 5-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the Williamsburg, James City County, and York County Regional Bicycle Facility plan dated March 2013 to be used as the policy document identifying desired bikeway routes within the County.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

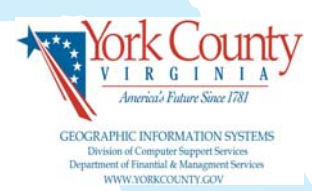
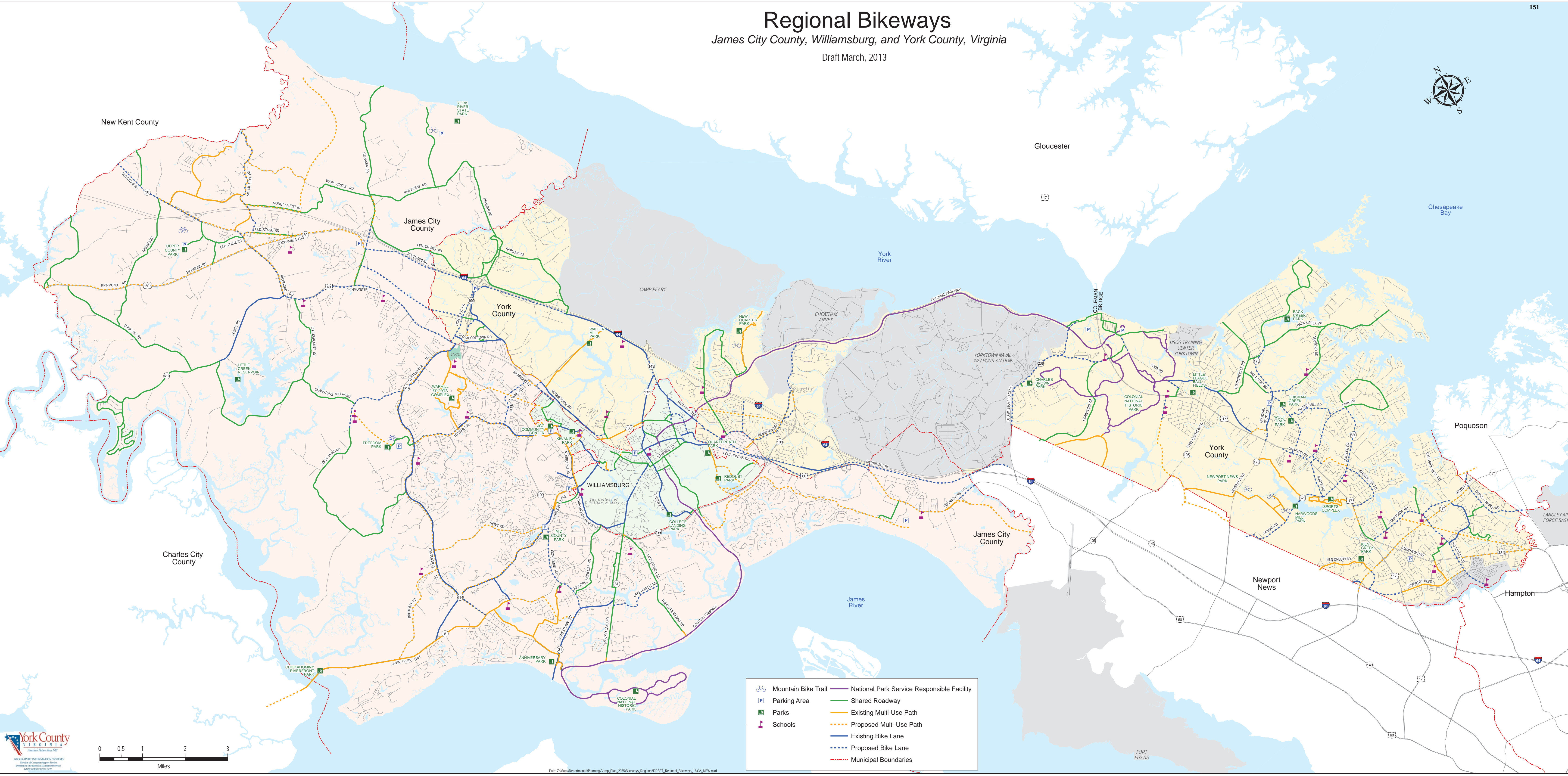
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
JONES	_____	_____	_____
KENNEDY	_____	_____	_____
ICENHOUR	_____	_____	_____
BRADSHAW	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of September, 2013.

Regional Bikeways

James City County, Williamsburg, and York County, Virginia

Draft March, 2013



- | | |
|---------------------|--|
| Mountain Bike Trail | National Park Service Responsible Facility |
| Parking Area | Shared Roadway |
| Parks | Existing Multi-Use Path |
| Schools | Proposed Multi-Use Path |
| | Existing Bike Lane |
| | Proposed Bike Lane |
| | Municipal Boundaries |

Unapproved Minutes of the August 7, 2013 Planning Commission Meeting

A. Review of the Draft Updates to the Bicycles Facilities Plan.

Mr. Luke Vinciguerra, Planner I, addressed the Planning Commission giving a summary of the staff report included in the Agenda Packet.

Mr. Drummond inquired if the bicycle plan ends at the border of Newport News and James City County.

Mr. Vinciguerra confirmed.

Mr. Drummond inquired if any efforts have been made to coordinate with the City of Newport News to extend the path into their jurisdiction. Mr. Drummond noted that Route 60 through Lee Hall is a hazardous road for bicyclists.

Mr. Vinciguerra stated that staff has not been in contact with the City of Newport News and is not sure if they have a bikeways plan.

Mr. Drummond inquired if such contact could be possible.

Mr. Vinciguerra confirmed and stated that staff would check to see if the City of Newport News has any plans in effect.

Mr. Drummond stated that safety of bicyclists in the area of Lee Hall is his biggest concern.

Mr. Krapf opened the public hearing.

Mr. Ted Moreland, 1600 Coleman, addressed the Planning Commission stating that the Williamsburg Area Bicyclist Club and the bicycle community are in favor of the Bicycle Facilities Plan and that by having these facilities in place welcomes cyclists into our community; also improves to the quality of life.

Ms. Marina Leebrow, Chickahominy Haven, addressed the Planning Commission stating that Jolly Pond and Cranston Mill Pond Road are too narrow for safe riding; therefore, she requested bike lanes be installed on those routes and to add York County State Park to the proposed Bicycle Facilities Plan.

Mr. Bob Austin, 4557 Ware Creek Road, addressed the Planning Commission stating that he is the current president of the Williamsburg Area Bicyclists Club. He stated that due to the comfort level of families riding on open roads paved paths could provide citizens with a safe place to ride.

Mr. Ken Gross, 148 Exmoor Court, addressed the Planning Commission stating that he is a member of the Williamsburg Area Bicyclists Club and he requested certain areas to be prioritized and that there is a lot of focus on this area as a bicycle haven.

Mr. Krapf closed the public hearing.

Mr. Krapf reopened the public hearing for additional speaker.

Dr. Don Cherry, 31 Whittakers Mill, addressed the Planning Commission stating that he and Mr. Moreland recently met with VDOT to discuss bike lanes; they proposed a bike lane to be installed from Grove to the City of Williamsburg and would like to have the path extended east to connect to the City of Newport News.

Mr. Krapf closed the public hearing.

Mr. Krapf opened the floor to discussion by the Commissioners.

Mr. Krapf inquired if prioritizing the greatest needs for regional bicycle facilities is a discussion item between the jurisdictions.

Mr. Vinciguerra stated this map does not prioritize proposed bicycle facilities.

Mr. Krapf inquired if there would be a process implemented to address the greatest needs before funds are allocated.

Mr. Vinciguerra stated that it would be a discussion item for the Board of Supervisors at a later date.

Mr. Basic stated that he interpreted one of the public speakers to say that VDOT is requiring the speaker to be pro-active with them to install additional bike lanes. He noted that rather VDOT needs to be pro-active with James City County in the use of this map.

Mr. Vinciguerra stated citizens have met with VDOT when staff has not been present but during road reconstruction or new construction VDOT does consult with staff regarding this map.

Mr. Moreland stated that he met with Mr. Rossie Carroll, an area superintendent with VDOT, to discuss bike lanes and the importance of Mooretown Road and Grove area.

Mr. Drummond moved to approve the Draft Updates to the Bicycle Facilities Plan.

On a roll call vote the Planning Commission voted to recommend approval of the Draft Update to the Bicycle Facilities Plan as noted in the staff report by a vote

MEMORANDUM COVER

Subject: Operating Contingency Transfer - St. George's Hundred Drainage Improvement

Action Requested: Shall the Board of Supervisors approve transfer of funds to fund a drainage improvement in the St. George's Hundred neighborhood?

Summary: Unusually rapid deterioration of some drainage structures in the St. George's Hundred neighborhood has taken place. The extent of the repairs needed is beyond what should be normally expected for a Homeowners Association (HOA) to pay for. This request is to transfer money from Operating Contingency to Water Quality Improvements to allow for County funding of the repairs.

Staff recommends approval of the attached resolution.

Fiscal Impact: Funds are available in the Operating Contingency account.

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: September 10, 2013

M E M O R A N D U M

DATE: September 10, 2013

TO: The Board of Supervisors

FROM: John T. P. Horne, General Services Director

SUBJECT: Operating Contingency Transfer - St. George's Hundred Drainage Improvement

Section Five of St. George's Hundred, built between 1995 and 2000, has a stormwater management system consisting of both drainage ditches and underground drainage pipes. Much of the system is within the Virginia Department of Transportation (VDOT) road rights-of-way and is maintained by VDOT. There is approximately 500 feet of underground pipe within easements outside the rights-of-way, which is the responsibility of the St. Thomas's Hundred Homeowners Association (HOA) to maintain. Much of the system that effectively serves the St. Thomas's Hundred HOA is actually located in areas that are not subject to any mandatory HOA and are part of a community association for St. George's Hundred. The attached map shows the area governed by the HOA. Pipes serving the HOA area flow toward Powhatan Creek through community association areas.

Approximately seven years ago, staff cooperated with two homeowners to repair drainage pipes that were failing in other parts of this neighborhood, outside the St. Thomas's HOA (shown in orange on the attached map). This was done due to the fact that there was not a controlling HOA for those pipes and the scale of the repairs were deemed to be more than what could be borne by individual homeowners. The staff has completed a comprehensive survey of the drainage structures in the neighborhood and has documented a number of current problems with underground stormwater pipes. The most severe, by far, is a 180-foot-long section that has severe alignment problems and is causing two large sinkholes on the lot at 180 Wellington Circle (shown in green on the attached map). Immediate repair of this pipe section is necessary and staff is prepared to move forward with design and construction. The final cost cannot be fully determined until design and bidding, but staff estimates cost at \$30-40,000. Two other pipe sections remain the responsibility of the HOA. Only one section has problems at this time and staff believes that costs to repair that section are much lower and can be absorbed by the HOA. We are prepared to assist in design and bidding as necessary.

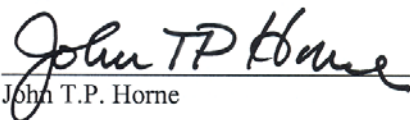
As in the case of the Fernbrook neighborhood, staff believes that the level of failure in some of the stormwater system in this neighborhood is far more rapid than what should be expected and is beyond what should be reasonably expected by the HOA. These types of pipes, if installed correctly, should have a life span of 30-50 years. Staff has surveyed other neighborhoods with similar characteristics and age and we have not found this scale of problems outside Fernbrook and St. George's Hundred neighborhoods. Other neighborhoods have minor problems which can be repaired at much lower costs and have not caused such dangerous conditions. To date, those systems appear to be aging at a rate consistent with normal life spans. Staff believes that this distinguishes the action undertaken by the County in these two neighborhoods from other similar neighborhoods. These actions are not intended to alter the countywide pattern of responsibility whereby neighborhoods with mandatory HOA's are responsible for drainage facilities outside road rights-of-way. County funded repairs are concentrated on neighborhoods, typically older, without mandatory HOA's.

In summary:

- Deterioration of the facilities has been much more rapid than typical of properly installed facilities.
- The scale of the repairs needed is large and repair costs are high.
- The deterioration is causing significant safety hazards.

This repair cost is not within the drainage repair budget available to General Services. The attached resolution would transfer \$40,000 from Operating Contingency to fund the repair.

Staff recommends adoption of the attached resolution.


John T.P. Horne

JTPH/nb
StGeor100Drain_mem

Attachment

RESOLUTION

OPERATING CONTINGENCY TRANSFER -

ST. GEORGE'S HUNDRED DRAINAGE IMPROVEMENTS

WHEREAS, the Board of Supervisors wishes to support the repair of neighborhood drainage facilities in the St. George's Hundred neighborhood; and

WHEREAS, the Board has determined that this repair is necessary to assist the St. Thomas's Hundred Homeowners Association (HOA) because of unusually rapid deterioration of drainage facilities that is beyond what should be normally expected, but does not alter the requirement that the HOA maintain the repaired facilities and other drainage facilities within the HOA portion of the neighborhood; and

WHEREAS, the funding for the repair is not available within budgeted account for this type of work.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the transfer of \$40,000 from Operating Contingency to Water Quality Improvement.

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	_____	_____	_____
BRADSHAW	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of September, 2013.

StGeor100Drain_res



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