

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

November 26, 2013

7:00 P.M.

-
- A. CALL TO ORDER**
 - B. ROLL CALL**
 - C. MOMENT OF SILENCE**
 - D. PLEDGE OF ALLEGIANCE** – Airiel Barrientos, a 12th-grade student at Jamestown High School and a resident of the Berkeley District
 - E. PRESENTATIONS**
 - F. PUBLIC COMMENT**
 - G. BOARD REQUESTS AND DIRECTIVES**
 - H. CONSENT CALENDAR**
 - 1. Minutes –
 - a. October 22, 2013, Work Session
 - b. November 12, 2013, Regular Meeting
 - 2. Grant Appropriation - Clerk of the Circuit Court - \$39,917
 - 3. Authorization for One Temporary Police Overhire
 - I. PUBLIC HEARING**
 - 1. Ordinance to Amend and Reordain Chapter 3, Animal Laws
 - J. BOARD CONSIDERATION**
 - 1. The Virginia Department of Transportation (VDOT) Revenue Sharing Program-Fiscal Year 2015
 - 2. 2014 Legislative Program
 - K. PUBLIC COMMENT**
 - L. REPORTS OF THE COUNTY ADMINISTRATOR**
 - M. BOARD REQUESTS AND DIRECTIVES**
 - N. ADJOURNMENT** – to 7 p.m. on December 10, 2013, for the Regular Meeting

**AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY,
VIRGINIA, HELD ON THE 22ND DAY OF OCTOBER 2013, AT 4:00 P.M. IN THE COUNTY
GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY,
VIRGINIA.**

A. CALL TO ORDER

B. ROLL CALL

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

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

C. BOARD DISCUSSIONS

1. Virginia Local Disability Program (VLDP)

Mr. Middaugh stated that on the agenda this evening is an action to decide if the County will stay with the Virginia Retirement System (VRS) State-run disability program or if the County should opt out and go with a private carrier. Also there is a decision to be made as to whether the County should restructure leave time to be consistent with the leave time in the hybrid system.

Mr. James Peterson, Assistant Director of Human Resources, addressed the Board giving a presentation of the options available for the Board to act on that was included in the Work Session Agenda Packet.

Mr. Middaugh stated that it is important to note that any of the current staff, who wishes to take advantage of short-term disability options in the hybrid plan, may opt in to this plan beginning in January 2014.

Mr. Icenhour asked if this is a one-time opportunity for staff to opt in to this hybrid plan.

Mr. Peterson stated that was correct.

Mr. McGlennon noted that long-term care is not included in the Comparable Plans unlike the Virginia Local Disability Program (VLDP). He asked if the Comparable Plan is chosen what employees would do for long-term care.

Mr. Peterson stated that employees would have to opt to take long-term coverage through a company like Genworth, which is what employees do now.

Mr. McGlennon asked what the dollar value is in the 0.5 percent difference in the rate that VRS is offering versus the Comparable Plan rate.

Mr. Peterson stated that staff has not been able to get an exact figure for that yet.

Mr. Bradshaw asked if Mr. Peterson could share any thoughts on the administration of the plan by VRS.

Mr. Peterson stated that as of yet there have not been many problems like other VRS run plans. He stated that VRS has chosen Uninum Life which is an insurance company that handles short-term and long-term disability. He stated that if the County chooses a vendor, then the County will be handling the payroll and the records themselves.

Mr. Icenhour stated that for clarification, the rate is an employee contribution or is it an employer contribution.

Mr. Peterson stated the employer.

Mr. Icenhour stated so this is something that the employees are not being asked to pay.

Mr. Peterson stated that was correct.

Mr. Icenhour asked for clarification on what kind of short-term and long-term plans current employees have now.

Mr. Peterson stated that current employees do not have any disability coverage. Currently leave is used.

Mr. Icenhour stated that once the employee's leave is exhausted, they are on their own then until they reach the long-term disability point.

Mr. Peterson stated that is correct, but the County also offers a sick leave bank that employees may choose to participate in and can use portions of that money to bridge the gap.

Mr. Kennedy stated that on disability, essentially the employee receives the equivalent of their take-home pay, but they are responsible for the State and Federal taxes.

Mr. Peterson stated not exactly. On the short-term disability, the plan will pay roughly 60 percent of the employee's salary once they become eligible for disability. He stated that there is a one-year waiting period to become eligible unless the employee is injured on the job.

Mr. Icenhour asked if there are any lifetime cap limits to the program.

Mr. Peterson stated no there is not.

Mr. Icenhour stated that the level of benefit is tied to the employee's years of service.

Mr. Peterson stated that was correct.

Mr. Kennedy asked if the employee is still racking up time towards retirement while on disability.

Mr. Peterson stated yes.

Mr. Icenhour asked at what point an employee on long-term disability would be eligible to transition over to retirement. Would it be an early retirement or at a specified amount of years of service.

Ms. Carol Luckam, Director of Human Resources, stated she believes that under the hybrid plan, the employee would transition at the retirement age or service requirement. She stated that staff would follow up with a definitive answer. She also stated that the County is not allowed to pass the costs of these programs on to the employees, so if the Board decides to opt out any rate increase will stay and have to be paid by the County.

Mr. McGlennon asked for clarification on the requirements by the State if the County opts out of the VLDP.

Ms. Luckam stated that the County is required to provide comparable coverage except for long-term care.

Mr. Icenhour asked if the County provides employees with an option for long-term care at their own expense and if so, what the participation rate is.

Ms. Luckam stated that the County currently offers the option to employees and only a small percentage of employees participate because it is expensive.

Mr. Peterson stated that staff recommends that the County opt out of the VLDP.

Mr. Middaugh stated that the choice is irrevocable, which means that the County would have to accept rate increases. With opting out the rate plans are influenced by the market.

Mr. Peterson stated that if the County opts out of the VLDP the Board may wish to adopt a new leave policy. As it stands now, employees have unlimited sick leave accrual and the sick leave bank, which have acted similar to short-term disability. He stated that the Hybrid Plan will offer short-term disability insurance, so the Board may wish to adopt a new leave policy as outlined in the Work Session Packet.

Mr. Kennedy stated that from a business standpoint, if staff cannot carry leave over from year to year, is there a concern about having many employees burning up time toward the end of year.

Mr. Peterson stated that leave still has to be approved by a supervisor and staffing levels are taken into that account. There are times when leave cannot be authorized in order to prevent falling below minimum staffing.

Mr. Icenhour stated that under this new leave policy, employees would only be able to carryover one year's worth of leave, so basically a use it or lose type of policy. He asked if there would be some opportunity for employees to sell back any unused time before retirement.

Mr. Peterson stated that under the current VRS system, employees can do a leave pay-out, but only up to the maximum cap of two years.

Mr. Kennedy asked if there is concern about taking away the unlimited sick leave accrual and changing to the paid time off in this new leave policy. He asked if there is concern with employees losing six days of leave/sick time a year.

Ms. Luckam stated that under the Hybrid Plan, after five consecutive days the employee would transition into short-term disability. She stated that staff believes that this new leave plan would encourage more scheduled time off instead of employees just calling in sick because they have the time on the books. She stated that is not to say that our employees are doing anything wrong, it is just a consequence of the type of leave system we currently have. She stated that if the Board has any suggestions on the leave policy, staff is open to them.

Mr. Icenhour noted that under the new plan there is no requirement that employees use all of their paid time off before transitioning to short-term disability.

Ms. Luckam stated that was correct, but there is the option for the employee to use their remaining paid time off in conjunction with the short-term disability in order to raise their disability payment to 100 percent.

Mr. Peterson stated that the option to opt in or out of the VLDP is on the agenda for the Regular Meeting this evening. He stated that adopting the new leave plan would probably come before the Board at the first meeting in November.

Mr. Bradshaw and Mr. Icenhour stated that they believe that opting out is the best option.

2. General Permit VAR040037 for the Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems, Effective July 1, 2013

Mr. Middaugh stated that there was a lot of information included in the Work Session Packet and there are no actions required of the Board this evening. He stated that this presentation is to familiarize the Board with what the County is going to have to go through in regard to the new stormwater regulations.

Ms. Fran Geissler, Director of Stormwater, addressed the Board giving a presentation of the material included in the Work Session Packet.

Mr. Middaugh stated that until this permit, the Department of Conservation and Recreation (DCR) has been the regulating body. Now, as seen in the packet of information, the regulating body is the Department of Environmental Quality (DEQ) and so what you are seeing is a lot more bureaucratic requirements than the County has been accustomed to with the DCR.

Ms. Jones stated that the ongoing question has been how to measure these requirements and to quantify them. She stated that the General Assembly is still wrestling with that question.

Ms. Geissler stated that the permit sidesteps that question by giving the County an inelegant method by which the County must generate its loads. She stated that for better or for worse, the County is required to fulfill the permit by the load requirements for the James River and the portions of York River which are in the County. She stated that this is a new program for staff and it will require a lot of time to develop and implement plans.

Mr. Middaugh asked for clarification on the “target audience” when discussing the plans for public outreach and education.

Ms. Geissler stated that the “target audience” is the residents of the urbanized zone, specifically pet owners, but also other pet owners that utilize the trails and parks within the urbanized zone.

Mr. John Horne, Director of General and Capital Services, stated that just for clarification, a few months ago Mr. Scott Thomas, Director of Engineering and Resource Protection, did a Work Session Presentation on the new Stormwater Regulations and that is the construction regulation side of this same overall permit. He stated that there are significant changes on both the construction regulation side and the management side of the stormwater facilities.

Ms. Geissler stated that everything that goes on the construction side of the permit gets reported in the Annual Report that will come from the Stormwater Division.

Mr. Horne stated that localities all over the State are feeling the effects of this new regulation, but the County has been doing many of these things already, so the County is not starting from zero and is in a better place than many of our neighboring localities.

Mr. Bradshaw asked if there is hope for development of web-based tracking systems and software since all of the localities in the State have to follow these regulations.

Ms. Geissler stated that there is software currently on the market.

Mr. McGlennon stated that it seems the County has a good baseline based off some of the water-quality studies that have already been done.

Mr. Horne stated that was correct. He stated that in several areas of the County, staff already knows what needs to be done; the County just needs to ramp up the implementation and then track all of the results.

Mr. McGlennon asked for clarification on the benefits of stream restoration.

Ms. Geissler stated that the Bay Program has done a lot of research and has developed some very clear data on the reduction of pollutants per linear foot based on the type of restoration that is done. She stated that the County has done several of these high quality restorations that the County will get credit for. She stated that the stream restorations are very important to the County in the reduction of sediment.

Mr. Icenhour stated that there is a big concern over the influence that the County has on property that it does not own or control. He stated that the area of influence in the permit is still up in the air, so how does the County go about making sure that the final decision is based on reality and not wishful thinking.

Ms. Geissler stated that when the County develops the Total Maximum Daily Load (TMDL) action plan for the Chesapeake Bay Watershed, the County needs to develop the best possible package and understand what can be controlled and document the County’s position.

Mr. Icenhour asked Mr. Middaugh if this should be something that is rolled into the County’s Legislative Agenda.

Mr. Middaugh agreed. He stated that Virginia Municipal League (VML) or Virginia Association of Counties (VACo) might embrace this as well since it affects localities State-wide.

Mr. Middaugh asked how much of this is driven by the Environmental Protection Agency (EPA) instead of DEQ.

Ms. Jones stated that she had spoken with a State Delegate, who stated that the EPA is being very aggressive. She also stated that the members of the Planning District Commission (PDC) have been talking and looking at ways of pushing back on this overly regulatory and expensive permit.

Ms. Geissler stated that the likelihood of the EPA continuing its aggressive tract and forcing changes to the permit in 2018 is very great and that is the timeframe that this issue could come back at the County.

Ms. Geissler stated that there are maintenance agreements on file with the courts for repairing Best Management Practices (BMPs) that the County does not control. She stated that this makes the County vulnerable to statements by individuals saying that the County owns those facilities and the pollution that comes from them.

Ms. Geissler stated that staff is open to ideas and suggestions, especially in regard to public communication and education.

Mr. Middaugh stated that this is just the beginning of information that will be brought before the Board and thanked staff for their presentation.

3. Longhill Road Corridor Study – Update

Ms. Ellen Cook, Planner III, addressed the Board giving a summary of the memorandum included in the Work Session Packet. Ms. Cook introduced Mr. Carroll Collins from Kimley-Horn and Associates and stated that he would be providing the Board with an update on the study and had prepared a power point presentation.

Mr. Collins defined the study area for clarification and outlined the public involvement parameters of the study. He stated that the findings of the first public project symposium included concerns over safety, traffic operations/mobility, bike and pedestrian accommodations, and environment/neighborhood concerns. He stated that the next public workshop is scheduled for November 2013 to present the existing conditions analysis findings. He stated that improvement design concepts are to be presented at a public workshop in February 2014 and the corridor recommendations an action plan should be presented at a final public workshop in May 2014. He stated that interim update presentations are planned for the Board and the Policy Committee.

Mr. McGlennon stated he thought the first public workshop was very well done. He asked if the study would engage with Williamsburg Area Transit Authority (WATA) in regard to the future possibility of our transit system operating in a bi-directional fashion.

Mr. Collins stated definitely. He stated that there is a representative from WATA on the project advisory committee, but the recommendation from Mr. McGlennon will be brought up with WATA and looked into.

As there were no other Board questions, Mr. Middaugh thanked staff and Mr. Collins for their update.

4. Hybrid Wolf Discussion

Mr. Middaugh stated that recently there was a tragic incident where a hybrid wolf dog escaped from its enclosure and killed another dog and possibly another. He stated that the incident has caused quite a bit of

consternation in the neighborhood and several Board members had asked that this issue be brought forward for discussion. He stated that staff will update the Board on options for regulating hybrid canines and then the Board can give guidance on what they would like staff to bring back the Board.

Ms. Lola Perkins, Assistant County Attorney, addressed the Board and stated that Officer Shirley Anderson, Animal Control Supervisor, is in attendance with her as well. She stated that State Code has an article that specifically deals with hybrid canines and was enacted in 1996. She stated that the article allows localities to regulate, by ordinance, a permitting process for hybrid canines. She stated the permitting process is geared toward making sure that the hybrid canines are adequately confined and responsible ownership. She stated that the Code allows the locality to set requirements in the permit, including: expiration, limiting the number of hybrid canines an owner can have, requiring a permit for each hybrid canine owned, dictate where the animal is to be kept by setting parameters about where the animal can be kept, what information must be provided by the owner about the animal, can require identification tags, and require what kinds of safeguards the owner has to take when the animal is off the owner's property. She stated that the Code has outlined the consequences for violations of the permit, which can include jail time. She stated that the Code also provides a specific provision for steps if the hybrid canine kills, injures another dog, and for chasing livestock. She stated that there is also a provision for compensation if livestock or poultry are killed by a hybrid canine. She stated that at this time the Board has the ability to regulate hybrid canines through a permit, but because of the Dillon Rule, the Board does not have the ability to prohibit hybrid canines in the County.

Mr. Kennedy asked if these animals can be controlled by zoning, stating which areas of the County these animals could be kept in.

Ms. Perkins stated yes. More research would need to be done about specifying zoning, or the other option would be through the permit and requiring a certain amount of acreage in order to get a permit.

Mr. Kennedy stated that through his own research he has found that these animals require quite a bit of space to roam. He stated that he has learned that these animals are escape artists that can climb and dig their way out of enclosures. He stated that he has learned that there are no current vaccines for rabies that are effective on hybrid canines which is concerning. He also stated that other issues that concern him over this incident is that the owner did not call the County to say that his hybrid wolf was loose, also that these hybrid wolves stalk children and attack children because they are viewed as prey. He stated that he spoke to Senator Norment today who indicated his support in sponsoring legislation that would allow the County and other localities to ban these hybrid canines. He asked Ms. Perkins if staff knows how many of these animals are currently in the County.

Ms. Perkins stated no.

Mr. Kennedy stated that to be clear, he believes that people make dogs mean, not that dogs are born mean, but these hybrid canines are not like domesticated dogs, they are not pets.

Ms. Jones stated that she would appreciate hearing from the experts and would appreciate seeing the draft ordinance that staff is working on. She stated that she is very concerned about this incident and the impacts on the families and the communities.

Mr. McGlennon asked if the current licensing requirements for dogs in the County would extend to these hybrid animals.

Ms. Perkins stated yes.

Mr. McGlennon stated so in theory these animals should already be registered with the County and asked if the animal involved in the incident was licensed.

Officer Anderson stated yes.

Ms. Jones asked if they were licensed as hybrids or as a mix breed.

Officer Anderson stated that they were listed as mix breeds.

Mr. Bradshaw questioned if the animal being a hybrid is the reason why the wild/exotic provisions in place do not apply.

Ms. Perkins stated yes because there is a section in the State Code that deals with hybrid canines specifically.

Mr. Kennedy stated that he is supportive of regulating these animals since they are still legal in the State. He believes getting these animals out of highly residential areas and away from large populations of children.

Ms. Jones asked if there have been other incidents in the County regarding hybrid canines.

Officer Anderson stated that back in the early 1990s, near the James City County/New Kent County line there were two wolf hybrids that were livestock chasers, but they never did get into too much trouble. She stated that the hybrids eventually passed away and the owner did not breed them again.

Ms. Perkins stated that she is still waiting to hear from the State Veterinarian and would pass along the information when she receives it.

Mr. Icenhour stated that he would be appreciative of that information. He stated that he would like to see these animals away from densely populated lands and then to apply some very stringent regulations to the permit process. He also stated that he would be supportive of adding this issue to the Legislative Agenda.

Mr. Bradshaw stated that he agrees with Mr. Icenhour.

Mr. McGlennon stated that in addition he would like see minimum lot size requirements and the ability to track the animals.

Ms. Perkins stated that those items could be included as well.

Mr. McGlennon asked how does the County address owners that call these hybrids mixed breeds instead of admitting to them being hybrids.

Officer Anderson stated that people will call them a malamute mix or say that they do not know what the other breed is. She stated that the percentage of wolf in the hybrid can help determine by sight if the animal is a hybrid. She stated that there are differences in the appearance and the physique. She stated the lower the percentage of wolf, the lower the risk; however, there is still a conflict within these animals as one side is a pet and one side is a predator and one can never know when the predator will take over.

Mr. Kennedy stated that there are good owners and bad owners, but with these animals one never knows when they might turn on the owner or others in the community.

Mr. Bradshaw stated that perhaps the County's dog licensing ordinance needs to be looked at as well to mandate that wolf or coyote blood needs to be disclosed.

Mr. McGlennon thanked Ms. Perkins for responding quickly to the Board's request for information.

Mr. Middaugh stated that it seems that the Board is in favor of a complete regulatory scheme that is more not less, in regard to these hybrid canines.

The Board voiced its agreement.

D. ADJOURNMENT

Mr. McGlennon recessed at 6:26 p.m. until their Regular Meeting at 7 p.m.

Robert C. Middaugh
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 12TH DAY OF NOVEMBER 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
Michael J. Hipple, Powhatan District

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

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Cole Tross, an 8th-grade student at Hornsby Middle School and a resident of the Berkeley District, led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATION

1. Virginia Department of Transportation (VDOT) Quarterly Update

Mr. Rossie Carroll, Residency Administrator for the Virginia Department of Transportation (VDOT) Williamsburg Residency, addressed the Board giving an update of transportation issues in the County. He stated that the signal synchronization study on Monticello Avenue is on-going and VDOT staff are monitoring the counts of vehicles and do have the ability to adjust the lights remotely if necessary. He stated that VDOT is looking into procuring an adaptive system that would adjust the lights automatically based on traffic flow. He stated that the traffic cameras will be moved to Route 60 near the Prime Outlets in anticipation of Black Friday and then the cameras will be moved west along Route 60 near the Williamsburg Pottery. He stated that 220 maintenance request orders were completed this quarter out of the 310 that were received. He stated that the Route 617-Stonehouse Road slope restoration project has been completed and pavement marking projects have been ongoing throughout the County. The 4th County mowing cycle has been completed except for one stretch along Route 199 between Jamestown Road and Brookwood Road. He stated that the current projects include: Longhill Road signal upgrades at intersection of Olde Towne Road, Route 60, and Airport Road signal upgrade and pedestrian signals. He stated that VDOT will be advertising a slope restoration project on Route 60 just west of Barnes Road, Route 321 Monticello Avenue project at News Road which will add a second turn lane onto News Road and the calendar year paving program. He stated that the secondary

plant mix schedule includes Route 5000, Route 615, and Route 755. He stated that the 2014 slurry-seal schedule has been advertised and includes the Stonehouse and Rolling Woods Subdivisions. He stated that VDOT staff is ready and posed to respond to winter weather and has completed a dry-run of incident response.

Ms. Jones stated that on Ironbound Road, right where the Ironbound Redevelopment Project was done, there was “fill” put in for the bike trail. This elevation is causing run-off to run down into the front of homes.

Mr. Carroll stated that he would look into that situation.

Mr. Icenhour stated that on Carriage Road, on the far end near Chambrel, it does not seem that the mowing was completed.

Mr. Carroll stated that the brush cutting there is a project that VDOT will be completing.

Mr. McGlennon stated that there is work in Newport News along Route 60 up to the County line. He asked if it would affect citizens that live in that end of the County.

Mr. Carroll stated that the road was closed this past weekend, but it should be reopened and not affecting citizens.

Mr. McGlennon asked if there was any hope on the horizon of getting away from the slurry-seal.

Mr. Carroll stated that VDOT has worked with the County to do more restorative overlays than preventative overlays, and he hopes to continue with that.

Mr. McGlennon thanked Mr. Carroll for his update.

F. PUBLIC COMMENTS

1. Ms. Betty Walker, 101 Locust Place, addressed the Board regarding the results of the recent gubernatorial election and the effects of big government.

2. Mr. William Merzs, 3982 East Providence Road, addressed the Board regarding the dangers wolf hybrid dogs pose to pets and small children in the community.

3. Mr. Frank Buckley, 3900 Cold Spring Road, addressed the Board regarding regulating wolf hybrid dogs in the County.

4. Mr. Joshua Bennett, 4011 East Providence Road, addressed the Board requesting that the Board regulate wolf hybrid dogs in the County.

5. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board regarding the acceptance of grant funds and using tax payer dollars for trails and dam studies that the County does not need.

6. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board regarding legitimate safety concerns in New Town.

7. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding grant money as a tool for redistributing wealth.

8. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board regarding the recent elections and women's rights.

9. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding the diminishing value of Leadership in Energy and Environmental Design (LEED) certification requirements and requested the Board modify the code to remove the LEED certification requirement for public buildings.

10. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding campaign statements for Mr. Watson and how he did most of what he claimed he would do.

G. BOARD REQUESTS AND DIRECTIVES

Ms. Jones stated that our community, and throughout the region, has so many veterans and active duty military personnel and she wanted to thank them for their service. She congratulated Mr. Hipple on winning the election and welcomed him to the Board. She stated that now that the Powhatan District is represented by an elected Supervisor she would like to make a motion for the Board to re-organize and elect a new Chairman.

Ms. Jones made a motion to elect Mr. Kennedy as Chairman of the Board for the remainder of this year.

On a roll call vote, the vote was: AYE: Mr. Hipple, Mr. Kennedy, Ms. Jones (3). NAY: Mr. McGlennon (1). ABSTAIN: Mr. Icenhour (1).

The motion carried and Mr. McGlennon passed the gavel down to Mr. Kennedy to take over the meeting as Chairman.

Mr. McGlennon stated that he traveled to Lancaster County this past Saturday for the memorial service for Mr. Richard Lee, a long-time County employee who passed away.

Mr. Kennedy stated that Mr. Lee will certainly be missed. He stated that he has fond memories of Mr. Lee and awarded him the Chairman's Award back in 2002 when he was Chairman.

Mr. Kennedy stated that it was privilege for him to appear as a veteran at Walsingham Academy yesterday for the Veteran's Day program.

H. CONSENT CALENDAR

Ms. Jones requested that Item No. 4 be pulled from the Consent Calendar for discussion.

Mr. McGlennon made a motion to adopt the remaining Consent Calendar Items.

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

1. Minutes –
 - a. October 8, 2013, Regular Meeting
 - b. October 22, 2013, Regular Meeting

2. Federal Grant Award – Bulletproof Vest Partnership (BVP) – \$11,414**RESOLUTION****FEDERAL GRANT AWARD – BULLETPROOF VEST PARTNERSHIP (BVP) – \$11,414**

WHEREAS, the James City County Police Department has been awarded a Bulletproof Vest Partnership (BVP) grant from the Office of Justice Programs' Bureau of Justice Assistance for \$11,414 (\$5,707 grant/\$5,707 local match); and

WHEREAS, the grant requires a match of \$5,707, which is available in the County's Grant Match Account; and

WHEREAS, the funds are to be used to purchase approximately 17 replacement bulletproof vests for officers.

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

Revenues:

BVP-FY13	\$5,707
Grant Match Account	<u>5,707</u>
Total	<u>\$11,414</u>

Expenditure:

BVP – FY13	<u>\$11,414</u>
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3. Grant Award – Dam Safety Assistance Fund for the Warhill Eastern Pond Dam – \$4,000**RESOLUTION****GRANT AWARD – DAM SAFETY ASSISTANCE FUND FOR THE****WARHILL EASTERN POND DAM – \$4,000**

WHEREAS, the Virginia Department of Conservation and Recreation and the Virginia Resources Authority, as administrator of the Dam Safety, Flood Prevention, and Protection Assistance Fund, has awarded James City County a grant to improve dam safety; and

WHEREAS, funds are needed for the Warhill Eastern Pond Dam to develop a dam break inundation map as required for renewal of a regular six-year Operational and Maintenance (O&M) Certificate in accordance with Virginia Dam Safety Act and Impounding Structure Regulations; and

WHEREAS, the award is in the amount of \$4,000 (with \$4,000 local match required); and

WHEREAS, the matching funds of \$4,000 are available in the County Department of Development Management, Division of Engineering and Resource Protection, FY 14 Expenditures Budget for Professional Services No. 001-104-0203.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the \$4,000 grant awarded by the Virginia Department of Conservation and Recreation and the Virginia Resources Authority for the Warhill Eastern Pond Dam and authorizes the County Administrator to execute the grant agreement.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the County Department of Development Management, Division of Engineering and Resource Protection Division budget:

Revenue:

Dam Safety Assistance Fund	<u>\$4,000</u>
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Expenditure:

Warhill Eastern Pond Dam	<u>\$4,000</u>
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5. Revisions to Chapter 5 of the James City County Personnel Policies and Procedures Manual

RESOLUTION

REVISIONS TO CHAPTER 5 OF THE JAMES CITY COUNTY

PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, the James City County Personnel Policies and Procedures Manual is an important document that guides decisions; and

WHEREAS, it is the practice of the County to revise and update policies to reflect changes and improvements; and

WHEREAS, the provisions of the Virginia Retirement System's Hybrid Plan that goes into effect January 1, 2014, differ from the provisions of Plan 1 and Plan 2; and

WHEREAS, the Virginia Retirement System advised that localities may wish to consider modifying current leave structure to coordinate more effectively.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that revisions to the personnel policies and procedures are adopted effective December 1, 2013.

6. Contingency Transfer – Human Services Building**RESOLUTION****CONTINGENCY TRANSFER - HUMAN SERVICES BUILDING**

WHEREAS, the County's adopted five-year Capital Improvement Plan includes, in the upcoming fiscal year, \$2,050,000 to rehabilitate the 30-year-old Human Services Building; and

WHEREAS, the need for greater efficiencies in the building infrastructure and spatial allocations is a pressing one, given the growth in the number of James City County households served by the offices who occupy the building.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the transfer of \$120,000 from Capital Contingency to General Services to fine-tune plans, obtain final engineering estimates, and analyze potential changes in the building.

4. Acceptance of a Grant Amendment – Virginia Recreational Trails Fund – \$195,000

Ms. Jones stated that she requested this item be pulled for discussion and for a separate vote. She stated that she does not believe the trail should be a priority at this time. She stated if this amenity is that important to the citizens, then she does not believe that the funding should be coming from outside the County.

Mr. McGlennon stated that the County has already accepted funding for this trail and it is part of the overall master plan for Parks and Recreation. He stated that by not accepting, the Board is basically saying that instead of completing this trail with more help from the State, taxpayers are expected to finish the trail by themselves.

Mr. McGlennon made a motion to approve Item No. 4.

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

RESOLUTION**ACCEPTANCE OF A GRANT AMENDMENT –****VIRGINIA RECREATIONAL TRAILS FUND – \$195,000**

WHEREAS, funds are needed to assist with the construction of a trail from Freedom Park to the Blayton Elementary and Hornsby Middle School complex; and

WHEREAS, the Department of Conservation and Recreation has additional funds available for a trail development project in James City County through the Federal Recreation Trails Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the \$195,000 grant amendment to help with the construction of the Freedom Park Trail and authorizes the County Administrator to execute the required documents.

NOW, THEREFORE, 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:

Virginia Department of Conservation and Recreation	<u>\$195,000</u>
----------------------------------------------------	------------------

Expenditure:

Freedom Park Trail	<u>\$195,000</u>
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I. PUBLIC HEARING

1. HW-0002-2013. Busch Gardens 2015 Festa Italia Attraction

Ms. Leanne Reidenbach Pollock, Planner III, addressed the Board giving a summary of the staff report included in the Agenda Packet.

Mr. McGlennon stated that he met with the applicant in order to better understand the impacts of this project and because of the proprietary information involved it is difficult for the applicant to explain publicly.

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

1. Mr. Larry Giles, Vice President of Engineering for Busch Gardens, addressed the Board stating that he is representing Busch Gardens in case the Board has any questions.

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

Mr. McGlennon made a motion to approve the resolution on pages 79 and 80 of the Agenda Packet stating that Busch Gardens is very important to the local economy and he is impressed with their efforts to reduce the impacts of the attraction on local residents.

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

RESOLUTION

HW-0002-2013. BUSCH GARDENS 2015 FESTA ITALIA ATTRACTION

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. Piotr Swietuchowski of VHB, Inc. has applied on behalf of SeaWorld Parks and Entertainment, LLC for a Height Limitation Waiver to allow for the installation of an attraction that is approximately 156 feet above finished grade (the "Attraction"); and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. HW-0002-2013; and

WHEREAS, the location of the proposed Attraction is depicted on the plan prepared by Vanasse Hangen Brustlin, Inc., entitled “Busch Gardens Festa Italia Expansion Exhibit 2 Height Waiver Sight Lines;” and

WHEREAS, the proposed expansion will be constructed in its entirety on property zoned M-1, Limited Business Industrial, further identified as James City County Real Estate Tax Map No. 5140100009 and commonly known as “Busch Gardens” (the “Property”); and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-418(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-0002-2013 to grant the applicant a 96-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of an attraction up to 156 feet tall from finished grade as described herein, pursuant to the following conditions:

1. **Plan:** This Height Waiver shall be valid for a 96-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of the Attraction up to 156 feet above finished grade (or up to 242 feet above mean sea level) as generally shown on the plan prepared by Vanasse Hangen Brustlin, Inc., entitled “Busch Gardens Festa Italia Expansion Exhibit 2 Height Waiver Sight Lines.” For the purposes of this application, “finished grade” is defined as 86 feet above sea level.
2. **Lighting:** All lighting locations and specifications shall be shown on future development plans. Unless otherwise required by the Federal Aviation Authority or necessary for safety purposes, installation of any lights on the Attraction at points above 60 feet in height or installation of lights which direct light upward to illuminate any part of the Attraction or surrounding theme park areas shall be prohibited, with the sole exception being that landscape-shielded “wall-washer” type fixtures may be installed to illuminate vertical (solid) wall surfaces related to the Attraction.
3. **Landscaping:** Supplemental landscaping shall be planted generally in the areas shown on the exhibit entitled “HW-0002-2013 Busch Gardens 2015 Festa Italia Attraction - Landscape Planting Areas” dated October 15, 2013, and as specified in a landscape design plan (the “Landscape Plan”) that shall be reviewed and approved by the Director of Planning or his designee and subject to approval by the Virginia Department of Transportation (VDOT). Plantings shall be evergreen varieties that are designed, located, and planted in accordance with the requirements of Section 24-96 of the landscape ordinance. Plantings included on the Landscape Plan shall be installed or bonded prior to issuance of a final Certificate of Occupancy.
4. **Color Scheme:** The color of the Attraction at any point at or above 60 feet above finished grade shall be muted and designed to minimize visual impacts from Community Character Corridors and areas as defined in the Comprehensive Plan. A color scheme plan and color samples shall be submitted to, and approved by, the Director of Planning for consistency with this condition prior to the issuance of a Building Permit for the Attraction.

5. **Commencement of Construction:** Construction on this project shall commence within 36 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.
6. **Severance Clause:** This Height Limitation Waiver is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

J. BOARD CONSIDERATIONS

1. Contract Award – Mooretown Road Extended Corridor Study – \$399,967

Mr. Jason Purse, Zoning Administrator, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Mr. Icenhour stated that the County must have some idea of who would build this road and where it would go. He asked if that was discussed.

Mr. Purse stated that who would fund this road has not been discussed. He stated that there is language in the Comprehensive Plan that this road would be a privately funded road with minimal public assistance. He stated that this is a study to determine if the road is built where it would be most appropriate.

Mr. Icenhour stated that the Board is going to spend \$400,000 of taxpayer dollars to determine where to put a road that would be built by some unknown private party.

Mr. Purse stated that funding has not yet been identified for construction.

Mr. Kennedy stated that this study has been discussed many times. He asked Mr. Middaugh to give some of the history of this item and asked if this item is approved, is it coming back to the Board again or will it begin to move along.

Mr. Middaugh stated that once this contract is awarded, then the corridor study will be done. After that, the question of who builds it and who pays for it will ultimately have to come back to the Board, but the study will already be done. He stated that this item had its genesis with Mr. Sanford Wanner, the previous County Administrator, who found that during a hurricane it was difficult to get back and forth down Route 60. The idea of this road was to provide an alternate means for getting around that area. Subsequently, the Board approved a conceptual zoning for that area called the Economic Opportunity Zone (EO Zone) and this road would be an important part of the maturation of the that zone. The last action of the Board was to appropriate the funds for the study and to make them available for use.

Mr. Kennedy stated that in 2005, when this study first came up, the EO Zone was not in effect. He stated he believes the original idea was that public funds be used for construction.

Mr. Hipple stated that during that hurricane, there were a lot issues with Fire and Rescue vehicles being able to get up and down Route 60 and it is believed that this road would provide another avenue for getting to other parts of the County when Route 60 is gridlocked.

Mr. McGlennon stated that he has not been enthusiastic about this project and believes those funds could be invested in Rochambeau Drive which provides a parallel roadway. He stated that the study would probably prove to be valuable by providing information on where a road would be feasible; however, he remains unconvinced of the need for a road there.

Mr. Icenhour stated that we live on a peninsula and during hurricanes, even the alternate routes get backed up. He stated that a small stretch of road is not going to be a viable alternative during a major storm. He stated that Rochambeau Drive parallels I-64 and Route 60 and it is very rarely used. He stated that he does not believe that this road is needed as an alternate route or for emergency response. He stated that he believes that this project has something to do with two major property holders who would like to have this road, but they would need to take property from other homeowners in order to make it connect. He stated that if the Board wants to make this road an entryway to the Williamsburg Pottery and Mr. Hunt's farm, then fine, but it will require the condemnation of property from other property owners who do not want this road coming across their property. He stated that this is public money being spent to develop and further the economic interest of private individuals. He stated that he believes that this is a bad idea and cannot support this.

Ms. Jones stated that this road was proposed by our public safety officers and the previous County Administrator after a major hurricane and those only continue. She stated that this is just a study, like the Longhill Road Corridor Study, to look at the impacts and what is feasible. She stated that this study was brought up prior to the EO Zone. She stated that this is a study to evaluate the routes for citizens and to make sure that they have avenues to get out safely and the emergency vehicles can get to citizens when they are needed. She stated that she is supportive of the study.

Ms. Jones made a motion to approve the resolution on page 98 of the Agenda Packet.

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

RESOLUTION

CONTRACT AWARD - MOORETOWN ROAD EXTENDED CORRIDOR STUDY - \$399,967

WHEREAS, a Request for Proposals (RFP) for Consultant Services to conduct a study of the Mooretown Road Extended corridor was publicly advertised and staff reviewed proposals from six firms interested in performing the work; and

WHEREAS, upon evaluating the proposals, staff determined that Vanasse Hangen Brustlin, Inc. (VHB) was the most qualified and submitted the proposal that best suited the County's needs as presented in the RFP.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the \$399,967 contract for consultant services for the Mooretown Road Extended Corridor Study to VHB.

2. The Virginia Department of Transportation (VDOT) Revenue Sharing Program-Fiscal Year 2015

Ms. Tammy Rosario, Principal Planner, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Mr. Middaugh stated that this is a competitive process and staff does not know how well this project will rank against other projects from other localities, but it is worth competing for.

Mr. Kennedy asked if these funds would be in addition to the approximately \$3.9 million already allocated to this project or would these funds act as an offset.

Ms. Rosario stated that these funds would be an offset.

Mr. Kennedy stated that for clarity, the project is still running approximately \$3.9 million.

Mr. Vaughn Poller, Director of Housing and Community Development, stated that is correct.

Mr. Hipple asked if there were currently any homes on Neighbors Drive.

Mr. Poller stated yes, there are 11 homes that are affected by this project.

Mr. Hipple stated that for clarity, this action tonight would not cost the County any more money.

Mr. Poller stated that was correct. He stated that if VDOT accepts this application, then VDOT would accept the Community Development Block Grant (CDBG) funds that the County already has as the local match dollars.

Mr. McGlennon stated that would then allow the County to remove local funding from the project and conserve those dollars for use elsewhere in the community.

Mr. Poller stated that was correct.

Mr. Kennedy stated that he has received questions regarding the tree line that was removed along Neighbors Drive near Route 60. He stated that it appears that the entire tree buffer between the two rows of housing was removed. He asked Mr. Poller to clarify why that was done.

Mr. Poller stated that the trees were removed in the area of Phase 1, because of the retention pond that is being built. He stated in the area of Phase 2, six lots were created and homes will be built.

Mr. Hipple asked for a deferral to allow him more time to learn about the project and get up to speed to make an informed decision.

Mr. Kennedy asked Mr. Middaugh if there was a deadline for the application.

Mr. Middaugh stated that there is a timeline, but Ms. Rosario could better answer the question.

Ms. Rosario stated that the signed resolution is due to VDOT by December 2, 2013, so conceivably the action could be deferred until the November 26 meeting and still meet the deadline.

Mr. Kennedy clarified with Mr. Rogers that a vote was not necessary for a deferral.

The Board agreed to defer this action in deference to Mr. Hipple's request.

K. PUBLIC COMMENTS

1. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board regarding an environmental issue near Quarterpath Drive that overlooks James City County and construction trucks have been removing trees, and tar and pitch is showing up in the pond.

2. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board and offered a prayer for the newly constituted Board.

3. Mr. Ed Oyer, 139 Indian Circle, addressed the Board stating all of this money is being spent on the Mooretown Road Study and VDOT mentioned the western part of Route 60 several times, but not once were Route 60 in the Grove area mentioned.

4. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding the Mooretown Road Study and believes that it would be to the County's benefit.

5. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board regarding climate issues and claimed that the County has been spending a lot of money on green building codes and conservation based on climate change policies that are being proven wrong.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh stated that a volunteer group, the Mid County Park Petanque Group, has constructed petanque/bocce courts and Mid County Park and invites those interested to come out and play. He also stated that the second Longhill Corridor Study Public Workshop will be held Thursday, November 21, from 7-9 p.m., at the King of Glory Lutheran Church on Longhill Road. He invited citizens to come out and have their input heard.

M. BOARD REQUESTS AND DIRECTIVES

Ms. Jones stated that many people have voiced concerns about New Town and she believes the community needs to get involved instead of just disregarding the issues. She stated that she would like to see some of the community organizations and local churches work to bring more positive energy to New Town on the weekends. She stated that she appreciates the comments and the emails that the Board has received in regard to wolf-hybrid dogs. She stated that this is a Dillion Rule State, so the County does not have the authority to outlaw them in James City County, but the Board will be looking at that on the County's Legislative Agenda. She stated that in the meantime, she asked that the draft ordinance go to the Policy Committee of the Planning Commission so that it may review the ordinance and move forward with zoning changes. She stated that another animal issue that she would like to see revisited is the backyard chicken keeping ordinance changes. She stated that she would like this Board to support bringing this issue back to the Policy Committee and Planning Commission. She stated that draft ordinances were supplied to staff that the Policy Committee did not have the opportunity to review or act on. She asked that the citizens be involved and part of the process for developing an ordinance and make a recommendation. She stated that while this is going on, that any violation letters not be acted on by County staff.

Mr. Kennedy and Mr. Hipple stated that they could be supportive of reopening that discussion.

Mr. Hipple stated that he believes that there are some changes that can be made in the ordinances that would be for the good of everyone. He also stated that he agrees with the assessment of the issues in New Town. He stated that New Town is a great place, but he does not go down there in the evenings on the weekend.

Mr. Kennedy asked Mr. Rogers if the enforcement of the violation letters for backyard chickens can be delayed.

Mr. Rogers stated that he hears the will of the Board regarding this issue and his office is the one that would enforce the violation, so he will hold up on the enforcement while this issue is sent back to the Policy Committee. Mr. Rogers stated that he wanted to comment on the wolf-hybrid dog issue that was mentioned. He stated that it is scheduled for a Public Hearing on November 26. He stated that it is not a zoning issue, that animal control laws state that the County may regulate the keeping of the dogs through a permitting process. He stated that one of the items that staff is looking at is utilizing zones, but it would still be part of the animal laws not a zoning case and therefore, there is no need for the Policy Committee and Planning Commission to be involved in the wolf-hybrid dog issue.

Mr. McGlennon stated that he is supportive of the Board moving forward expeditiously on this matter instead of having the Policy Committee and Planning Commission weigh in. He stated that the Board should be deliberate in its actions, but there has been a lot of discussion on this matter both by citizens and by the Board during the previous Work Session. He also stated that he has stated on several occasions that he was open to hearing what citizens had to say about backyard chicken keeping. However, it is a difficult issue to resolve when there are numerous neighborhoods with covenants that prevent backyard chickens. He stated that would put the County in a position to be called upon to adjudicate on these items between citizens and their neighborhood covenants. He stated that it is also important to remember that violation letters have only been issued when there has been a complaint from other citizens about their neighbors. He stated that he is certainly willing to listen, but there are issues involved here and perhaps common ground can be reached. He stated that it is not the case that supporters of backyard chickens were ignored. He stated that in regard to New Town, he had the opportunity to participate in several ribbon cuttings in New Town in the last week or so. He stated that all of the new business owners were excited to be located in New Town and that both stores are family establishments, especially Beyond Blocks which cater to young children and their families. He stated that he understands that there will always be issues in areas where there are a lot of people congregated, but wants to make it clear to the public that the level of incidents in New Town is not high.

Ms. Jones stated she was recommending that the community and the Board look at ways to make it better.

Mr. Hipple concurred. He stated that he was not insinuating that New Town is not a good place to be. He believes that there are issues there on Friday and Saturday nights and the community and the Board can come together to solve them.

Mr. McGlennon stated that he has been in New Town on Friday and Saturday nights and finds it to be a safe and enjoyable place to be.

Mr. Hipple stated that he would like to initiate a Public Hearing, as soon as possible, to reinstate uniform terms for the Board members.

Ms. Jones stated that she is supportive of this recommendation. She stated that because of staggered terms, the citizens of the Powhatan District did not have an elected representative on the Board for six years.

Mr. Kennedy stated that he would like to have a discussion about audio recording Closed Sessions, and asked Mr. Middaugh to make these two issues happen.

Mr. Rogers stated that with regard to Mr. Hipple's request, the first opportunity to bring a Public Hearing before the Board would be at the December 10 meeting to allow for adequate time to advertise the Public Hearing.

Mr. Kennedy and Mr. Hipple stated that they were fine with that timing.

N. ADJOURNMENT – to 4 p.m. on November 26, 2013, for the Work Session.

Ms. Jones made a motion to adjourn.

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

Robert C. Middaugh
Clerk to the Board

111213bos_min

MEMORANDUM COVER

Subject: Grant Appropriation - Clerk of the Circuit Court - \$39,917

Action Requested: Shall the Board approve the resolution that accepts the State Compensation Board's Technology Trust Fund grant award?

Summary: The Clerk of the Circuit Court has been awarded a grant from the State Compensation Board's Technology Trust Fund totaling \$39,917. This grant is a yearly allocation that will continue to be used for the replacement of computer equipment and its maintenance, as well as converting records, such as deeds, to a digital format. This grant requires no local match. The State determines the equipment replacement schedule and reimburses the County for the full cost. These funds may not supplant local operations.

Staff recommends approval of the attached resolution authorizing a budget appropriation of \$39,917 to the Special Projects/Grants Fund.


Fiscal Impact: Please state fiscal impact, if applicable.

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell 

County Administrator

Robert C. Middaugh 

Attachments:

1. Memorandum
2. Resolution

Agenda Item No.: H-2

Date: November 26, 2013

M E M O R A N D U M

DATE: November 26, 2013

TO: The Board of Supervisors

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

SUBJECT: Grant Appropriation - Clerk of the Circuit Court - \$39,917

The Clerk of the Circuit Court has been awarded a grant from the State Compensation Board's Technology Trust Fund totaling \$39,917. This grant is a yearly allocation that will continue to be used for replacement computer equipment and its maintenance, as well as converting records to a digital format. This grant requires no local match. The State determines the equipment replacement schedule and reimburses the County for the full cost. These funds may not supplant local operations.

Staff recommends approval of the attached resolution authorizing a budget appropriation of \$39,917 to the Special Projects/Grant Fund.



Suzanne R. Mellen

SRM/gb
GA-CirCrt2013_mem

Attachment

RESOLUTION**GRANT APPROPRIATION - CLERK OF THE CIRCUIT COURT - \$39,917**

WHEREAS, the State Compensation Board has awarded a Technology Trust Fund grant to the Clerk of the Circuit Court totaling \$39,917; and

WHEREAS, the grant will be used for the replacement of computer equipment and records modernization; and

WHEREAS, no local match is required for this grant.

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

Revenue:

Revenue from the Commonwealth	<u>\$39,917</u>
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Expenditure:

Clerk of the Circuit Court	<u>\$39,917</u>
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James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of November, 2013.

GA-CirCrt2013_res

MEMORANDUM COVER

Subject: Authorization for One Temporary Police Officer Overhire Position

Action Requested: Shall the Board approve the resolution that authorizes the creation of a temporary full-time regular overhire police officer position?

Summary: A James City County Police Officer was traumatically injured in the line of duty on May 20, 2013. He has been unable to return to work and his status for returning to work in full capacity is uncertain. Reduced staffing within the Police Department adversely affects service delivery, especially in Patrol. This officer is assigned to Evening Shift and that shift has been working at least one officer short since May. Other officers are having to handle calls that would normally be assigned to this officer. Time off is sometimes not allowed for other officers on that shift, as minimum staffing needs to be met. On-call officers and officers working overtime have also been used to fill the void when necessary, although on-call and overtime budgets are not unlimited.

If the overhire request is approved and the employee is unable to return to work, his position will be permanently filled by the overhire position. If the employee returns to full-time employment and the Police Department is fully staffed, the overhire position will remain in effect as a patrol officer on the street until a Police Officer vacancy occurs.


The injured officer is currently being paid through Worker's Compensation, which has resulted in a cost-savings in the regular Police Department budget. With the additional cost-savings of turnover (vacancies) taken into consideration, Financial and Management Services (FMS) confirmed that funding exists within the current Police Department budget to pay for a temporary full-time regular police officer overhire position. Funding would still be available within the budget for several months if necessary to pay for both the overhire and the existing officer if he returns to work.

Staff recommends adoption of the attached resolution to authorize the creation of a temporary full-time regular overhire police officer position.


Fiscal Impact: Unknown - depends on amount of time it takes for injured officer to return to work.

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell 

County Administrator

Robert C. Middaugh 

Attachments:

1. Memorandum
2. Resolution

Agenda Item No.: H-3

Date: November 26, 2013

M E M O R A N D U M

DATE: November 26, 2013

TO: The Board of Supervisors

FROM: Emmett H. Harmon, Police Chief

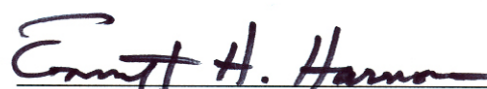
SUBJECT: Authorization for One Temporary Police Overhire

A James City County Police Officer was traumatically injured in the line of duty on May 20, 2013. He has been unable to return to work and his status for returning to work in full capacity is uncertain. Reduced staffing within the Police Department adversely affects service delivery, especially in Patrol. This officer is assigned to Evening Shift and that shift has been working at least one officer short since May. Other officers are having to handle calls that would normally be assigned to this officer. Time off is sometimes not allowed for other officers on that shift, as minimum staffing needs to be met. On-call officers and officers working overtime also have been used to fill the void when necessary, although on-call and overtime budgets are not unlimited.

If the overhire request is approved and the employee is unable to return to work, his position will be permanently filled by the overhire position. If the employee returns to full-time employment in and the Police Department is fully staffed, the overhire position will remain in effect as a patrol officer on the street until a Police Officer vacancy occurs.

The injured officer is currently being paid through Worker's Compensation, which has resulted in a cost-savings in the regular Police Department budget. With the additional cost-savings of turnover (vacancies) taken into consideration, Financial and Management Services (FMS) confirmed that funding exists within the current Police Department budget to pay for a temporary full-time regular police officer overhire position. Funding would still be available within the budget for several months if necessary to pay for both the overhire position and the existing officer if he returns to work.

Staff recommends adoption of the attached resolution to create a temporary full-time regular police officer overhire position.


Emmett H. Harmon

EHH/gb
TemPOHire_mem

Attachment

RESOLUTION

AUTHORIZATION FOR ONE TEMPORARY POLICE OFFICER OVERHIRE POSITION

WHEREAS, the return to work status of a Police Officer traumatically injured in the line of duty is uncertain; and

WHEREAS, reduced staffing in the Police Department adversely affects service delivery; and

WHEREAS, funds are available within the existing Police Department FY 14 Budget to create an overhire position.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes one full-time regular Police Officer overhire position. If the employee returns to full-time employment in full capacity and the Police Department is fully staffed, the overhire position will remain in effect until a Police Officer vacancy occurs and then the vacancy will be eliminated. If the employee is unable to return to work, the position will be permanently filled by the overhire position.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of November, 2013.

TemPOHire_res

MEMORANDUM COVER

Subject: Ordinance to Amend and Reordain Chapter 3, Animal Laws

Action Requested: Shall the Board adopt an ordinance to amend and reordain Chapter 3, Animal Laws, to implement a permit process to regulate hybrid canines?

Summary: On October 22, 2013, the Board of Supervisors requested information on how ownership of hybrid canines could be regulated in order to protect life and property in the County.

The attached ordinance proposes a permit process, based on the Board's discussion, which incorporates regulations for: 1) the term and expiration of the permit; 2) information and proof required on the application for issuance of a permit including, vaccination records, tattooing or electronic implantation, and description of the animal; 3) regulations on where the animal may be kept based on zoning and standards of the animal's enclosure; 4) restrictions on the number of hybrid canines that may be owned by a permittee; 5) notice to adjoining property owners; and 6) a permit fee.

Staff recommends adoption of the ordinance amendments.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell



County Administrator

Robert C. Middaugh



Attachments:

1. Memorandum
2. Ordinance

Agenda Item No.: I-1

Date: November 26, 2013

MEMORANDUM

DATE: November 26, 2013

TO: The Board of Supervisors

FROM: Lola R. Perkins, Assistant County Attorney

SUBJECT: Ordinance to Amend and Reordain Chapter 3, Animal Laws

At its work session on October 22, 2013, the Board of Supervisors requested amendments to the County Code that would serve to regulate hybrid canines. The Code of Virginia, 1950, as amended (“Virginia Code”) provides localities with the ability to regulate hybrid canines through a permit system.

In order to implement a permit system for hybrid canines, Chapter 3, Animal Laws, of the County Code should be amended to provide essential definitions relating to hybrids which mirror the Virginia Code. Additionally, a definition of wild or exotic animal was added to make the County Code more comprehensive.

The authorizing statute for hybrid canine ordinances sets out types of requirements which the ordinance may include at the Board’s discretion. The permit requirements proposed in the attached ordinance are: 1) the term and expiration of the permit; 2) information and proof required on the application for issuance of a permit including, vaccination records, tattooing or electronic implantation, and description of the animal; 3) regulations on where the animal may be kept based on zoning and standards of the animal’s enclosure; 4) restrictions on the number of hybrid canines that may be owned by a permittee; 5) notice to adjoining property owners; and 6) a permit fee.

The enclosure requirements outlined in the proposed ordinance (Section 3-41, c.2 through c.6) mirror the detailed standards used by Goochland County. The Board has the discretion to eliminate these specifics and instead use general language which would provide Animal Control with greater flexibility to determine on a case-by-case basis if an enclosure provides adequate confinement to prevent escape and protect the public.

The ordinance amendments also reference penalties for violation of the ordinance and exclusions from the permit for educational, commercial, or scientific organizations. The amendments will further delineate the authority and process for handling hybrid canines which kill, injure, or chase livestock and compensation for livestock and poultry killed by hybrid canines.

Staff recommends adoption of the attached ordinance.

Ordinance to Amend and Reordain Chapter 3, Animal Laws
November 26, 2013
Page 2



Lola R. Perkins

CONCUR:



Leo P. Rogers

LRP/gb
Ch3AnimalLaws_mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, ANIMAL LAWS OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 3-1, DEFINITIONS; AND BY ADDING ARTICLE II, DOGS, DIVISION 3. HYBRID CANINES, BY ADDING SECTION 3-40, HYBRID CANINE PERMIT REQUIRED; SECTION 3-41, HYBRID PERMIT REQUIREMENTS; SECTION 3-42, PERMIT FEE; SECTION 3-43, PENALTIES; AND SECTION 3-44, HYBRID CANINES KILLING, INJURING, OR CHASING OF LIVESTOCK AND POULTRY; COMPENSATION.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 3, Animal Laws, is hereby amended and reordained by amending Section 3-1, Definitions; and by adding Article II, Dogs, Division 3, Hybrid Canines, by adding Section 3-40, Hybrid canine permit required; Section 3-41, Permit requirements; Section 3-42, Permit fee; Section 3-43, Penalties; and Section 3-44, Hybrid canines killing, injuring, or chasing of livestock and poultry; compensation.

Chapter 3. Animal Laws

Article I. In General

Section 3-1. Definitions.

Adequate confinement. While on the property of its owner and not under the direct supervision and control of the owner or custodian, a hybrid canine shall be confined in a humane manner in a securely enclosed and locked structure of sufficient height and design to: (i) prevent the animal's escape; or if the hybrid canine is determined to be a dangerous dog pursuant to Section 3-8, the structure shall prevent direct contact with any person or animal not authorized by the owner to be in direct contact with the hybrid canine; and (ii) provide a minimum of 100 square feet of floor space for each adult animal. Tethering of a hybrid canine not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement.

Hybrid canine. Any animal that at any time has been or is permitted, registered, licensed, advertised or otherwise described or represented as a hybrid canine, wolf or coyote by its owner to a licensed veterinarian, law-enforcement officer, animal control officer, humane investigator, official of the Department of Health, or State Veterinarian's representative.

Responsible ownership. The ownership and humane care of a hybrid canine in such a manner as to comply with all laws and ordinances regarding hybrid canines and prevent endangerment by the animal to public health and safety.

Wild or exotic animal. A wild or exotic animal means any (i) live monkey (nonhuman primate), raccoon, skunk, wolf, squirrel, fox, leopard, panther, tiger, lion, lynx or any non-native warm-blooded mammal, (ii) poisonous snake, (iii) tarantula, (iv) other poisonous animal normally found in the wild, or (v) any member of the crocodylian family including, but not limited to, alligators, crocodiles, caimans, and gavials. Nonpoisonous snakes, ferrets, rabbits, laboratory rats, gerbils, hamsters and other similar small mammals, and other domesticated animals which have been bred in captivity are not wild or exotic animals.

State law references – Similar provisions, Code of Va., § 3.2-5900; § 3.2-6500; § 3.2-6581.

Article II. Dogs

Division 3. Hybrid Canines

Section 3-40. Hybrid canine permit required.

It shall be unlawful for any person to own or possess a hybrid canine in the County unless such person shall have first obtained a permit from James City County Animal Control to ensure the adequate confinement and responsible ownership of said hybrid canine as required by the provisions of this division.

State law references – Authorization to establish hybrid canine permitting process by ordinance, Code of Va., § 3.2-6582.

Section. 3-41. Permit requirements.

- (a) Any person owning or possessing a hybrid canine shall obtain an annual, non-transferable permit from the animal control officer no later than January 31 of each year. Such permit will expire on December 31 of each year and may be renewed upon submission of a new application. Permits may be revoked or renewal refused based on violations of this division.
- (b) To obtain a hybrid canine permit or renewal, the owner of such animal shall file with the animal control officer an application form, supplied by the animal control officer, which shall include the following information, along with evidence and documentation satisfactory to the animal control officer:
- (1) The full legal name of the applicant;
 - (2) The applicant's street and mailing addresses, legal (permanent) and local;
 - (3) The applicant's telephone numbers, permanent and local;
 - (4) The full legal name of the person who is primarily responsible for the day-to-day care and confinement of the hybrid canine, if different from the applicant; such custodian's street and mailing address, legal (permanent) and local; and such custodian's telephone numbers, permanent and local;
 - (5) Location, including street and mailing addresses, where the hybrid canine will be kept, confined, or sheltered;
 - (6) Name of the legal owner of the property upon which the hybrid canine will be kept, confined or sheltered, and a brief description of the property which may include amount of acreage, tax map identification number, etc.;
 - (7) Name of the hybrid canine along with its sex, color, height, age, vaccination records, length, and any identifying marks;
 - (8) A color photograph clearly showing the animal;
 - (9) Certification that the hybrid canine has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation;

- (10) Certification that the property where the hybrid canine will be kept has liability insurance coverage in an amount not less than \$100,000 per incident to cover any claims for injuries or damage arising from the keeping of the hybrid canine on such property; and
- (11) An executed consent form authorizing the animal control officer to inspect the premises where the hybrid is confined on an annual basis for the sole reason of ensuring that the owner is in compliance with the permit and this division.
- (c) A hybrid canine shall at all times be confined in a humane manner in a proper enclosure or structure in such a location and of such sufficient height and design to prevent its escape or direct contact with or entry by minors, adults or other animals.
- (1) The pen or enclosure shall be located on property zoned A-1, General Agricultural, except for those A-1 areas in platted subdivisions consisting of five or more lots, of which at least three lots have occupied dwellings or in manufactured home parks.
- (2) The pen or enclosure shall contain at least 1,600 square feet of space.
- (3) Any fencing used in the construction of the pen or enclosure shall be at least eight feet in height, with an additional overhand of fencing or barbed wire angling a minimum of three feet into the pen or enclosure.
- (4) To prevent digging out along the fence, concrete footers at least one foot wide and six inches deep shall be installed along the perimeter of the pen or enclosure.
- (5) The pen or enclosure shall be surrounded by a chain-link fence at least four feet in height and no closer than six feet to the pen or enclosure.
- (6) Any fencing used in the construction of the pen or enclosure shall be of 11 gauge wire or its equivalent.
- (7) The property on which the hybrid canine is kept shall be posted with clearly visible signs warning both minors and adults of the presence of a hybrid canine on the property.
- (d) A hybrid canine shall not be allowed to run unleashed outside of its cage or enclosure or to roam or self-hunt on the property of its owner or custodian.

- (e) *When off of its owner's or custodian's property a hybrid canine shall be kept under the direct supervision and immediate control of its owner or custodian. Such control shall include, but not be limited to, keeping the hybrid canine on a leash and muzzling the animal in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration but so as to prevent it from biting a person or another animal.*
- (f) *The owner or custodian of a hybrid canine shall immediately notify the animal control officer if the hybrid canine is (a) loose or not confined; (b) bites or attacks a person or another animal; (c) dies; or (d) has been moved to a different location.*
- (g) *No permit holder shall own or possess more than two (2) hybrid canines. A separate permit shall be obtained for each hybrid canine owned or possessed by the permit holder.*
- (h) *The animal control officer shall provide the owner or custodian with a uniformly designed tag which identifies the animal as a hybrid canine and the owner or custodian shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times.*
- (i) *This division shall exclude and not apply to educational, commercial, or scientific organizations including but not limited to theme parks, zoos, circuses, licensed research or medical institutions, and wildlife refuges.*
- (j) *The county shall provide notice of the issuance of a permit to all owners of property adjoining the property where the hybrid canine will be kept.*

State law references – *Authorization to establish hybrid canine permitting process by ordinance, Code of Va., § 3.2-6582.*

Section 3-42. Permit fee.

There is hereby imposed an annual hybrid canine permit fee upon all persons owning or possessing hybrid canines in the county as follows: \$100.00 per year. A hybrid canine permit obtained pursuant to this division shall be renewed annually for the same permit fee and in the same manner as the initial permit was obtained.

State law references - Authorization to establish a permit fee to cover the cost of the permitting process, Code of Va., § 3.2-6582.

Section 3-43. Penalties.

Any person, whether an owner, agent or employee, violating, causing, or permitting the violation of this article or the conditions of the permit shall be guilty of a Class 3 misdemeanor for the first violation and a Class 1 misdemeanor for a second or subsequent violation. The court may order the owner or custodian of a hybrid canine to surrender the animal for euthanasia in accordance with the provisions of Code of Virginia § 3.2-6562.

State law references - Authorization to establish hybrid canine permitting process by ordinance, Code of Va., § 3.2-6582(B).

Section 3-44. Hybrid canines killing, injuring or chasing of livestock and poultry; compensation.

(a) It shall be the duty of any animal control officer or other officer who may find a hybrid canine in the act of killing or injuring livestock or poultry to kill such hybrid canine forthwith, whether such hybrid canine bears a tag or not. Any person finding a hybrid canine committing any of the depredations mentioned in this section may kill such hybrid canine on sight as may any owner of livestock or his agent finding a hybrid canine chasing livestock on land lawfully utilized by the livestock when the circumstances show that such chasing is harmful to the livestock. Any court may order the animal control officer or other officer to kill any hybrid canine known to be a confirmed livestock or poultry killer, and any hybrid canine that kills poultry for a third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the hybrid canine to produce the hybrid canine.

(b) Any animal control officer who has reason to believe that any hybrid canine is killing livestock or poultry shall be empowered to seize such hybrid canine solely for the purpose of examining such hybrid canine in order to determine whether it committed any of the depredations mentioned

herein. Any animal control officer or other person who has reason to believe that any hybrid canine is killing livestock, or committing any of the depredations mentioned in this section, shall apply to a magistrate serving the locality where such hybrid canine may be, who shall issue a warrant requiring the owner or custodian, if known, to appear before a general district court, at which time evidence shall be heard. If it appears that the hybrid canine is a livestock killer, or has committed any of the depredations mentioned in this section, the district court shall order that the hybrid canine be: (i) killed immediately by the animal control officer or other officer designated by the court; or (ii) removed to another state that does not border on the Commonwealth and prohibited from returning to the Commonwealth. Any hybrid canine ordered removed from the Commonwealth that is later found in the Commonwealth shall be ordered by a court to be killed immediately.

(c) Any person who has any livestock or poultry killed or injured by any hybrid canine not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry not to exceed \$400 per animal or \$10 per fowl if:

(1) the claimant has furnished evidence within 60 days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a hybrid canine;

(2) the animal control officer or other officer shall have been notified of the incident within 72 hours of its discovery; and

(3) the claimant first has exhausted his legal remedies against the owner, if known, of the hybrid canine doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the hybrid canine upon which an execution has been returned unsatisfied.

(d) Upon payment under this section the county shall be subrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the hybrid canine and may enforce the same in an appropriate action at law.

State law references – Seizure for examination of hybrid canine suspected of killing livestock or poultry,

Code of Va., § 3.2-6583; Compensation for livestock and poultry killed, Code of Va., § 3.2-6584.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

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HIPPLE	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of November, 2013.

Ch3AnimalLaws_ord

MEMORANDUM COVER

Subject: The Virginia Department of Transportation (VDOT) Revenue Sharing Program-Fiscal Year 2015

Action Requested: Shall the Board give authorization to apply for FY 2015 Revenue Sharing Funds?

Summary: This item was deferred from the November 12th Board meeting. Each year the Virginia Department of Transportation (VDOT) invites localities to participate in the Revenue Sharing Program which provides localities an additional funding option to construct, reconstruct, improve or maintain the highway system. The program will match local dollars on a one-to-one basis up to \$10 million per locality. This year staff recommends the reconstruction of Neighbors Drive as a revenue sharing project.

Community Development Block Grant (CDBG) funds already appropriated for the Neighbors Drive/Richmond Road Neighborhood Improvement Project (Phase II of the Forest Heights Road Project Planning Grant Area) will be used for the 50 percent local match should Revenue Sharing funds be awarded. The cost of the proposed improvements including preliminary engineering, construction, and VDOT oversight costs is estimated at \$930,000.

The Revenue Sharing funds would represent new money to the project, which would help the County conserve local dollars. Should Revenue Sharing funds be awarded, the County would be able to utilize CDBG funds appropriated to the Community Development fund for the Neighbors Drive/Richmond Road Neighborhood Improvement Project (Phase II) as the required local match, allowing the balance of the remaining local leverage funds to be used to meet other community needs. No new County funds would be required to offset the 50 percent local match.

Staff recommends adoption of the attached resolution which authorizes the County to participate in the FY 2015 Revenue Sharing Program.

Fiscal Impact: \$465,000

FMS Approval, if Applicable: Yes No

Required County match is \$465,000. Funding would be from CDBG funds already appropriated for the Neighbors Drive/Richmond Road Neighborhood Improvement Project (Phase II). No new County funding would be required.

Assistant County Administrator

Doug Powell 

County Administrator

Robert C. Middaugh 

Attachments:

1. Memorandum
2. Resolution
3. Neighbors Drive Reconstruction Project Map

Agenda Item No.: J-1

Date: November 26, 2013

MEMORANDUM

DATE: November 26, 2013

TO: The Board of Supervisors

FROM: Tamara A. M. Rosario, Principal Planner
A. Vaughn Poller, Housing and Community Development Administrator

SUBJECT: The Virginia Department of Transportation (VDOT) Revenue Sharing Program-Fiscal Year 2015

Each year the Virginia Department of Transportation (VDOT) invites localities to participate in the Revenue Sharing Program, which provides localities an additional funding option to construct, reconstruct, improve or maintain the highway system. The program matches local dollars on a one-to-one basis up to \$10 million per locality. As a competitive program, VDOT prioritizes eligible projects into the following categories:

- Priority 1 Construction projects that accelerate a project in the Six-Year Improvement Plan or in a locality's capital plan.
- Priority 2 Maintenance projects for poor surface quality roads as determined by VDOT's road condition indices.
- Priority 3 Construction and maintenance projects that do not meet the above priority criteria.

The County typically uses revenue sharing to provide funding for small projects, immediately needed improvements, or to supplement existing funding on projects. This year staff is recommending one project for Board consideration, the reconstruction of Neighbors Drive. No other projects were pending consideration for an FY 15 application. As each year of the VDOT Revenue Sharing Program is a different application year, this submission would not impact projects awarded in previous years.

Neighbors Drive currently exists as a dirt street and is in poor repair. This road has been identified for improvement in conjunction with Neighbors Drive/Richmond Road Neighborhood Improvement Project (Phase II of the Forest Heights Road Project Planning Grant Area). As part of this project, Neighbors Drive will be reconstructed to meet VDOT standards for acceptance in the state system of secondary roads. The project will include paving and installing sidewalk and a rolled curb within an established 40-foot right-of-way from Richmond Road to Benefit Lane (see Attachment No. 3). Cost of the proposed improvements including preliminary engineering, construction, and VDOT oversight costs is estimated at \$930,000. This application would be considered a "Priority 3" project under VDOT criteria.

In March 2010 and again in March 2013, the Board of Supervisors authorized participation in a Community Development Block Grant (CDBG) to fund housing and infrastructure improvements within the Forest Heights Road Project Planning Grant Area, comprised of the Forest Heights Neighborhood Improvement Project (Phase I) and the Neighbors Drive/Richmond Road Neighborhood Improvement Project (Phase II). Phase I is currently under construction and is not part of this application. The Revenue Sharing funds would represent new money to the project, which would help the County conserve local dollars. Should Revenue Sharing funds be awarded, the County would be able to utilize CDBG funds appropriated to the Community Development fund for the Neighbors Drive/Richmond Road Neighborhood Improvement Project (Phase II) as the required local match, allowing the balance of the remaining local leverage funds to be used to meet other community needs. No new County funds would be required to offset the 50 percent local match.

The Virginia Department of Transportation (VDOT) Revenue Sharing Program-Fiscal Year 2015

November 12, 2013

Page 2

Staff recommends the adoption of the attached resolution authorizing the County to participate in the FY 2015 Revenue Sharing Program.



Tamara A. M. Rosario

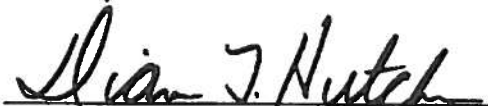


A. Vaughn Poffler

CONCUR:



Allen J. Murphy, Jr.



Diana F. Hutchens

TAMR/AVP/nb
RevSharPr2015_mem

Attachments:

1. Resolution
2. Neighbors Drive Reconstruction Project Map

RESOLUTION**THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)****REVENUE SHARING PROGRAM-FISCAL YEAR 2015**

WHEREAS, the Board of Supervisors of James City County desires to submit an application requesting up to \$465,000 of Revenue Sharing Funds through the Virginia Department of Transportation (VDOT) Fiscal Year 2015 Revenue Sharing Program; and

WHEREAS, matching funds already exist in the Community Development fund the County will match up to \$465,000 to any awarded Revenue Sharing Program funds; and

WHEREAS, the combined County and State funding totaling up to \$930,000 is requested to fund the reconstruction of Neighbors Drive.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby supports this application for an allocation up to \$465,000 through the VDOT Revenue Sharing Program and further approves a County contribution up to \$465,000 toward this project.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

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Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of November, 2013.

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Villages at Westminster

Raintree

Neighbors Dr

Forest Heights Dr

North Mayfair Cir

Allyson Dr



Richmond Rd

Moore Dr

Scott's Pond Dr

Scott's Pond

Premium Outlets

 Neighbors Dr/Richmond Rd Neighborhood Improvement Project (Phase II)
 Forest Heights Neighborhood Improvement Project (Phase I)



Neighbors Drive Reconstruction Project Map

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.

MEMORANDUM COVER

Subject: 2014 Legislative Program

Action Requested: Shall the Board approve the resolution to adopt the 2014 Legislative Program?

Summary: The 2014 Legislative Program contains important issues that would benefit the County if adopted by the General Assembly at their 2014 session.

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. 2014 Draft Legislative Program

Agenda Item No.: J-2

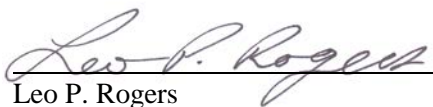
Date: November 26, 2013

MEMORANDUM

DATE: November 26, 2013
TO: The Board of Supervisors
FROM: Leo P. Rogers, County Attorney
SUBJECT: 2014 Legislative Program

Attached for your consideration is a resolution approving James City County's 2014 Legislative Program. Also attached is the 2014 Legislative Program.

I recommend adoption of the attached resolution.


Leo P. Rogers

LPR/nb
14LegProg_mem

Attachments

RESOLUTION**2014 LEGISLATIVE PROGRAM**

WHEREAS, James City County has developed a Legislative Program for the consideration of the 2014 session of the General Assembly which outlines certain legislative policies which the Board believes ought to guide the General Assembly and proposes certain legislation that would benefit the County; and

WHEREAS, the Board has carefully considered its Legislative Program and believes that it is in the best interests of the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the County's 2014 Legislative Program and commends it to the County's representatives in the General Assembly for action.

BE IT FURTHER RESOLVED that a copy of the County's 2014 Legislative Program be forwarded to the County's elected representatives to the General Assembly.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

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Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of November 2013.

14LegProg_res



JAMES CITY COUNTY 2014 LEGISLATIVE PROGRAM

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

1-1. DELETE REQUIREMENT THAT THE GREATER WILLIAMSBURG CHAMBER AND TOURISM ALLIANCE SERVE AS THE FISCAL AGENT FOR THE WILLIAMSBURG AREA DESTINATION MARKETING COMMITTEE

James City County requests an amendment to Virginia Code § 58.1-3823 C.3 to delete the statutory requirement that The Greater Williamsburg Chamber and Tourism Alliance serve as the fiscal agent for the Williamsburg Area Destination Marketing Committee.

1-2. CLARIFY THAT NAMES OF GOVERNMENT EMPLOYEES ARE NOT SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT WHEN POSITION AND SALARY RECORDS ARE REQUESTED

James City County requests an amendment to Virginia Code § 2.2-3705.8 in order to exclude the names of government employees when position and salary records are requested.

1-3. OBJECTIVE DEFINITION OF HYBRID CANINE

James City County requests an amendment of Virginia Code § 3.2-6581 to provide an objective method for determining what constitutes a hybrid canine.

1-4. LOCAL AUTHORITY TO PROHIBIT THE KEEPING OF HYBRID CANINES

James City County requests an amendment of Virginia Code § 3.2-6582 to authorize localities to prohibit the keeping of hybrid canines.

1-5. REPORTING REQUIREMENT FOR VETERINARIANS TREATING HYBRID CANINES

James City County requests amendment of Virginia Code to require that veterinarians report the initial visit of a hybrid canine to the local animal control office.

1-6. ALLOW ADVERTISEMENT OF REQUIRED PUBLIC NOTICES ON A LOCALITY'S WEBSITE AND THROUGH OTHER MEANS INSTEAD OF PUBLICATION IN A NEWSPAPER HAVING GENERAL CIRCULATION

James City County requests an amendment of Virginia Code § 15.2-107.1 to provide that wherever newspaper advertisement is required for public notices, a locality may instead publish such notice on its website and shall also provide, at the request of any citizen of the Commonwealth, notice by electronic or telephonic means or through the U.S. postal mail.

**JAMES CITY COUNTY
2014 LEGISLATIVE PROGRAM**



Part II. Position/Legislation Supported by the County

2-1. STATE FUNDING FOR TOURISM

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

2-2. MAINTENANCE OF NEW AND EXISTING SECONDARY ROADS

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

2-3. APPLICATION OF TRANSIENT OCCUPANCY TAX TO TRAVEL COMPANIES AND INTERNET SALES

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

2-4. ENHANCE RAIL SERVICE ON THE PENINSULA AND TO RICHMOND

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

2-5. BEHAVIORAL HEALTH AND COMPREHENSIVE SERVICES ACT (“CSA”) FUNDING

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

2-6. SUBSTANCE ABUSE AND MENTAL HEALTH TREATMENT

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

2-7. TAX EQUITY BETWEEN CITIES AND COUNTIES

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

2-8. STATE FUNDING FOR PUBLIC EDUCATION, PRE-K, K-12 AND HIGHER EDUCATION

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

2-9. ADEQUATE FUNDING FOR PUBLIC LIBRARIES

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

2-10. NO NEW STATE MANDATES AND ELIMINATE OR ADEQUATELY FUND EXISTING STATE MANDATES

James City County calls upon the General Assembly to oppose unfunded mandates and to reduce existing State mandates commensurate with any reduction in State funding to localities.

2-11. PROVIDE STATE FUNDING TO MITIGATE ENCROACHMENT OF AIRFIELD SURROUNDING JOINT BASE LANGLEY-FORT EUSTIS

James City County supports the initiative to provide state funding for the land acquisition program supporting mitigation of encroachment around Langley Air Force Base (now Joint Base Langley-Fort Eustis).

2-12. LEGISLATIVE PROGRAMS OF THE VIRGINIA MUNICIPAL LEAGUE, THE VIRGINIA ASSOCIATION OF COUNTIES AND THE VIRGINIA COALITION OF HIGH GROWTH COMMUNITIES

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