

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF NOVEMBER 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

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

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

C. BOARD DISCUSSIONS

Ms. Jones made a motion to go into Closed Session for the discussion of a personnel matter.

Mr. McGlennon asked that the nature of the personnel matter be clarified and stated for the record.

Ms. Jones stated that it is a personnel matter involving a review of the performance of the County Administrator.

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

At 4:03 p.m., the Board entered into Closed Session.

At 4:08 p.m., the Board came out of Closed Session.

Ms. Jones made a motion to certify the Closed Session.

On a roll call vote, the vote was: AYE: Mr. McGlennon, Mr. Hipple, Ms. Jones, Mr. Kennedy, (4). NAY: (0). ABSTAIN: Mr. Icenhour, (1).

Mr. Rogers stated that the action of the Board must be stated in the form of a motion.

Mr. Kennedy asked what the motion would be.

Mr. Rogers stated that the motion should be a motion of no confidence in the County Administrator and to terminate the employment of the County Administrator pursuant to the terms of his revised employment contract.

Ms. Jones moved the motion as stated by the County Attorney.

Mr. McGlennon stated that he would hope that the members that support this action would explain their reasons for taking this action.

Mr. McGlennon stated that he opposes the action and believes that the County Administrator has performed his functions in a very efficient and professional manner, and that he deserves the support of the Board. He stated that if the Board has lost confidence in the County Administrator and would like to replace him, then the public deserves to know why the Board lacks confidence in the current County Administrator. He stated that the failure of the Board to articulate the reasons for their decision makes their actions seem arbitrary.

Mr. Icenhour stated that he does not see how the public can accept that this Board is transparent, open, and above board when it takes an action like this without a clear explanation as to why. He stated that Mr. Middaugh is probably the best County Administrator that the Board has had.

As no one else wished to speak, Mr. Kennedy asked that the vote be called by Mr. Doug Powell, Assistant County Administrator.

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

1. Legislative Agenda Discussion

Mr. Rogers stated that in the Agenda Packet is a draft of the Legislative Agenda. He stated that the Board would have an opportunity to discuss any amendments to the legislative agenda prior to the State Legislators arriving at 5 p.m. Mr. Rogers began giving an overview of the draft legislative agenda.

In regard to Item 1.2, Mr. McGlennon stated that there is an exemption already for staff making less than \$10,000 based on the law as it was written back in 1970s and presumably it has not been kept up to date with the changes in salaries.

Mr. Rogers stated that his preference would be the striking of all the names of staff in correlation with the salaries; however a compromise of disclosing the names of employees that receive salaries of \$100,000 or more would be acceptable as well.

Mr. McGlennon stated that he does not believe that there will be much support in Richmond to change this law.

Mr. Rogers stated that even if the General Assembly updated the \$10,000 limit to reflect inflation, that would provide greater protection for the employees.

Mr. McGlennon stated that he would support that.

Mr. Kennedy asked if there could be a limit requested based on the scope of the position, perhaps supervisors and managers only would have their names disclosed.

Mr. Rogers stated that the Board could make that request of the State Legislators; however, the best argument is probably the one proposed by Mr. McGlennon.

Mr. Rogers clarified that the request would be to adjust the current \$10,000 limit for inflation and bring it up to date with current pay.

Mr. Kennedy stated that he would be supportive of that.

Mr. Rogers stated that the next three items on the Legislative Agenda deal specifically with hybrid canines.

Mr. McGlennon asked if it would be advisable to combine 1.3 and 1.5 regarding the definition and the requirement for veterinarians to report to the County if they treat a hybrid canine. He stated that 1.4, the prohibition of hybrid canines, is probably the most controversial and not likely to be picked up by a legislator.

Mr. Rogers stated that he believes the change to the definition might be somewhat difficult, but the reporting by veterinarians would probably be less so, which is why he separated them out.

Mr. Kennedy stated that this issue was met with much resistance in Richmond the last time it was introduced, and it may take several years to get any of these three items to pass. He stated that this why the Board adopted the ordinance to limit these animals by zoning.

Mr. Rogers explained Item 1.6, and stated that he is not sure how much support this item will get. He stated that he is working with the FOIA Council on this issue and trying to get something like this out.

Mr. Kennedy stated that last year this item never made it out of committee because of the newspaper lobbyists. He asked if Mr. Rogers knows the committee votes of any of these items that the Board has supported before. He stated that he is wondering if the Board is just spinning their wheels on some issues and not likely to get anywhere.

Mr. Rogers stated that none of the items that the Board has supported in the past were routinely dismissed in committee.

Mr. Rogers stated that Section 2 contains items that the Board is supportive of and thinks that the legislators from our area should be supportive of as they come up.

Mr. Icenhour stated that in regard to Item 2.2, he believes that the language should be somewhat stronger in regard to sustainable state funding if the secondary roads become the responsibility of the locality.

Mr. Rogers stated that the County does not want to take responsibility for the secondary roads, so this item is formulated as more of a principle statement. However, if more clarity is desired by the Board than he is open to suggestions.

Mr. McGlennon stated that he would put a period at the end of the statement that the County opposes the transfer of any new or existing roads. He stated that he would add that should any transfer happen, then the State must provide continuing funding, for the costs incurred, both now and in the future.

Mr. Kennedy agreed and stated that the keyword is "must."

Mr. Rogers stated that he can make that correction if that is the will of the Board.

Mr. Kennedy asked if there were any objections.

As there were no objections, Mr. Kennedy asked that the correction be made.

In regard to Item 2.3, Mr. Rogers stated that hotel rooms purchased online are not subject to the room occupancy tax like rooms that are purchased through the brick and mortar hotel. He stated that this item is an attempt to make the room occupancy tax equitable regardless of how the room is purchased.

Mr. McGlennon clarified that hotel rooms that are purchased online through one of the consolidated groups like Expedia, Travelocity, etc. are the ones that are not taxed. He stated that booking a room through a brick and mortar hotel's website still pays the occupancy tax.

Ms. Jones stated that people also book a room online and get a cheaper rate are more likely to come here and spend their money. She stated that she understands the fairness aspect, but she also believes in the fairness of the market. She stated that her preference has always been that the less you tax the more you encourage the free market.

Mr. Kennedy asked if the Hotel Association has taken a position on this item.

Mr. Rogers stated no they have not.

Mr. Kennedy stated that he would like to know their position, but he is supportive of this item.

In regard to the last item, Ms. Jones requested a copy of the supporting resolution from the Virginia Coalition of High Growth Communities. She stated that she would like to see their position on certain legislative issues. She stated that she would also like to see the current draft of the legislative programs for Virginia Municipal League and the Virginia Association of Counties. She stated that she would like some time to review their legislative programs before giving a full confidence vote.

Mr. Rogers stated that the Legislative Agenda is on the agenda for tonight's meeting under Board Considerations. Considering the request from Ms. Jones, he would recommend deferring the adoption of the Legislative Agenda until the next meeting on December 10.

Mr. Kennedy asked for clarification on which Board member attends the meetings of the Virginia Coalition for High Growth Communities.

Mr. McGlennon stated that he has attended the meetings when they have been in the region. He stated that he does not attend the ones outside of the region that require an overnight stay.

Mr. Kennedy stated that the Virginia Association of High Growth Communities is one of the more expensive memberships that the County pays for, and he wants to make sure that a return is being made on that investment, and perhaps that is something that should be looked at during the budget process.

Mr. Rogers stated that he would make the suggested changes and have them ready for the meeting with the State Legislators.

2. Board of Directors and Hampton Roads Sanitation District Consolidation Study Update

Mr. Larry Foster, General Manager of the James City Service Authority, addressed the Board giving a summary of the presentation that was included in the Agenda Packet.

As there were no questions for Mr. Foster, Mr. Kennedy recessed the Board for a break at 5:08 p.m.

At 5:13 p.m., Mr. Kennedy reconvened the Board.

3. Discussion Session with State Legislators

Mr. Kennedy stated that Delegate-Elect Monty Mason, Delegate Brenda Pogge, Alex Stevens, a representative from Senator Miller's office, and Senator Norment have joined the Board for a discussion session.

Mr. Rogers addressed the State Legislators stating that the Board has endorsed Section 1 of the Legislative Agenda, but would be deferring adoption of the Legislative Agenda until the December 10 meeting. He stated that he would be going through the Legislative Program item by item.

Senator Norment and Delegate Pogge both stated that they would be happy to pick up Item 1.1.

In regard to Item 1.2, Delegate Pogge asked if there was a suggested minimum for exclusion for the names and salaries of employees or if the County wanted to leave it open.

Mr. McGlennon stated that the County's Human Resources Office could determine what an equivalent salary would be today of the original \$10,000 limit that was written into law in the 1970s.

Senator Norment stated that he would be mindful of the timeframe that this would be considered. He stated that he believes that there will be a big push towards transparency and ethics in government. He stated that he believes that the proposal is harmless, but would caution about considering the tenor of the times.

Delegate Pogge stated that she would market the idea around and sees what comes of it.

Mr. Rogers stated that he would get a more concrete figure.

Senator Norment asked if any other localities are in support of this item.

Mr. Rogers stated that he would discuss the issue with both VML and VACo.

Senator Norment stated that having the support of VML or VACo on this item as an update to the Code for inflation would be helpful.

Delegate-Elect Mason stated that a group like VML or VACo would also have access to greater statistical information and could help come up with a better figure of inflation.

Mr. Rogers stated that the County is hoping that one of the Legislators would be willing to pick up and support 1.3 and 1.5 together.

Senator Norment stated that he believes several years ago there was legislation to regulate these animals and it got hung up in committee.

Mr. Rogers stated that is correct. He stated that there was considerable lobbying done by owners of these animals.

Mr. Kennedy stated that he had called Senator Norment when this issue occurred in the County. He stated that there are no rabies vaccinations that are effective on hybrid wolves, they are not recommended as pets, they are wild animals with a prey drive and that actively hunt. He stated that if you research incidents online, there are many incidents involving children, kids on skateboards, children that cry, all of which triggers the animal's natural instincts and drive to hunt. He stated that it is nothing against the animal itself, it is only doing what comes naturally, but it does not make them suitable pets or suitable for residential neighborhoods.

Senator Norment asked if there is a consensus among the Board for the authority to prohibit these animals in the County.

Ms. Jones stated yes, but as stated, the definition would need to be clarified.

Mr. Kennedy stated that there are many states that do not allow the ownership of these animals as pets, including Alaska, which he found very interesting.

Senator Norment stated that he is willing to take on Item 1.4 with the idea of rolling Item 1.3 in with it. He stated that he is willing to support this for the County to have the authority, and if the committee decides to turn it in to a prohibition across all localities, then so be it. He stated that he would need Mr. Rogers to help come up with an objective definition.

Delegate-Elect Mason stated that mention was made of the State Veterinarian, what was their stance.

Mr. Rogers stated that the State Veterinarian recommended that DNA testing be done which would determine the percentage of wolf in the animal. He stated that other states have used a standard of 10% wolf.

Mr. Rogers stated that Item 1.5 would require veterinarians to report hybrid animals that are reported to them as such.

Senator Norment asked how the determination would be made to do a DNA test if there is a prohibition in place.

Mr. Rogers stated that it would be best to work with the State Veterinarian and to see what other states have done when they have prohibited these animals.

Ms. Jones stated that she agrees that the most efficient way is to see what other states have done that has prohibited these animals.

In regard to Item 1.6, Delegate Pogee stated that this item has gone down in committee for the past several years. She stated that the argument is that not everyone has access to electronic communications or the internet, especially in more rural areas.

Senator Norment concurred with Delegate Pogee.

Ms. Jones asked if there was any value in continuing to support this item on the County's Legislative Agenda then.

Senator Norment stated that this idea is not very well received by the print media, so there is the business side against it as well as the access concern.

Mr. Rogers stated that the County is a captive audience for the print media businesses which means they can charge the County whatever they want. He stated that the County has attempted to address the access concern by adding in other avenues of notification including calling citizens or text messages.

Delegate Pogee stated that this item did not make it out of sub-committee last year.

Mr. Kennedy asked if this item could be tied to population to help address the issue of access. He stated that in our community, newspaper subscriptions are waning.

Senator Norment and Delegate Pogee both stated that that idea has been tried as well and not gotten very far.

Mr. Rogers suggested moving this item to Section 2, the items the County would like to see supported. He stated that perhaps he can work with VML, VACo, and the FOIA Council, which is not an advocacy group, on putting together a proposal for next year.

Senator Norment stated that he believes that would be constructive. He stated that there is a push for local governments to be more cost effective, so he would recommend putting together a figure of paid advertising across all 130 localities.

Mr. Rogers looked to the Board for confirmation of moving this item to Section 2.

Mr. Kennedy stated that he supported it, and the other Board members nodded in agreement.

In regard to Item 2.3, Senator Norment stated that this item has had to go through an educational cycle for the General Assembly. He stated that it did a little better last year.

Delegate Pogge stated that she spoke to the hoteliers last year and that they were not really sure what position to take. On the one hand, if the discounts put heads in beds then that is better than the room being empty. On the other hand, it eats into their margins.

In regard to Item 2.4, Delegate Pogge asked if this item was rolled in to the Transportation Funding Bill.

Senator Norment stated that it was not necessarily geographically specific, but yes. He stated that Mr. McGlennon probably knows more about it than he does. He stated that he believes the opportunity for mass-transit funding is available.

Mr. McGlennon stated correct. The opportunity for additional services could mean additional funding out of the Transportation Funding Bill.

Senator Norment asked if County would be competing against the same pot of money as the Southside with their LightRail.

Mr. McGlennon stated yes. He stated that most of the money is going to end up in Northern Virginia because that is where 90 percent of the mass transit in the state is located. He stated that WATA will receive an additional \$630,000 this year which is an increase of 30 percent in State funding here for mass transit services.

Delegate Pogge stated that this is not a one-time increase that it will roll from year to year.

Mr. McGlennon stated correct, it is built into the formula and will continue from year to year.

In regard to Item 2.6, Delegate Pogge stated that she believes this item will be up for discussion this session, specifically increasing funding, due to the incident that happened recently.

Senator Norment stated that he believes this issue is going to become more of a state-wide issue than it previously has.

In regard to Item 2.8, Senator Norment stated that he will continue to be an avid supporter of K-12 education funding.

In regard to Item 2.11, Senator Norment stated that progress is being made.

Ms. Jones stated that there is significant awareness and support in the region in regard to the encroachment issue of the military bases in the region. She stated that HRMFFA and the HRPDC has been working on increasing awareness in DC and in Richmond.

Senator Norment stated that they will continue to try to support these items and the items that they have supported in the past. He urged the County to continue to be in contact with them and communicate any issues or concerns.

Mr. Rogers thanked the Legislators for the access he has had with them and stated that he looks forward to working with them on the items they have agreed to pick up.

D. ADJOURNMENT

Mr. McGlennon made a motion to adjourn.

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

Mr. Kennedy adjourned the Board at 6:05 p.m. until their Regular Meeting at 7 p.m.

M. Doug Powell
Deputy Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF DECEMBER 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

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

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

Ms. Jones stated that Mr. Kennedy would be absent from the meeting this evening due to a death in his family.

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Isaac Skeeter an 11th grade student at Lafayette High School and a resident of the Berkeley District, led the Board and citizens in the Pledge of Allegiance.

Ms. Jones recessed the Board of Supervisors meeting at 7:03 p.m. to conduct the James City Service Authority (JCSA) Board of Directors meeting.

At 7:05 p.m., Ms. Jones reconvened the Board of Supervisors meeting.

E. PRESENTATIONS

1. Lifesaving Recognition – James City County Recreation Center

Ms. Jones read the Lifesaving Recognition Resolution to the citizens and presented copies to Ms. Becky Duncan, Mr. Alister Perkinson, and Mr. Justin Taylor.

2. Resolution of Appreciation – John Moorman

Ms. Jones read the Resolution of Appreciation to citizens and presented it to Mr. John Moorman.

Mr. Moorman stated that it has been his pleasure to serve as Director of the Williamsburg Regional Library and commended the Board of Supervisors for its support of the Library over the years.

3. Resolution of Appreciation – Emmett Harmon

Ms. Jones read the Resolution of Appreciation to the citizens and presented it to Police Chief Emmett Harmon.

Chief Harmon stated that it has been his pleasure and highest honor to serve the citizens of James City County as Chief of Police. He thanked the Board of Supervisors for its continued support of police officers and the Department.

4. The Comprehensive Annual Financial Report – Dixon Hughes Goodman, LLP

Ms. Leslie Roberts, a representative of Dixon Hughes Goodman, LLP, gave a brief summary of the Annual Financial Report included in the Agenda Packet.

Mr. McGlennon thanked Ms. Roberts for highlighting the important aspects of the Financial Report.

F. PUBLIC COMMENTS

1. Mr. T. J. Cavaliero, 7648 Crestview Drive, addressed the Board in regard to amending the County Code and the Food Truck Ordinance.

2. Mr. Keith White, 6309 Adam's Hunt Drive, addressed the Board in regard to discrepancies on the County website in regard to expiration dates on Board/Commissions/Committees.

3. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board in regard to the newspaper accounts of a petition calling for the recall of some of the Supervisors.

4. Mr. Walker Ware, 5004 River Drive, addressed the Board congratulating the newly elected members of the Board of Supervisors and for making immediate changes for the good of the citizens.

5. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in support of keeping personnel matters in Closed Session.

6. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board stating her interest in running for public office.

7. Pastor Mark Marrow, 124 Yule Place, addressed the Board offering an invocation.

8. Mr. John Tusten, 5526 Riverview Road, addressed the Board introducing himself as the new park manager at York River State Park.

9. Mr. Ed Oyer, 139 Indian Circle, addressed the Board stating that he continues to ask for better traffic flow along Route 60.

10. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board stating that fiscal policy of the previous County Administrator was not appreciated by citizens.

11. Ms. Rosanne Reddin, 4700 President's Court, addressed the Board stating that Mr. Hipple and Mr. Onizuk should be applauded for taking action and following through on campaign promises for instituting change.

12. Mr. Eric Danuser, 4091 South Riverside Drive, addressed the Board in support of the zoning ordinance initiation for backyard chicken keeping.

G. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon noted that there have been passings of several citizens recently in the area including Mr. Stan Brown, who after working for the College of William and Mary spent many years working with the Williamsburg Land Conservancy and the Jamestown Rediscovery Project. He offered his condolences to Mr. Brown's family.

Mr. Icenhour stated that on December 6, he attended the Virginia Coalition for Open Government Annual Meeting held here in Williamsburg. He stated that the event was sponsored by the City of Williamsburg, the Virginia Gazette, and a local business, Johnny Timbers Tree Service. He stated that he was disappointed that the County was not involved with the event.

Ms. Jones requested that staff follow up on the citizen comment regarding the Food Truck Ordinance. She stated that she has received some comments and concerns from citizens out in the Peleg's Point area in regard to water issues. She stated that the Development Management staff was out in the area today looking at ways to mitigate the run-off issues. She stated that she has heard the citizen's concerns about the cost of the new fire station and requested to have a work session discussion about the details of the fire station build.

H. CONSENT CALENDAR

Mr. McGlennon made a motion to approve the Consent Calendar with the amended minutes that were placed on the dais this evening.

On a roll call vote, the vote was: AYE: Mr. McGlennon, Mr. Icenhour, Mr. Hipple, Ms. Jones (4). NAY: (0). ABSENT: Mr. Kennedy (1).

1. Minutes –
 - a. November 26, 2013, Regular Meeting
2. Lifesaving Recognition – James City County Recreation Center

RESOLUTION

LIFESAVING RECOGNITION – JAMES CITY COUNTY RECREATION CENTER

WHEREAS, a patron suffered a lethal heart arrhythmias on November 18, 2013, while entering the racquetball court at the James City County Recreation Center; and

WHEREAS, James City County Recreation Center staff found him unresponsive without a pulse or respirations; and

WHEREAS, Mrs. Becky Duncan, Mr. Alister Perkinson, and Mr. Justin Taylor together performed Cardiopulmonary Resuscitation (CPR) in conjunction with the use of an Automated External Defibrillator (AED); and

WHEREAS, their quick efforts combined with EMS treatment resulted in a successful transportation of the individual to the hospital for further treatment.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby recognizes and thanks Mrs. Duncan, Mr. Perkinson, and Mr. Taylor for their heroic efforts in saving the life of a James City County citizen at the James City County Recreation Center.

3. Resolution of Appreciation – John A. Moorman, Director of Williamsburg Regional Library

RESOLUTION

RESOLUTION OF APPRECIATION - JOHN A. MOORMAN,

DIRECTOR OF WILLIAMSBURG REGIONAL LIBRARY

WHEREAS, at the age of eleven, John A. Moorman launched his career in library science, shelving books and moving a college library collection; and

WHEREAS, John used this experience to fuel a passion which resulted in his obtaining a Master's Degree and a Ph.D. in Library Science; and

WHEREAS, John has worked in libraries since 1972, served as a library director since 1975, and has served as Library Director for Williamsburg Regional Library since 2000; and

WHEREAS, during John's tenure as Library Director, Williamsburg Regional Library has received many honors, including four-star and five-star ratings from *Library Journal* and becoming a finalist for the National Medal for Museum and Library Services; and

WHEREAS, John has worked with elected officials and staff to establish trust with local governments through fiscally responsible stewardship of public resources; and

WHEREAS, John shepherded Williamsburg Regional Library through the Great Recession as a leader and role model, managing reductions in Williamsburg Regional Library's budget while maintaining levels of service and without laying-off staff; and

WHEREAS, John worked closely with the Williamsburg Regional Library Board of Trustees, the Williamsburg Regional Library Foundation Board, and the Friends of Williamsburg Regional Library Board to ensure the library offers excellent collections, programs, and services that inform, enrich, and strengthen our community; and

WHEREAS, John has served library users in the Williamsburg area and across the state as President of the Virginia Library Association and libraries across the country as a member of the American Library Association's Executive Board; and

WHEREAS, John will be retiring on December 31, 2013; and

WHEREAS, John's leadership and collaboration with the library's Boards and staff members have allowed Williamsburg Regional Library to advance and grow, leaving it with great potential and viability for the future.

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia hereby recognizes John A. Moorman for his outstanding contributions to the Williamsburg Regional Library and the library profession and extends appreciation for his legacy of leadership and service.

NOW BE IT FURTHER RESOLVED that the Board of Supervisors hereby expresses its best wishes to John A. Moorman in his retirement.

4. Resolution of Appreciation – Police Chief Emmett H. Harmon

RESOLUTION OF APPRECIATION

POLICE CHIEF EMMETT H. HARMON

WHEREAS, Police Chief Emmett H. Harmon is retiring from James City County after serving the citizens of James City County from December, 1979 through December, 2013; and

WHEREAS, Emmett was the first Police Officer hired by James City County when the County formed its new Police Department in 1979; and

WHEREAS, Emmett rose through the ranks serving as Patrol Officer, Sergeant, Lieutenant, Major, Deputy Chief, and Chief of Police; and

WHEREAS, Emmett has been the Chief of Police since September 2005; and

WHEREAS, under Emmett's leadership, the requirements for Senior and Master Officers were adjusted so that significantly more officers were able to move up and improve their standard of living; as well as, instituted another career ladder step (POII) to help address retention issues at the two and three year mark; and

WHEREAS, Emmett served as the Department's Accreditation Manager and helped the Department to obtain its first State accreditation, and has served as a Board member for the Virginia Law Enforcement Professional Standards Commission since 2007; and

WHEREAS, Emmett served as Treasurer for both the Hampton Roads Association of Chiefs of Police and the Virginia Law Enforcement Professional Standards Commission; and

WHEREAS, Emmett helped to ensure that our school system implemented the Rapid Responder System for emergency situations and helped to ensure that latest technology is available to the department, such as eSummons, Live Scan, AFIS, MDTs, in-car cameras; and

WHEREAS, under Emmett's leadership, the Department received the U.S. Coast Guard Admiral's Award for best Marine Patrol Unit in Hampton Roads area, received 1st place award in the National Law Enforcement Challenge for traffic safety for similar sized agencies, and received the State's Commonwealth Award for best traffic safety programs in Virginia for any sized agency.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby thanks and honors Emmett H. Harmon for his 34 years of service to the citizens of James City County.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby expresses its best wishes to Emmett in all of his future endeavors.

I. PUBLIC HEARINGS

Ms. Jones noted that the Board is looking to defer Item Nos. 1, 4, and 5, but that the Public Hearings would be opened and citizens would have the opportunity to speak to these items.

1. Ordinance Amendment to Chapter 2, Administration, Section 2-3, Designation, Population, and Election Cycle of Districts

Mr. Rogers addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Ms. Jones stated that in recognition of Mr. Kennedy's absence, she recommends that the Board defer this action until the next Board meeting.

As there were no questions for staff, Ms. Jones opened the Public Hearing.

1. Mr. Keith White, 6309 Adam's Hunt Drive, addressed the Board stating his opposition to the changes to this ordinance that keeps happening every time that there is a shift in the political majority on the Board. He requested that this item be put to the citizens as a referendum and allow the citizens to decide this issue.

2. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board stating her agreement with the previous citizen that this item should be put on the ballot as a referendum.

As no one else wished to speak at this time, Ms. Jones stated that the item would be deferred until the meeting on January 14, 2014.

2. Case No. SUP-0012-2013. Olde Towne Road Human Services Building Communications Tower

Mr. Luke Vinciguerra, Planner I, addressed the Board giving a summary of the staff report included in the Agenda Packet.

Mr. McGlennon stated that it is his understanding that the proposal was amended earlier today to offer a payment to the County for the space on County property.

Mr. Powell stated that is correct; however, that is probably more germane to the Lease which is listed on the Agenda as Item No. 3. He stated that the applicant has offered to provide a payment in the amount of \$250 per month to the County, which is new information received today.

On the advice of Counsel, Mr. Powell stated that it would be appropriate to open the public hearings for Item Nos. 2 and 3 since the cases are linked.

3. Lease of County Property Located at 5249 Olde Towne Road

Mr. Rogers stated that staff has not yet drafted the terms of this lease, but these types of leases have been drafted in the past. He stated that this lease is somewhat unique in that it is a lease for a microwave tower, not a cellular tower. He stated that the applicant offered today to pay the County rent in the amount of \$250 per month for the space that would be used back behind the Human Services Building.

As there were no other questions for staff, Ms. Jones opened the Public Hearing.

1. Mr. Tom Davis, President and CEO of Davis Media, addressed the Board as the applicant for the Special Use Permit (SUP). He stated that Davis Media is the license holder for two FM radio stations in the area, WTYD-FM (The Tide) and WBQK-FM (Bach-FM). He stated that Davis Media has been broadcasting in Williamsburg since 2003 and began providing emergency services support for the County in 2006. He stated that in the event of an emergency, the radio station communicates with the Emergency Operations Center to deliver vital information out to the residents of the County. In the event that there is no staff in the radio station office, County officials have the ability to dial in via phone and take over the radio station broadcast to deliver emergency information. He stated that in 2006, a generator was purchased with funds from the Williamsburg Community Health Foundation Grant that was placed at the transmitter site to maintain the transmission of the radio station in the event of power outages. He stated that the generator remains the property of the County, but Davis Media provides the fuel and maintenance upkeep. He noted that private funds, in the form of the grant were used to purchase the generator and that no public tax dollars were used. He stated that the issue that has come up is that the transmission line, which is a T1 hard line through Verizon, has failed during every major weather event that has struck the County. He stated that during severe weather events, Verizon has no interest in going out to fix the failure in the T1 line. Davis Media's proposal is to fund a microwave tower to transmit information to the tower and not have to rely on the T1 line. He stated that the monopole would be located on land that is not usable or able to be developed by the County. He stated that Davis Media is willing to pay the County rent in the amount of \$250 per month for use of the County land and the County is welcome to place other communications equipment on the monopole if they wish. He stated that Davis Media is trying to cure the problems with T1 line so that the radio stations can stay on the air to provide emergency information out to citizens.

Ms. Jones stated that she had read that Davis Media had not been able to locate the maintenance records for the generator.

Mr. Davis stated that the records had been located. He stated that the maintenance agreement is \$270 per year and then any repairs are taken care of by Davis Media directly.

Mr. Hipple asked how many citizens listen to the stations, is there a way to quantify that.

Mr. Davis stated that the last time a survey was done by an independent group in New Town, about 65 percent of the citizens of the County were listeners.

Ms. Jones asked if the Federal Communications Commission (FCC) has approved this tower.

Mr. Davis stated that the FCC does not get involved with microwave links or microwave towers. He stated that Davis Media has a microwave license already. The FCC only gets involved with the FM transmitter and that license was just renewed last year.

Ms. Jones asked where the generator is specifically.

Mr. Davis stated that the generator is at the FM transmitter site in Barhamsville. He stated that the problem is that his engineers cannot fix the T1 line because it belongs to Verizon. He stated that his engineers can go out and fix the transmitter tower if there is a failure to keep the radio station on the air, but they have no control over Verizon and the T1 line.

Ms. Jones asked how common it is for radio stations to have agreements with local jurisdictions to allow the local government to take over their radio stations during emergencies.

Mr. Davis stated that in his years of media and broadcasting he has never seen it. He stated that his company has stations in North Carolina and they are in the process of setting up an agreement there as well. He stated that these agreements should be in place in his opinion. He stated that it is great for the station to be there to play music and to make money, but the original purpose back when the FCC began was to provide emergency communication to people.

Ms. Jones stated that she admires his willingness to serve the public. She stated that her concern and the concern that has been voiced by citizens is that you are promoting a specific news media outlet. By allowing this, the County would be advertising for a specific radio station. She stated that WYTD-FM (The Tide) is a news radio station, which means that the only news that would be heard would be from WY Daily, which would mean that the County is promoting one news media outlet.

Mr. Davis stated that he understands that concern. He stated that if this is not approved, then Davis Media will continue to operate as they have been for years. He stated that the problem will be that the time when Davis Media is not promoting their station, not promoting their business, is when the County will need them the most and they will not be on the air if the T1 line fails again.

Ms. Jones asked if other locations were considered.

Mr. Davis stated yes, but the problem is that the microwave tower needs line of sight with the transmitter tower. So it needs to be able to high enough to be seen over the trees, which is why the sight proposed is on a hill. He stated that putting the tower in the business park where Davis Media's office is located would have required a variance to the zoning.

Mr. Hipple asked for clarification on the agreement that the County could allow other co-locations on the tower and generate revenue from that.

Mr. Davis stated that if other groups wanted to place a repeater on the tower and pay the County for it, then that would be fine. He stated that Davis Media does not have a problem with the County generating other revenue from the tower. He stated that if the County wanted to extend the height of the pole to increase the opportunity for other revenue, then the Board could do that.

Mr. Hipple asked if extending the height is something that Davis Media would be willing to do and fund. He also asked the County Attorney about how high a tower could be in this area.

Mr. Rogers stated that the zoning ordinance allows towers of 120 feet in this area. He stated that a height limit waiver might be necessary. He stated that the agreement has not been worked out yet; however, his understanding is that Davis Media would build the tower to 100 feet with a four-foot antenna, then if the County or someone else wanted to extend the tower higher the County would pay for the extension and receive those revenues from it.

Mr. Davis stated that the proposed tower is a pole that is built in 10-foot sections, so if someone wanted to make it higher, then it would be easy to do so.

Mr. Rogers stated that if someone else wanted to extend the tower higher, then that would have to come back before the Board for approval. Mr. Davis would be guaranteed his 104 feet by the terms of the lease. He stated that while another user is not in the market right now, it would be stated in the lease that co-location is available and that those revenues would come to the County.

Ms. Jones stated that she would like more time to consider the proposal considering the new information provided tonight regarding a rent payment. She stated that she would like more information on what market rent is for a microwave tower. She stated that she would also like the input of Mr. Kennedy.

Mr. McGlennon asked if there is any plan for the use of this land that is owned by the County.

Mr. Powell stated that there is no future plan for the development of this land.

Mr. Davis stated that to clarify, there is no way for Davis Media to generate revenue by this proposed tower. All it will do is keep the radio station on the air during major weather events.

Ms. Jones asked if the tower would be taxed since it is on County property.

Mr. Rogers stated that it would not be taxed a real estate tax.

Mr. McGlennon asked Mr. Davis if there was a time constraint involved.

Mr. Davis stated that the cost estimate is not guaranteed indefinitely.

Mr. McGlennon stated that he is in favor of the proposal. He stated that if the Board feels it should defer action until the first regular meeting in January, then so be it, but he is in favor of moving forward. He stated that he would hope that the final lease agreement would be done by then as well.

Mr. Hipple stated that he appreciates the service provided by Davis Media. He stated that the concern he has heard has been regarding a private business utilizing public land. He stated that the offer of a rental payment has helped and citizens need to be made aware of that offer as well. He stated that he would like to hear from citizens regarding the new information brought forward this evening.

Mr. Davis stated that it is important to remember that Davis Media is building the tower and then offering to pay rent for that tower. He stated that he understands that the Board is being very mindful of spending tax dollars, which is why they offered to build and pay for the tower.

Ms. Jones asked how WMBG-AM in Williamsburg stays on the air.

Mr. Davis stated that he is not sure that they do stay on-air during major weather events. He stated that that station is only seven watts, so they do not reach anyone in the County. He stated that Davis Media stations are 6,000 watts and can reach everyone in the County.

Ms. Jones stated for clarification that the County has numerous ways of getting information out to residents including the County website, Twitter, and Facebook.

Mr. McGlennon stated that this kind of redundancy is important, because during an emergency a lot of the ways of getting information out will not be available.

2. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board regarding concerns over microwave

radiation and the effects on citizens.

3. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board in opposition to the proposal. She stated that if they want a new tower, then they should buy their own land.

4. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board stating that this deal seems like crony capitalism.

5. Mr. Bobby Hornsby, 2 Kensington Court, addressed the Board stating that his family donated that property to the County and his father was a big proponent of working with the County.

6. Mr. Walker Ware, 5004 River Drive, addressed the Board in opposition to any public-private partnerships stating that government does not belong in business.

As no one else wished to speak at this time, Ms. Jones stated that she would be supportive of a deferral on these two items to allow for clarification on the new information provided and to allow citizens time to offer feedback. She stated that the Public Hearings would be left open for both items until the January 14, 2014, meeting.

Mr. Rogers stated that if the Board is in agreement then there is no need for a vote.

The Board members nodded their agreement to the deferral.

Mr. McGlennon requested a short recess.

At 9:09 p.m., Ms. Jones recessed the Board.

At 9:15 p.m., Ms. Jones reconvened the Board.

4. Authorization of the Sale of 225 Meadowcrest Trail

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

Mr. Powell stated that staff is recommending deferral on both Item Nos. 4 and 5, but the Public Hearings need to be opened for both items.

Ms. Jones asked if there were any questions for staff.

As there were none, Ms. Jones opened the Public Hearings for Item Nos. 4 and 5 stating that citizens were welcomed to speak, but these items would be deferred till the January 14, 2014, meeting.

1. Mr. Heath Richardson, Wellington Homeowners Association (HOA) President, addressed the Board requesting the deferral to allow time for the HOA Board to meet with Ryan Homes. He stated that the HOA Board remains generally in favor of residential development of this parcel.

2. Mr. Tim Cleary, 103 Lands' End Drive, addressed the Board in opposition to residential development on this land that is currently designated for greenspace.

3. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board questioning why Ryan Homes does not invest in more affordable homes in their developments.

4. Mr. Walker Ware, 5004 River Drive, addressed the Board stating that if the County does not want this property than it should be advertised and sold at public auction.

5. Mr. Chris Craft, 8400 Beckenham Court, addressed the Board in opposition to affordable housing being built in Wellington.

6. Mr. Linwood Smith, 3919 Bournemouth Bend, addressed the Board in opposition to affordable housing being built in Wellington.

7. Ms. Patricia Craft, 8400 Beckenham Court, addressed the Board stating that the homeowners would like the opportunity to talk to Ryan Homes to see what their plans are for the build out if this case is approved.

Ms. Jones questioned the staff report referring to this 15-acre parcel as being raw, yet some parts of it adjoin existing roadway which means that there is existing infrastructure. She asked if this was factored in to the offer price.

Mr. Powell stated that staff would clarify that before the meeting on January 14, 2014.

Ms. Jones stated that the Public Hearing would be left open for Item Nos. 4 and 5 until the regular meeting on January 14, 2014.

J. BOARD CONSIDERATIONS

1. Initiation of Consideration of an Amendment to the Zoning Ordinance Case No. ZO-0007-2013 – Chicken Keeping in Residential Areas

Mr. Scott Whyte, Planner III, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Ms. Jones stated that she fully supports this initiation. She stated that there are several good model ordinances out there for consideration when working on a possible ordinance for the County. She requested that citizens be engaged fully in the process.

Mr. McGlennon stated that he is fine with this item going to the Policy Committee of the Planning Commission, but wonders if it would be helpful to give some guidance.

Ms. Jones stated that involving the citizens is important and to look at existing ordinances that are in other jurisdictions and might be applicable.

Mr. McGlennon stated that this issue arose because there were complaints about chicken keeping in residential neighborhoods, so he would be interested in hearing what zones that the Planning Commission would deem appropriate. He stated that he would also be interested in hearing how the Planning Commission would address the inherent problem of restrictive covenants in neighborhoods.

Mr. Icenhour stated that this issue arose because people filed complaints. He stated that he wonders how this is going to work for people currently living a neighborhood that do not want chickens around them. Giving them no say in the matter is just as egregious. He stated that there are expectations of homeowners with HOAs and then for the County to overrule that does not seem right.

Mr. Powell stated that staff has developed a draft public input process. He stated that staff would be contacting advocates, HOAs, and people that have complained. He stated that as this moves through the process, the hope is that there will be considerably more public input.

Mr. Hipple stated that there are areas of the County that are rural, but chickens are not allowed. He stated that he would like to see what has been done in other areas, what their problems are, and what their solutions were.

Ms. Jones made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: Mr. McGlennon, Mr. Hipple, Ms. Jones (3). NAY: (0). ABSTAIN: Mr. Icenhour (1). ABSENT: Mr. Kennedy (1).

RESOLUTION

INITIATION OF CONSIDERATION OF AN AMENDMENT TO THE ZONING ORDINANCE

CASE NO. ZO-0007-2013 – CHICKEN KEEPING IN RESIDENTIAL AREAS

WHEREAS, in order to make the Zoning Ordinance more conducive to proper development, public review and comment of draft amendments is required pursuant to Virginia Code §15.2-2286; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate review of the Zoning Ordinance to consider adding to the language of Section 24-2, *Definitions* of Article 1, *In General* by adding definitions, Article II *Special Regulations*, by adding provisions and procedures relating to the raising of chickens in residential areas of James City County, and amending the language of Article V, *Districts* to add one or more of these uses as one(s) permitted as a matter of right along with appropriate regulations in one or more districts.

The Board of Supervisors shall hold at least one public hearing on the consideration of amendments of said ordinance.

2. Virginia Peninsula Public Service Authority (VPPSA) Curbside Recycling Program- Service Agreement

Mr. John Horne, Director of General Services, addressed the Board giving a summary of the memorandum included in the Agenda Packet. Mr. Horne stated that there is a small change to the memorandum involving the size of the smaller cart available. He stated that the size of the smaller cart would be 35 gallons rather than the 48 gallons which was listed.

Mr. McGlennon stated that he appreciates that the County will be able to accomplish this recycling service at a reduced cost to the County.

Mr. Icenhour asked how the cost of the different sized carts will affect the various households.

Mr. Horne stated that the standard cart would be issued to the homeowner at no cost. He stated that if a homeowner would like to switch out their cart from the standard size cart to either the larger or smaller cart, then that would be at no cost to the homeowner. The cost comes when there is a request for an additional cart.

Mr. Icenhour asked the effective date of the agreement if approved.

Mr. Horne stated the agreement would be effective July 1, 2014.

Mr. Icenhour asked what timeframe the Virginia Peninsulas Public Service Authority (VPPSA) will be looking at for distributing the new size carts.

Mr. Horne stated that probably in the June timeframe. He stated that a lot of publicity and public outreach will be involved to make sure citizens are aware of the transition to the new roll-out carts.

Mr. Icenhour asked how this change to the recycling program will impact the County's recycling participation rate that is required under the State recycling mandate.

Mr. Horne stated that there is some research to show that roll-out bins do provide more popular access for people and does tend to bring up the participation rates.

Mr. McGlennon made a motion to approve the resolution on Page 129 of the Agenda Packet.

On a roll call vote, the vote was: AYE: Mr. McGlennon, Mr. Icenhour, Mr. Hipple, Ms. Jones (4). NAY: (0). ABSENT: Mr. Kennedy (1).

RESOLUTION

VIRGINIA PENINSULAS PUBLIC SERVICE AUTHORITY (VPPSA)

CURBSIDE RECYCLING PROGRAM – SERVICE AGREEMENT

WHEREAS, the Virginia Peninsulas Public Service Authority (VPPSA) provides services to James City County for curbside collection of recycling materials; and

WHEREAS, VPPSA has solicited proposals and is ready to award a contract for curbside recycling services in James City County; and

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

WHEREAS, it is necessary to approve a service agreement to allow access to this service in James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to sign the curbside recycling service agreement between the County and VPPSA.

3. 2014 Legislative Program

Mr. Rogers addressed the Board giving a summary of the memorandum included in the Agenda Packet. He stated that the draft Legislative Program was included in the Packet and includes the amendments that were discussed during the last Work Session. He stated that Item Nos. 1-2 was amended and after doing some preliminary research, the \$10,000 exclusion limit would equal roughly \$35,000 today if adjusted for inflation over the past 30 years.

Mr. McGlennon made a motion to approve the resolution on Page 145 of the Agenda Packet.

On a roll call vote, the vote was: AYE: Mr. McGlennon, Mr. Icenhour, Mr. Hipple, Ms. Jones (4). NAY: (0). ABSENT: Mr. Kennedy (1).

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.

K. PUBLIC COMMENTS

1. Ms. Heather Cordasco, 113 Alexanders Place, addressed the Board wishing the Board and citizens a Merry Christmas.

2. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board wishing Mr. Icenhour well in his future endeavors as he leaves the Board.

3. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board wishing everyone a Merry Christmas.

4. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board in regard to treating each other fairly and equally.

5. Mr. Jay Everson, 103 Branscome Boulevard, addressed the Board stating that the stormwater management system in Peleg's Point is overflowing and running into the yards of the residents on Branscome Boulevard.

6. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board wishing everyone a Merry Christmas and wished Mr. Icenhour well in his future endeavors.

7. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in regard to the cost per student in this County and how the County spends more money on education per capita than any other jurisdiction in the region.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Powell stated that if citizens missed their date for the curb-side leaf pickup, they can take their leaves to the County Convenience Center for free from January 2, 2014, through January 13, 2014. He also stated that the adjournment time listed on the agenda is incorrect and should state 4 p.m. on January 2, 2014.

M. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon stated that he requested the County Attorney to draft and send a resolution to the rest of the Board regarding the appointment of an Acting County Administrator. He stated that he believes the Board should designate someone that has the full authority of the office of the County Administrator. He stated that it is his understanding is that this request does not have the full support of the Board this evening. If that is the case, then he would like the Board's acknowledgement that the Assistant County Administrator, acting in the absence of a County Administrator, has the full authority of the County Administrator. He questioned if the reason the Board does not want to appoint an Acting County Administrator is because the Board feels that the Assistant County Administrator, in the absence of the County Administrator, has the full authority of that office.

Ms. Jones stated that she has no problem granting Mr. Powell signing authority if that is necessary, or if there is something that he needs authorization to sign, then the Board can certainly accommodate that. She stated that Mr. Powell serves in this capacity as part of his job description and as stated in the County Charter. She stated that if there is some question, legally, that arises then the Board can be available to accommodate.

Mr. McGlennon stated that he would ask that if there are discussions going on some alternative plan then please inform the Board fully. He asked if Board members had someone else in mind.

Ms. Jones stated that that would be discussed when the Chairman, Mr. Kennedy, returns from Connecticut.

Mr. McGlennon stated that it was his understanding that the Chairman is the one that proposed this resolution to appoint the Assistant County Administrator as the Acting County Administrator.

Ms. Jones stated that the Board could have this discussion when the full Board is seated.

Mr. McGlennon expressed his appreciation for Mr. Icenhour's eight years of service to the Board. He also expressed his appreciation for the service of Mr. Middaugh to the County.

Mr. Icenhour asked Mr. Rogers what possible litigation the Board could face over disclosing the reason behind the termination of Mr. Middaugh.

Mr. Rogers stated that he is answering a hypothetical question and will try to refrain from giving legal advice outside of a Closed Session. He stated that Mr. Middaugh could have an action against the County if the actions of the Board were hurting his possibilities for future employment. He stated that when employers call for a reference regarding former County employees, it is the County's practice to confirm their past employment with the County and the dates, but no other information. He stated that the County is very careful not to give out too much information that might affect the future employment of a former employee. He stated that he could not see any action coming from any outside source; however, that is not to say that it could not happen.

Mr. Icenhour stated that he still finds it incomprehensible that the Board cannot articulate the reasoning behind his termination. Mr. Icenhour asked, in regard to Fire Station 1, have there been any cost overruns to date.

Mr. Powell and Mr. Rogers both stated no. Mr. Rogers stated that it is still too early in the process, as the build has not even been put out to bid yet.

Mr. Icenhour asked if the bids come back over the budgeted amount can the Board refuse to award the contract and stick with the \$6 million that has been budgeted.

Mr. Rogers stated yes.

Mr. Icenhour stated, then for clarification, the Board has not taken an action that has taken the cost of Fire Station 1 over the amount that has been previously budgeted.

Mr. Rogers stated correct.

Mr. Icenhour stated that his understanding of the glass in the County Administration building is a decal not etched glass as citizens have been stating.

Mr. Powell stated that he believes that is correct.

Mr. McGlennon stated that there is no shower in the County Administrator's office either as was mentioned by a citizen earlier this evening.

Mr. Icenhour stated that this Board is a policy making body and it is really ineffective without a good quality staff.

Mr. Hipple asked Mr. Rogers if personnel matters, including hiring and firing of employees, are something that is normally discussed in public and in the newspapers.

Mr. Rogers stated no.

Mr. Hipple asked if Mr. Rogers would recommend that Board members discuss the termination of an employee.

Mr. Rogers stated no and he has previously given the Board the advice the less that is said the better.

Mr. Hipple asked if that recommendation is a protection for both parties involved.

Mr. Rogers stated that is accurate.

Mr. McGlennon asked if the terminated employee is the one requesting that the reason be made public is it then acceptable.

Mr. Rogers stated that yes it could. He stated that he does not believe that it would remove the liability from the County though.

Mr. Icenhour stated that during the Closed Session and in the Open Session he asked for a reason for the Board's action and he was not given one.

Ms. Jones wished Mr. Icenhour well in his future endeavors and wished all the citizens a Merry Christmas and a Happy New Year.

N. ADJOURNMENT – to 4 p.m. on January 2, 2014, for the Organizational Meeting.

Mr. Hipple made a motion to adjourn.

On a roll call vote, the vote was: AYE: Mr. McGlennon, Mr. Icenhour, Mr. Hipple, Ms. Jones (4). NAY: (0). ABSENT: Mr. Kennedy (1).

At 10:33 p.m., Ms. Jones adjourned the Board of Supervisors.

Doug Powell
Deputy Clerk to the Board

121013bos_min

MEMORANDUM COVER

Subject: Grant Award - Hampton Roads Planning District Commission (HRPDC) - \$16,038

Action Requested: Shall the Board approve the resolution that appropriates grant funds awarded from the Hampton Roads Planning District Commission (HRPDC)?

Summary: James City County has an agreement with the Hampton Roads Planning District Commission (HRPDC) to host the regional WebFUSION servers at the County Emergency Operations Center (EOC). This agreement is managed by the Fire Department's Emergency Management Division.

This agreement calls for HRPDC to continue reimbursing James City County for costs associated with the acquisition of bandwidth for the EOC to host the regional WebFUSION server that acts as the regional communications hub for the WebEOC incident and event management system. One of the benefits of this arrangement to James City County is that when this bandwidth is not being used to support WebFUSION, it is available for other purposes.

HRPDC and James City County entered into an informal agreement for reimbursement of bandwidth costs in September 2008 and formalized and extended the agreement in April 2011.

The Board of Supervisors previously appropriated \$44,544 on April 28, 2009 and \$66,816 on June 14, 2011 for reimbursement of bandwidth costs through September 2013.

HRPDC has identified grant funds to further extend this agreement and reimburse the County \$1,782 per month for an additional nine months through June 30, 2014 for a total of \$16,038.

Staff recommends adoption of the attached resolution to appropriate funds in the amount of \$16,038 to extend the reimbursement agreement through June 2014.

Fiscal Impact: The grant requires no match.

FMS Approval, if Applicable: Yes No

Acting County Administrator

Doug Powell DP

Attachments:

1. Memorandum
2. Resolution

Agenda Item No.: H-2

Date: January 14, 2014

M E M O R A N D U M

DATE: January 14, 2014
 TO: The Board of Supervisors
 FROM: William T. Luton, Fire Chief
 SUBJECT: Grant Award - Hampton Roads Planning District Commission (HRPDC) - \$16,038

James City County has an agreement with the Hampton Roads Planning District Commission (HRPDC) to host the regional WebFUSION servers at the County Emergency Operations Center (EOC) pursuant to the Special Needs/WebEOC project initiated through the Urban Areas Security Initiative (UASI) Homeland Security Grant Program. This agreement is managed by the Fire Department’s Emergency Management Division.

This agreement calls for HRPDC to continue reimbursing James City County for costs associated with the acquisition of bandwidth for the EOC to host the regional WebFUSION server that acts as the regional communications hub for the WebEOC incident and event management system. One of the benefits of this arrangement to James City County is that when this bandwidth is not being used to support WebFUSION, it is available for other purposes.

HRPDC and James City County first entered into an informal agreement for reimbursement of bandwidth costs in September 2008. The Board of Supervisors appropriated \$44,544 on April 28, 2009 for reimbursement of an initial twenty-four months of bandwidth costs.

The parties formalized the agreement in April 2011 and extended the reimbursement period through September 2013. The Board of Supervisors appropriated an additional \$66,816 for the extension on June 14, 2011.

HRPDC has identified grant funds further to extend the agreement and reimburse the County \$1,782 per month for an additional nine months through June 30, 2014 for a total of \$16,038.

The grant requires no match. This agreement reimburses the County for the full cost of the additional bandwidth at \$1,782 per month for 20 Mbps optical internet.

Staff recommends adoption of the attached resolution to appropriate funds in the amount of \$16,038 to extend this reimbursement agreement through June 2014.


 William T. Luton

WTL/nb
 HRPDCgrant_mem

Attachment

RESOLUTION**GRANT AWARD - HAMPTON ROADS PLANNING DISTRICT****COMMISSION (HRPDC) - \$16,038**

WHEREAS, James City County entered into an agreement with the Hampton Roads Planning District Commission (HRPDC) to host the regional WebFUSION servers at the County Emergency Operations Center (EOC) pursuant to the Special Needs/WebEOC project initiated through the Urban Areas Security Initiative (UASI) Homeland Security Grant Program; and

WHEREAS, this agreement called for HRPDC to continue reimbursing James City County for costs associated with the acquisition of bandwidth for the EOC to host the regional WebFUSION servers; and

WHEREAS, the Board of Supervisors previously appropriated \$44,544 on April 28, 2009 and \$66,816 on June 14, 2011 for reimbursement of bandwidth costs through September 2013; and

WHEREAS, HRPDC has identified grant funds to further extend the agreement and reimburse the County \$1,782 per month for an additional nine months through June 30, 2014 for a total of \$16,038; and

WHEREAS, the grant requires no match.

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

Revenue:

HRPDC-EOC Optical Internet	<u>\$16,038</u>
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Expenditure:

HRPDC-EOC Optical Internet	<u>\$16,038</u>
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Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Doug Powell
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of January, 2014.

HRPDCgrant_res

MEMORANDUM COVER

Subject: Grant Award - Virginia Department of Emergency Management (VDEM) Local Emergency Management Performance Grant (LEMPG) - \$5,286

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

Summary: The James City County Fire Department's Emergency Management Division has been awarded a Local Emergency Management Performance Grant (LEMPG) in the amount of \$39,978 from the Commonwealth of Virginia Department of Emergency Management (VDEM) using funds from the United States Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) 2013 LEMPG grant cycle.

The funds are to be used toward the enhancement of the County's Emergency Management Program.

The Board of Supervisors previously appropriated \$34,692 through the FY 2014 budget.

Staff recommends adoption of the attached resolution to appropriate funds in the amount of \$5,286, increasing the total grant appropriation to \$39,978.

Fiscal Impact: The grant requires a 100 percent in-kind match, which is met through the Emergency Management Division's FY 2014 General Fund budget.

FMS Approval, if Applicable: Yes No

Acting County Administrator

Doug Powell DP

Attachments:

1. Memorandum
2. Resolution

Agenda Item No.: H-3

Date: January 14, 2014

M E M O R A N D U M

DATE: January 14, 2014

TO: The Board of Supervisors

FROM: William T. Luton, Fire Chief

SUBJECT: Grant Award – Virginia Department of Emergency Management (VDEM) Local LEmergency Management Performance Grant (LEMPG) – \$5,286

The James City County Fire Department's Emergency Management Division has been awarded a Local Emergency Management Performance Grant (LEMPG) in the amount of \$39,978 from the Commonwealth of Virginia Department of Emergency Management (VDEM) using funds from the United States Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) 2013 LEMPG grant cycle.

LEMPG is a recurring grant awarded annually by VDEM for enhancement of the County's Emergency Management program.

The Board of Supervisors previously appropriated \$34,692 through the FY 2014 budget based on the amount awarded for previous years and authorized a part-time limited-term Emergency Management Planner position to be funded by this grant.

The County subsequently received an increased allocation for FY 2014 in the amount of \$39,978, an increase of \$5,286 over the appropriated amount.

The grant requires a 100 percent in-kind match, which is met through the Emergency Management Division's FY 2014 General Fund budget.

Staff recommends adoption of the attached resolution to appropriate funds in the amount of \$5,286, increasing the total FY 2014 LEMPG appropriation to \$39,978.


William T. Luton

WTL/nb
GA-LEMPG_mem

Attachment

RESOLUTION**GRANT AWARD – VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM)****LOCAL LEMERGENCY MANAGEMENT PERFORMANCE GRANT (LEMPG) – \$5,286**

WHEREAS, the James City County Fire Department's Emergency Management Division has been awarded a Local Emergency Management Performance Grant (LEMPG) in the amount of \$39,978 from the Commonwealth of Virginia Department of Emergency Management (VDEM) using funds from the United States Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) 2013 LEMPG grant cycle; and

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

WHEREAS, the Board of Supervisors previously appropriated \$34,692 through the FY 2014 budget; and

WHEREAS, the County received an increased allocation for FY 2014 in the amount of \$39,978 an increase of \$5,286 over the appropriated amount; and

WHEREAS, the grant requires a 100 percent in-kind match, which is met through the Emergency Management Division's FY 2014 General Fund budget.

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

<u>Revenue:</u>	
VDEM-LEMPG	<u>\$5,286</u>
<u>Expenditure:</u>	
VDEM-LEMPG	<u>\$5,286</u>

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Doug Powell
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of January, 2014.

MEMORANDUM COVER

Subject: Grant Award - Office of Emergency Medical Services (OEMS) Rescue Squad Assistance Fund (RSAF) Grant - \$38,022

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

Summary: The James City County Fire Department has been awarded a Rescue Squad Assistance Fund (RSAF) grant in the amount of \$38,022 from the Commonwealth of Virginia Department of Health, Office of Emergency Medical Services (OEMS).

The funds are to be used for the purchase of a Power Lift Stretcher and Power Load System to equip an ambulance and Emergency Medical Dispatch (EMD) Guide Cards for the Emergency Communications Center.

Staff recommends adoption of the attached resolution to appropriate funds.

Fiscal Impact: The grant requires a 50 percent local match of \$19,011, of which \$16,929 is budgeted in the FY 2014 Capital Improvement Program (CIP) for a replacement ambulance and \$2,082 is budgeted in the Fire Department's Emergency Communications Division's FY 2014 General Fund budget.

FMS Approval, if Applicable: Yes No

Acting County Administrator

Doug Powell 

Attachments:

1. Memorandum
2. Resolution

Agenda Item No.: H-4

Date: January 14, 2014

M E M O R A N D U M

DATE: January 14, 2014

TO: The Board of Supervisors

FROM: William T. Luton, Fire Chief

SUBJECT: Grant Award - Office of Emergency Medical Services (OEMS) Rescue Squad Assistance Fund (RSAF) Grant - \$38,022

The James City County Fire Department (JCCFD) has been awarded a Rescue Squad Assistance Fund (RSAF) grant in the amount of \$38,022 from the Commonwealth of Virginia Department of Health, Office of Emergency Medical Services (OEMS).

The funds are to be used for the purchase of a Power Lift Stretcher and Power Load System to equip the replacement ambulance funded through the FY 2014 Capital Improvements Program (CIP). Power lift/load equipment improves patient and staff safety and reduces on-the-job back injuries associated with lifting patients. Since beginning the transition from manual to powered assist cots, JCCFD has experienced fewer back injuries and workers' compensation claims associated with lifting patients even as care for bariatric patients has increased in frequency.

The funds are also to be used for the purchase of Emergency Medical Dispatch (EMD) Guide Cards for the Emergency Communications Center. EMD systems help Emergency Communications Officers better determine the nature and priority of a call, dispatch the appropriate response, and provide systemized pre-arrival medical instructions when necessary.

The Emergency Communications Center currently uses EMD software but does not have EMD guide cards for use with that software. The physical guide cards will provide Emergency Communication Officers with the tools needed to perform life-saving EMD operations in the event of either long-term or short-term loss of the Computer Aided Dispatch (CAD) system or a failure of the EMD software.

The grant requires a 50 percent local match of \$19,011, of which \$16,929 is budgeted in the FY 2014 Capital Improvement Program (CIP) for a replacement ambulance and \$2,082 is budgeted in the Fire Department's Emergency Communications Division's FY 2014 General Fund budget.

Staff recommends adoption of the attached resolution to appropriate funds.


William T. Luton

WTL/nb
GA-RSAFgrt_mem

Attachment

RESOLUTION**GRANT AWARD - OFFICE OF EMERGENCY MEDICAL SERVICES (OEMS)****RESCUE SQUAD ASSISTANCE FUND (RSAF) GRANT - \$38,022**

WHEREAS, the James City County Fire Department has been awarded a Rescue Squad Assistance Fund (RSAF) grant in the amount of \$38,022 from the Commonwealth of Virginia Department of Health, Office of Emergency Medical Services (OEMS); and

WHEREAS, the funds are to be used for the purchase of a Power Lift Stretcher and Power Load System to equip an ambulance and Emergency Medical Dispatch (EMD) Guide Cards for the Emergency Communications Center; and

WHEREAS, the grant requires a 50 percent local match of \$19,011, of which \$16,929 is budgeted in the FY 2014 Capital Improvement Program (CIP) for a replacement ambulance and \$2,082 is budgeted in the Fire Department's Emergency Communications Division's FY 2014 General Fund budget.

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

Revenue:

OEMS-RSAF-EMS Equipment/EMD Guide Cards	\$19,011
Transfer from Capital Projects Fund	16,929
Transfer from General Fund	<u>2,082</u>
Total	<u>\$38,022</u>

Expenditure:

OEMS-RSAF-EMS Equipment/EMD Guide Cards	<u>\$38,022</u>
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Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Doug Powell
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of January, 2014.

GA-RSAFgrt_res

MEMORANDUM COVER

Subject: Grant Award - Virginia Department of Emergency Management (VDEM) State Homeland Security Program (SHSP) Grant - \$11,530

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

Summary: The James City County Fire Department's Emergency Management Division has been awarded a State Homeland Security Program (SHSP) grant in the amount of \$11,530. This grant is awarded to the County by the Commonwealth of Virginia Department of Emergency Management (VDEM) using funds from the United States Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) 2013 SHSP grant cycle.

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

Staff recommends adoption of the attached resolution to appropriate funds.

Fiscal Impact: This grant requires no match.

FMS Approval, if Applicable: Yes No

Acting County Administrator

Doug Powell DP

Attachments:

1. Memorandum
2. Resolution

Agenda Item No.: H-5

Date: January 14, 2014

MEMORANDUM

DATE: January 14, 2014

TO: The Board of Supervisors

FROM: William T. Luton, Fire Chief

SUBJECT: Grant Award - Virginia Department of Emergency Management (VDEM) State Homeland Security Program (SHSP) Grant - \$11,530

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

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

This grant requires no local match.

Staff recommends adoption of the attached resolution to appropriate funds.


William T. Luton

WTL/nb
GA-SHSP_mem

Attachment

RESOLUTION**GRANT AWARD - VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM)****STATE HOMELAND SECURITY PROGRAM (SHSP) GRANT - \$11,530**

WHEREAS, the James City County Fire Department's Emergency Management Division has been awarded a State Homeland Security Program (SHSP) grant in the amount of \$11,530 from the Commonwealth of Virginia Department of Emergency Management (VDEM) using funds from the United States Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) 2013 SHSP grant cycle; and

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

WHEREAS, the grant requires no match.

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

Revenue:

VDEM-SHSP-Citizen Corps	<u>\$11,530</u>
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Expenditure:

VDEM-SHSP-Citizen Corps	<u>\$11,530</u>
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Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Doug Powell
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of January, 2014.

GA-SHSP_res

MEMORANDUM COVER

Subject: Revisions to James City County Personnel Policies and Procedures Manual

Action Requested: Shall the Board approve the resolution that updates the County's Personnel Policies and Procedures Manual?

Summary: The recent revision of Chapter 5 of the James City County Personnel Policies and Procedures Manual has triggered the need for corresponding updates to other chapters. We are taking this opportunity to suggest some additional housekeeping changes as well.

The requested revisions are primarily for housekeeping and administrative purposes, but all changes to the Manual require Board approval.

No new items are being introduced.

Staff recommends approval of the proposed changes.

Fiscal Impact:

FMS Approval, if Applicable: Yes No

Acting County Administrator

Doug Powell 

Attachments:

1. Memorandum
2. Resolution
3. Revised Policy

Agenda Item No.: H-6

Date: January 14, 2014

M E M O R A N D U M

DATE: January 14, 2014

TO: The Board of Supervisors

FROM: James A. Peterson, II, Assistant Director of Human Resources

SUBJECT: Revisions to James City County Personnel Policies and Procedures Manual

At its November 12, 2013, meeting, the Board of Supervisors adopted revisions to Chapter 5 of the James City County Personnel Policies and Procedures Manual (PP&PM) to better align with the Virginia Retirement System (VRS) Hybrid Plan that goes into effect on January 1, 2014. These revisions triggered the need for corresponding updates to other chapters.

The Board is requested to approve changes to the PP&PM. These are primarily housekeeping and administrative changes, but all changes to the Manual require Board approval.

The changes include:

- Substituting the phrase “department director” for “department manager” and “introductory” for “probationary” wherever they appear in the Manual. To date the change has only been made where we revised policies. This would make the entire Manual consistent. Attachment 1 (page 7-2 of the PP&PM) is an example.
- Removing forms from the Manual. The Manual will continue to refer to forms; however, the actual form will be housed with all forms on the Intranet. Attachment 2 is an example of a form currently contained in the PP&PM.
- Bringing other chapters into compliance with the recently updated Chapter 5. These changes acknowledge the addition of paid time off (PTO), the elimination of front-loading annual leave to new employees and beginning their accrual at the sixth month, and clarifying the definition of a day for those eligible for PTO. Attachment 3 (page 2-6 of the PP&PM) is an example.
- Making policies consistent with practices for ease of administration, such as setting a year as the timeframe which a new hire whose advanced leave must work in order to be paid for that time upon termination (see Attachment 3 which is page 2-6 of the PP&PM) and not pro-rating performance increases for those who are on extended Leave without Pay (LWOP), since the absences have been for reasons, such as military service and the Family Medical Leave Act (FMLA) covered incidents, for which we cannot pro-rate pay (see Attachment 4, which is page 4-8 of the PP&PM).

Attachment 5 is the nine pages, in addition to Attachments 1 through 4, of the PP&PM with proposed changes. This is all of the proposed changes with exception of the substitutions of “department director” for “department manager” which are numerous throughout the Manual. An electronic copy of the PP&PM with all proposed changes including the substitutions of “department director” for “department manager” will be provided to you upon request.

Staff recommends approval of the proposed changes.



James A. Peterson, II

JAP/nb
 PPPManualRev_mem
 Attachments

RESOLUTION**REVISIONS TO 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, revisions need made to other chapters to be in compliance with previously adopted revisions to Chapter 5.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that revisions to the Personnel Policies and Procedures Manual are adopted, effective January 15, 2014.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Doug Powell
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of January, 2014.

PPPMannualRev_res

CHAPTER 7

STANDARDS OF CONDUCT

Section 7.1 Objective

Regulations to govern the conduct of employees are necessary for the orderly operation of the County. Such regulations are to the benefit of and protect the rights and safety of all employees.

The County recognizes its continuing responsibility to develop and administer the necessary employment regulations and disciplinary measures in a fair and consistent manner. The County requires all employees to conform to these regulations and to otherwise conduct themselves in a responsible and professional manner.

Section 7.2 Applicable Regulations

Employees shall not conduct themselves in a manner which violates the public trust, discredits the County or its employees, or hinders the effective performance of the County's governmental or proprietary functions. The regulations referred to in this chapter and the conduct listed herein are not intended to be all inclusive for inappropriate conduct. Inappropriate conduct shall be disciplined consistent with the provisions of this chapter.

Section 7.3 Management Responsibility

Department managers shall be responsible for administering timely and consistent disciplinary measures for inappropriate conduct pursuant to the procedures set forth in this chapter. If the appropriateness of specific conduct is in question, the department ~~manager~~ *director* shall consult with the Human Resource ~~Manager~~ *Director* to determine if the conduct is inappropriate and the proper disciplinary measure to be administered.

Section 7.4 Coverage of Personnel

All County employees in regular or limited-term, exempt or non-exempt positions, including employees of a constitutional officer who has agreed to include the employees under the County's compensation plan and personnel policies, shall be subject to the disciplinary procedures in this chapter. Temporary ~~and probationary~~ employees *and employees in their introductory periods* may be discharged at the will of the County Administrator, without cause or hearing.

Section 7.5 Disciplinary Measures

A. Application - Department ~~managers~~ *directors* and supervisors shall apply disciplinary measures fairly and uniformly. It is the County's policy that discipline be a progressive process and disciplinary measures of less severity than discharge be taken to correct

**IMPROPER SALARY DEDUCTION OR OVERTIME PAYMENT DENIAL
COMPLAINT FORM**

Name: _____ Position: _____

Department: _____ Supervisor: _____

Work telephone number: _____ Work E-mail Address: _____

Pay Period(s) of Questionable Deduction or Denial: _____

Please explain what occurred and why you believe it was improper:

Signed: _____ Date: _____

Director prior to incurring the expense. Incentives may not be in the form of bonuses or other direct payments to the candidate. Recruitment and retention incentives include the following:

1. Referral Incentive – Hiring departments, in collaboration with Human Resources, may develop programs to give Incentive Awards to employees who refer external candidates selected for positions.
2. Payment for Recruitment Expenses - Departments may arrange and pay for a County hotel or motel room for lodging associated with the interview and selection process. Applicants may also be reimbursed for verified travel expenses associated with the interview and selection process. Reimbursement shall be consistent with James City County travel policy.
3. Leave – A balance up to a maximum of 160 hours of annual leave *or paid time off (PTO)* may be given as a condition of employment. ~~Leave accrual shall begin in the sixth month and shall be accrued in accordance with Section 5.4.E.1.~~

Successful candidates may also be given a higher annual leave *or PTO* accrual rate at the time of initial hire. Accrual would remain at that rate until years of service with the County are consistent with accrual rates *for employees with annual leave and for employees with PTO* as outlined in ~~Section 5.4.E.1 in Chapter 5.~~

Any leave balances beyond normal accrual will not be paid if the employee leaves employment within a ~~time period agreed upon in the employment offer~~ year.

All terms and conditions of any recruitment and retention incentives, such as requirements for satisfactory performance, duration of employment and repayment terms if the terms and conditions are not met shall be included in the formal offer of employment letter issued by the Human Resource Department.

- G. Employment Agencies – Employment agencies may be used to fill positions temporarily. The Human Resource Department will coordinate with the department and a temporary employment agency. The hiring department will then work directly with the temporary employment agency for timekeeping and billing.

Employment agencies may also be used to solicit qualified applicants for vacancies. Payment of fees for service or placement costs is subject to available departmental funding and shall be approved in advance by the Department ~~Manager~~ *Director* and Human Resource ~~Manager~~ *Director*.

2. At Maximum of Salary Range - If a performance increase causes the salary to exceed the maximum of the salary range, the employee will be compensated at the maximum salary and the difference shall be awarded as a lump sum bonus not added to base salary.
3. ~~Effect of Leave Without Pay - The performance increase shall be pro-rated one calendar month for each period of 30 consecutive calendar days during which the employee is absent from the service of the County without pay except where superseded by a law such as The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and the Family and Medical Leave Act (FMLA) which have compensation provisions for those returning to employment from active duty or medical absences.~~
4. 3. Temporary Assignment - The performance increase shall be based on the employee's salary for his or her regular job duties, not including any temporary salary increase.
5. 4. Effect of Other Salary Adjustments - The performance increase shall not be pro-rated as a result of reclassification, promotion, career ladder advancement, transfer, or voluntary demotion.

E. Performance Increase Date

1. Common Date - October 1 of each year shall be the effective date of performance increases and performance awards for eligible employees who have successfully completed their introductory periods.
2. Employees in Their Introductory Period - Employees who have not completed their introductory period by October 1 shall not be eligible for a performance increase. However, they may receive a salary increase in the amount of the salary structure adjustment or an alternate salary adjustment or award provided in the budget. Employees who are in introductory periods resulting from promotions shall be eligible for a performance increase.
3. Exceptions may be granted by the County Administrator.

Section 4.12 Other Salary Changes

- A. Promotion - When an employee is promoted, the employee's salary shall be increased in the following manner:

consecutive days of full-time, active duty service in the armed forces of the United States or reserve components thereof, including the National Guard, or (2) has a service-connected disability rating fixed by the United States Veterans Administration.

- E. Physical Examinations - Physical examinations are performed by a medical professional designated by the County and are required for identified job classes to: ensure that candidates offered employment and employees in these job classes are able to safely and satisfactorily perform the required physical aspects of the job; comply with local, State and Federal regulations; and ensure a safe work environment and protect the public.

Job classes requiring physical exams are identified in the Compensation Plan.

The content of the physical exam varies by job class based on the physical requirements of the job. The County pays the cost of the required post-offer, post-employment, or fitness for duty physical examinations.

- F. Reference Checking - It shall be the responsibility of the hiring supervisor to check employment references of the candidate being considered for employment prior to extending a job offer.

Section 2.8 Hiring

- A. Job Offer – The Human Resource Department or the hiring supervisor may extend a verbal job offer to the candidate selected for the position. The Human Resource Department shall issue a formal written offer of employment.
- B. Employment Date - The employment date is the date on which an employee was initially employed, provided there has been no break in service. The employment date is the date used to determine length of service with the County for computing service recognition and leave accrual rates, unless a higher annual leave *or paid time off* accrual rate was negotiated at the time of initial hire.
- C. Reinstatement - A former employee may be reinstated to the position he or she held or to a vacant position in the same job class in the same department within one year of separation from the County.

As a condition of reinstatement, the employee shall repay all annual and sick leave *or paid time off* payments received at the time of separation and leave balances shall be restored. A reinstated employee shall retain the original employment date and the applicable leave accrual rate upon

promotional introductory period for up to six additional months if it is deemed necessary to fully evaluate the hiring decision.

- D. Termination During the Introductory Period – At any time during the introductory period if the employee determines that employment in the position or with the County is not a good match or in the employee’s best interest, the employee may resign from employment in good standing.

Should the County determine that the hiring decision does not meet the needs of the organization, the employee may be discharged at the will of the County Administrator without cause or hearing at any time during the introductory period. Employees in introductory periods are not eligible to use the Grievance Procedure.

Section 2.11 Work Hours, Schedules and Practices

- A. Official Work Hours – The official work hours for County office and administrative employees shall be 8:00 a.m. to 5:00 p.m. Monday through Friday with a one hour unpaid lunch break. Lunch or other meal breaks may not normally be taken at the end of the work period. Because of differing requirements in operational departments, official work hours for a County office may vary with the approval of the County Administrator.
- B. Alternative Work Schedule – An alternative work schedule is the daily work schedule of an individual employee that deviates from the official business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday. Alternative work schedules must be approved by the Department ~~Manager~~ *Director*.

Alternative work schedules may include any daily or weekly work schedule or work arrangement designed to enhance service to customers or increase productivity, such as flex-time, compressed work week, or telecommuting. Alternative work schedules must be in compliance with the overtime requirements of the Fair Labor Standards Act, CFR, Title 29, Chapter V, Part 553.

Alternative work schedules for full-time positions must include a minimum of a 30 minute unpaid meal break at a time approved by the supervisor. Exceptions may be granted by the County Administrator.

Employees working alternative schedules who do not work on a holiday are compensated for ~~the number of hours equal to the employee’s monthly sick leave accrual rate.~~ See Section 5.3-B.2: *a day as defined in Section 5.4.A.3.c.*

- C. Outside Employment – The County is considered the primary employer. An employee may hold another non-County job provided that an actual or

Section 2.12 Separation from Employment

- A. Reference Giving - Requests for references may be referred to the Human Resource Department. Supervisors may also furnish, at the request of a prospective employer, factual information, given in good faith, about a current or former employee's professional conduct, reasons for separation or job performance. Information provided should be documented facts not opinions or interpretations of facts. Employees are subject to civil liability if the information provided is false, intended to deliberately mislead or is provided with reckless disregard for whether or not it is false, per the Code of Virginia § 8.01-46.1.
- B. Resignations - To leave employment in good standing, an employee must give written notification of the intended resignation and resignation date to the immediate supervisor. Written resignation is also required for retirement.

Employees are asked to give as much notice as possible to ensure a smooth transition, but are required to give a minimum of fourteen (14) calendar days notice of an impending resignation. Failure to do so shall result in a loss of annual and sick leave *or paid time off* payments as outlined in ~~Section 5.4.E.~~ *Chapter 5*. Exceptions to leave forfeiture may be granted by the Department ~~Manager~~ *Director*.

Once a resignation has been accepted, it may be withdrawn only with the approval of the Department ~~Manager~~ *Director*.

- C. Termination by County Administrator – Employment may be terminated by the County Administrator for reasons including, but not limited to: inappropriate conduct in accordance with Chapter 7, failure to successfully complete introductory period; failure to continue to meet job requirements; loss of required certifications; unsatisfactory work performance, or a reduction in force.

Section 2.13 Reduction in Force (RIF)

- A. Eligibility – The RIF policy applies only to employees in Regular positions who have successfully completed their initial introductory period. Employees in Limited Term, Other, Temporary, or On-Call positions are not covered.
- B. Policy - Every reasonable effort shall be made to accomplish the elimination of a position without having to lay-off an employee in the event that Regular positions must be eliminated due to circumstances such as financial shortfalls, curtailment or reduction of services, reorganizing/streamlining operations, privatizing functions, or other situations. The County shall attempt to achieve necessary reductions

- D. Verification of falsified test results will result in the employee's suspension without pay pending termination.

Section 3.11 Treatment

- A. All employees are encouraged to voluntarily make use of the available resources for treatment of alcohol and/or substance abuse and under certain circumstance, may be required to undergo treatment. Under certain circumstances, employees may be required to undergo treatment for alcohol and/or drug abuse.
- B. Any employee who refuses or fails to comply with James City County requirements for treatment, after care, or return to duty shall be suspended pending termination.
- C. Treatment may be covered under James City County's Employee Assistance Program or the employee's health insurance plan. The cost of any treatment or rehabilitation services not covered will be paid for by the employee.
- D. Employees will be allowed to use accumulated sick leave and vacation leave *or paid time off* to participate in the prescribed treatment or rehabilitation program.

Section 3.12 Required Notification of Criminal Drug Conviction

- A. All employees are required to notify their supervisor and the HR ~~Manager~~ *Director* of any criminal drug statute conviction within five days after such conviction.
- B. Failure to comply with this provision shall result in suspension without pay pending termination.

Section 3.13 Drug Testing Procedures

- A. Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities that have been approved by the Department of Health and Human Services.
- B. All testing will be conducted consistent with the procedures put forth in USDOT 49 CFR Part 40, as amended.

D. Authorization - The authorization and control of all overtime work is the responsibility of the Department ~~Manager~~ *Director*. Overtime assignments shall be permitted only when required by operational necessity. Department ~~managers~~ *directors* may require employees to work overtime assignments as necessary. Department ~~Managers~~ *Directors* shall assure that adequate funds are available for payment for overtime work.

E. Computation of Overtime Pay

1. General –

- a. Rate of Pay - Monetary overtime compensation shall be one and one-half times the employee's hourly rate of pay for each hour of overtime worked. The hourly rate of pay shall be determined by dividing the employee's annual salary by the number of hours per year that the employee in that position is authorized to work.
- b. Minimum Increment of Overtime - Overtime shall be earned in increments no smaller than fifteen (15) minutes.
- c. Location of Information - Work periods, FLSA maximum number of allowable hours, and County authorized hours in a work period shall be indicated in the Compensation Plan.

2. Computation of Overtime Hours

- a. Overtime shall be paid when, due to operational necessity, an employee in a non-exempt position is required to work in excess of the FLSA maximum number of allowable hours in the work period. The FLSA defines the maximum number of allowable hours in a work period of seven (7) days as forty (40). Section 207 (k) of the FLSA provides an exception for any employee in fire protection or law enforcement activities.
- b. Other work periods, in compliance with the overtime provisions of the FLSA, may be implemented with the approval of the County Administrator.
- c. ~~Paid~~ Time off *with pay* during which the employee is absent from the service of the County during a regularly scheduled work day shall be counted as hours worked in determining if the maximum allowable number of hours has been exceeded. Such absences include, but are not

limited to, sick, annual, civil, personal, and military leaves, *paid time off*, compensatory time and holidays.

- d. Holiday pay or compensatory time for holidays that fall on a day which is not a regularly scheduled work day for the employee shall not be counted as hours worked in determining if the maximum allowable number of hours has been exceeded.
- e. Unpaid time off during which the employee is absent from the service of the County shall not be counted as hours worked in determining if the maximum allowable number of hours has been exceeded. Such absences include, but are not limited to leave without pay and disciplinary suspensions without pay.
- f. Employees in full-time, non-exempt fire protection or law enforcement positions whose County authorized work hours exceed the FLSA maximum allowable hours shall be paid at the rate of one half of the employee's hourly rate, in addition to the regular semimonthly pay, regardless of any paid time off taken during the regular work period.
- g. Employees in full-time, non-exempt fire protection or law enforcement positions whose County authorized work hours fall below the FLSA maximum allowable hours shall have the County-authorized work hours serve as the maximum allowable hours in calculating overtime.

F. Compensatory Time in Lieu of Overtime

- 1. Hour for Hour – Employees in non-exempt positions who are authorized to work in excess of their regularly scheduled work hours, but who do not exceed the maximum allowable number of hours may, in lieu of overtime pay, be granted compensatory time in the amount of one hour of leave for each hour worked or may be paid their regular hourly rate in lieu of compensatory time for hours worked.
- 2. Time and a Half – Employees in non-exempt positions who are authorized to work in excess of their regularly scheduled work hours, and the hours exceed the maximum allowable number of hours may, in lieu of overtime pay, be granted compensatory time in the amount of one and one-half hours of leave for each hour worked during the work period in excess of the maximum allowable hours.

or after January 1, 2014, into positions with fewer than 780 annual authorized hours.

3. Definitions

- a. ~~Day — A day is defined as the number of sick leave hours accrued monthly by the employee.~~

Full or Part Time	Characteristics	Annual Authorized Hours	Day
Full-Time	VRS Plan 1 or 2 Member	2,080 or more	Monthly sick leave accrual rate
Full-Time	VRS Hybrid Plan Member	2,080	8 hours
Part-Time	Hired before 1/1/2014	Fewer than 2,080	Monthly sick leave accrual rate
Part-Time	Hired on or after 1/1/2014	1,040- 2,079	6 hours
Part-Time	Hired on or after 1/1/2014	780 - 1,039	3 hours
Part-Time	Hired on or after 1/1/2014	Fewer than 780	None; ineligible

- b. Immediate Family - The immediate family is defined as: spouse, parent, son, daughter, brother, sister, grandparents, grandchildren, step-children, step-parents, guardian, spouse's parent, and any persons residing in the same household as the employee.
- c. Week - A week is defined as the annual authorized hours of the employee's position divided by 52.

B. Types of Leave

The County offers the following types of leave. An overview of eligibility, purpose and guidelines is listed below.

1.

Type	Annual Leave
Eligibility	Employees in full-time regular and limited-term positions who are members of VRS Plan 1 or 2, and employees in part-time regular and limited-term positions who were hired into those positions before January 1, 2014
Purpose	Any purpose

appropriate for first violations of extreme misconduct. No employee has a right or guarantee to any progressive disciplinary measure.

B. Classification of Disciplinary Measures - Disciplinary measures include:

1. Verbal reprimands.
2. Written reprimands.
3. Suspensions.
4. Reductions in grade.
5. Demotions.
6. Discharge.

C. Definition of Disciplinary Measures.

1. Verbal Reprimand: A verbal communication directed to an employee for the purpose of making a final statement regarding inappropriate conduct. Any verbal reprimand shall be documented on Discipline Form A (see Appendix B) within two days of the reprimand and forwarded to the Human Resource ~~Manager~~ *Director* who shall place the document in the employee's personnel file.
2. Written Reprimand: A written communication directed to an employee for the purpose of making a final statement regarding inappropriate conduct. Any written reprimand shall be documented on Discipline Form B (see Appendix B) within two days of the reprimand and forwarded to the Human Resource ~~Manager~~ *Director* who shall place the document in the employee's personnel file. A copy of the written reprimand shall be delivered to the employee.
3. Suspension: A temporary separation of one or more full work days from employment for the purpose of reprimanding an employee for inappropriate conduct. A "work day" is defined as ~~the number of sick leave hours accrued monthly by the employee~~ a "day" in *Section 5.4.A.3.a*. A suspension may be with or without pay. An initial suspension shall not exceed ten work days. A second suspension within any twelve-month period shall not exceed twenty work days. Any suspension without pay for work days equivalent to more than one work day shall result in the loss of the accumulation of sick leave and annual leave for that pay period.

Compliance determinations made by the County Administrator shall be subject to judicial review by filing a petition with the Circuit Court within thirty days of the compliance determination.

Section 8.6 Eligibility to Use the Procedure

- A. Eligible - The Grievance Procedure shall apply to all ~~non-probationary~~ employees in regular and limited-term positions *who have successfully completed their introductory periods* in the following:
1. James City County, James City Service Authority, Williamsburg Area Transport, Williamsburg Regional Library, and Williamsburg Area Medical Assistance Corporation;
 2. Department of Social Services of James City County, in accordance with Section 15.2-1507(A)(4) of the Code of Virginia;
 3. Office of the General Registrar of James City County;
 4. Office of the Commissioner of the Revenue; and
 5. Office of the Treasurer
- B. Ineligible - The Grievance Procedure shall not apply to the following:
1. Appointees of elected groups or individuals;
 2. Officials and employees who by charter or other law serve at the will or pleasure of an appointing authority;
 3. Deputies and executive assistants to the chief administrative officer of James City County;
 4. Agency heads or chief executive officers of James City County defined as department managers reporting directly to the County Administrator;
 5. Employees whose terms of employment are limited by law;
 6. Employees in temporary or on-call positions, or employees in their introductory period; and
 7. Law-enforcement officers as defined in Chapter 5 (§9.1-500 et seq.) of Title 9.1 of the Code of Virginia whose grievance is subject to the provisions of Chapter 10.1 of the Code of Virginia and who have elected to proceed pursuant to those provisions in the resolution of their grievance, or any other employee electing to

MEMORANDUM COVER

Subject: Case No. SUP-0017-2013. Apperson Family Subdivision

Action Requested: Shall the Board approve a Special Use Permit (SUP) for a family subdivision at 4904 Fenton Mill Road?

Summary: Mr. M. Anderson Bradshaw has applied on behalf of property owners, William and Mary Apperson, for a Special Use Permit (SUP) to allow a family subdivision resulting in one new parcel approximately \pm 1.06 acres zoned A-1, General Agricultural. The proposal is to subdivide a \pm 16.96-acre parcel and create one new parcel which contains an existing house, shed, and driveway. An SUP is required because the lot will be less than three acres in size.

Staff recommends that the Board of Supervisors approve of this SUP subject to the conditions in the attached resolution. Staff finds the family subdivision consistent with the 2009 Comprehensive Plan and compatible with surrounding zoning and development.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Acting County Administrator

Doug Powell DP

Attachments:

1. Staff Report
2. Resolution
3. Location Map
4. Family Subdivision Affidavit
5. Family Subdivision Plat Exhibit

Agenda Item No.: I-1

Date: January 14, 2014

AGENDA ITEM NO. I-1**Case No. SUP-0017-2013. Apperson Family Subdivision****Staff Report for the January 14, 2014, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Planning Commission:

Board of Supervisors:

Building F Board Room; County Government Complex

Not required

January 14, 2014, 7:00 p.m.

SUMMARY FACTS

Applicant:

Mr. M. Anderson Bradshaw

Land Owner:

William and Mary Apperson

Proposal:

A family subdivision creating one lot that is less than three acres in size and to leave one parent parcel

Location:

4904 Fenton Mill Road

Tax Map/Parcel No.:

2420100018

Parcel Size:

± 1.06 acres

Existing Zoning:

A-1, General Agricultural

Comprehensive Plan:

Rural Lands

Primary Service Area:

Outside

STAFF RECOMMENDATION

Staff finds the proposal to be consistent with the surrounding zoning and development, the 2009 Comprehensive Plan, and the James City County Subdivision Ordinance. Staff recommends the James City County Board of Supervisors approve this Special Use Permit (SUP) subject to the conditions listed in the attached resolution.

Staff Contact:

Jennifer VanDyke, Planner

Phone: 253-6882

PLANNING COMMISSION RECOMMENDATION

This application did not require Planning Commission review since it is a family subdivision.

PROJECT DESCRIPTION

Mr. M. Anderson Bradshaw has applied on behalf of property owners William and Mary Apperson to allow a family subdivision on an approximately 16.96-acre piece of property which is zoned A-1, General Agricultural. The proposed lot, approximately 1.06 acres, has an existing house, shed, and gravel driveway. The property would be transferred to their son, William G. Apperson (see attached affidavit). An SUP is required because the proposed lot would be less than three acres, but greater than one.

The submitted exhibit also shows changes to the adjoining property at 4912 Fenton Mill Road (also owned by Mr. and Mrs. Apperson), making the property slightly larger. Review of the changes seen to 4912 Fenton Mill Road will be completed administratively with the submission of the subdivision plat. The boundary line adjustments to 4912 Fenton Mill Road do not require legislative review as a part of this SUP application.

The cluster of properties owned by the Apperson family has been passed down through several generations. This particular parcel has been owned by William and Mary Apperson for 20 plus years.

Surrounding Zoning and Land Use

The property is surrounded by A-1, General Agricultural, zoned property that is designated Rural Lands on the 2009 Comprehensive Plan Land Use Map. Existing uses are residential, agricultural, or vacant lots. The property to the northeast (also owned by Mr. and Mrs. Apperson) is within the Croaker Agricultural and Forestal District (AFD). The other surrounding properties range in size, though the majority is between one and two acres.

PUBLIC IMPACTS

Environmental Impacts

Watershed: York River

Engineering and Resource Protection Division Staff Comments: The Division has reviewed the proposal and has conceptually approved the proposed subdivision.

Utilities

The site is located outside the Primary Service Area (PSA) and is currently served by existing wells and drainfields.

Virginia Department of Health Comments: The existing well and drainfield locations are shown on the draft plat but will not be required to be reviewed by the Department of Health because the residences currently exist and no changes are proposed or required.

Traffic

The proposed use did not trigger the requirement for a traffic study.

2007 Annual Average Daily Traffic Volume (Rochambeau Drive): From 0.8 miles west of Croaker Road to Croaker Road the daily volume was 7,600 vehicles.

2035 Volume Projected: From 0.8 miles west of Croaker Road to Croaker Road there is the projection of 30,925 Annual Average Daily Traffic (AADT). This portion of Rochambeau Drive is recommended for improvement and has improvements proffered by Stonehouse.

COMPREHENSIVE PLAN

This site is located outside the PSA and is designated as Rural Lands on the 2009 Comprehensive Plan Land Use Map. Recommended primary uses in the Rural Lands include agricultural and forestall activities and public or semi-public institutions that require a spacious site. Recommended residential uses include single-family developments as low-density and small-scale rural clusters. Such developments should be compatible with the natural and rural character of the area and be in accordance with the Rural Lands Development Standards provided in the Comprehensive Plan.

Staff Comments: The creation of the additional lot is not in conflict with the rural character of the area, is compatible with surrounding lot sizes and land uses, and compatible with other existing family subdivisions in

the area. The proposed family subdivision does not represent a large-scale residential development and will not negatively impact any agricultural or forestall uses.

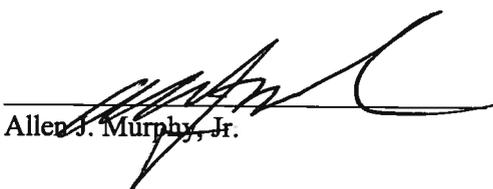
RECOMMENDATION

Staff finds the proposed use to be consistent with the surrounding zoning and development, the 2009 Comprehensive Plan, and the James City County Subdivision Ordinance. Staff recommends the James City County Board of Supervisors approve this SUP application subject to the conditions listed in the attached resolution.



Jennifer VanDyke

CONCUR:



Allen J. Murphy, Jr.

JVD/gb
Sup17-13Apperson.doc

ATTACHMENTS:

1. Resolution
2. Location map
3. Family Subdivision Affidavit
4. Family Subdivision Plat Exhibit

RESOLUTION

CASE NO. SUP-0017-2013. APPERSON FAMILY SUBDIVISION

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

WHEREAS, the applicants have requested an SUP to allow for a family subdivision with a lot less than three acres in size in an A-1, General Agricultural, District, located at 4904 Fenton Mill Road, further identified as James City County Real Estate Tax Map Parcel No. 2420100018; and

WHEREAS, the Board of Supervisors, following a public hearing, are of the opinion that the SUP to allow for the above-mentioned family subdivision should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approve Case No. SUP-0017-2013, as described herein, with the following conditions:

1. Plan. This SUP shall be valid for the creation of one new parcel approximately 1.06 acres in size, with one parent lot, as generally shown on the plan titled "Exhibit Showing Proposed Family Subdivision Being the Properties of Williams L. & Mary M. Apperson (Husband & Wife)" drawn by Sebert Surveying Layout, LLC, and dated July 22, 2013.
2. Commencement. Final subdivision approval must be received from the County within 24 months from the issuance of this SUP, or the SUP shall become void.
3. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Mary K. Jones
Chairman, Board of Supervisors

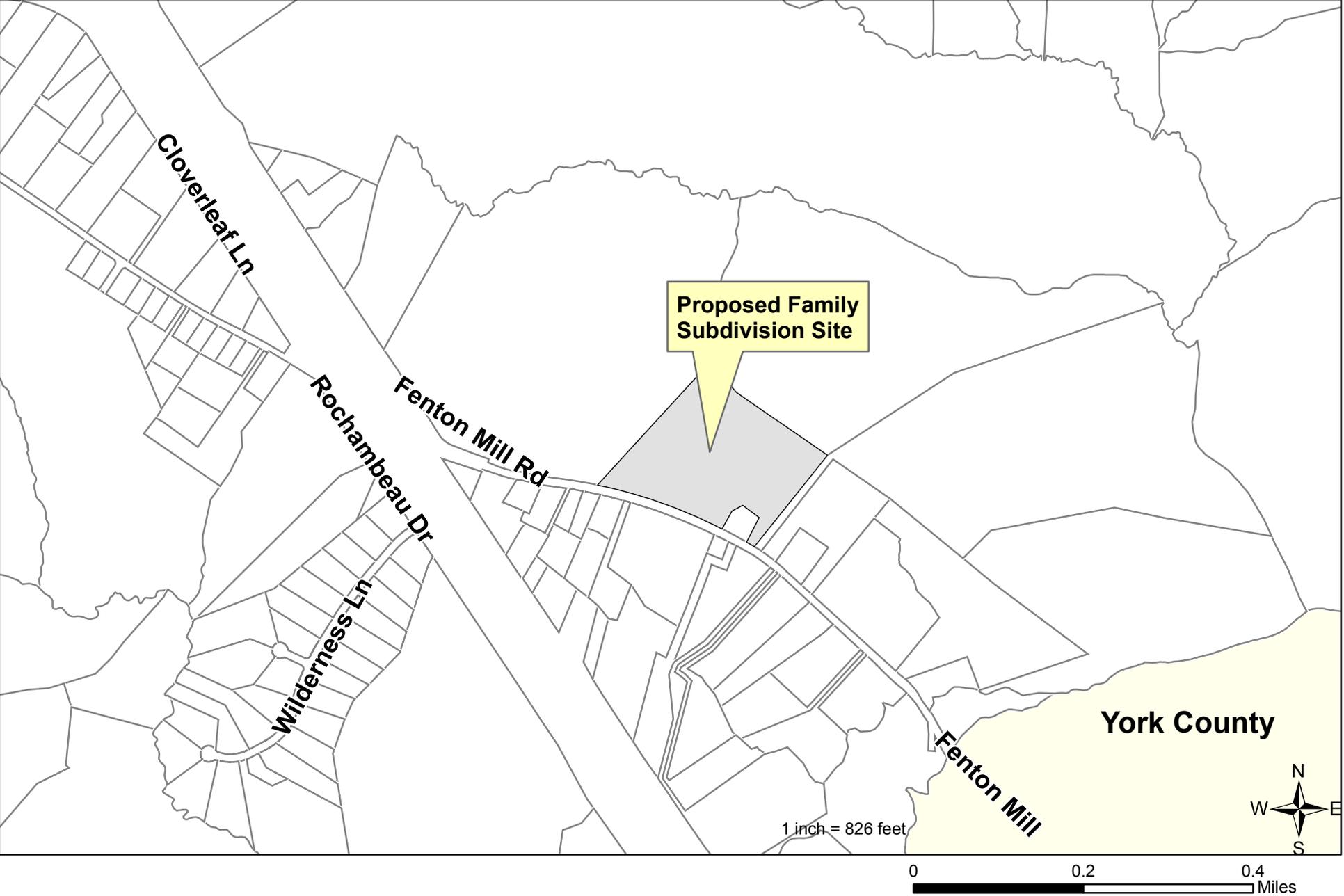
ATTEST:

Doug Powell
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of January, 2014.

SUP-0017-2013, Apperson Family Subdivision





County of James City, Virginia - Family Subdivision Affidavit

~~December~~
November 9, 2013

I/we, William L. Apperson and Mary M. Apperson, own a parcel of property consisting of 16.49 acres and located at 4904 Fenton Mill Road, Williamsburg, VA and further identified as James City County Real Estate Tax Map No. 2420100018 (the "Property"). I/we hereby request that James City County, Virginia, approve a family subdivision of the Property into a total of 3 parcel(s), in the specific location and sizes as shown on a plat entitled "Exhibit Showing Proposed Family Subdivision being the Properties of William L. & Mary M Apperson", made by Sebert Surveying & layout, LLC, and dated July 22, 2013 (the "Family Subdivision Plat").

This family subdivision is being made for the purpose of transferring a lot by sale or gift to:

William G. Apperson, who is my/our son of William L. Apperson, and is not made for the purpose of circumventing any of the provisions of the Code of the County of James City, Virginia. It is my/our intention that the deed(s) of transfer will be drawn and duly recorded as soon as reasonably possible subsequent to the approval of the Family Subdivision Plat.

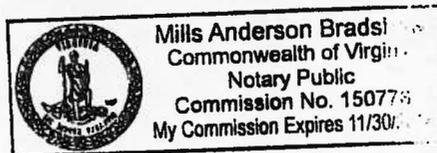
[Signature]
Owner
[Signature]
Owner

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY of JAMES CITY, to-wit:

The foregoing Affidavit was acknowledged before me this 9th day of December, 2013 by, William L. Apperson and Mary M. Apperson, owner(s).

My Commission expires: 11/30/2016

[Signature]
Notary Public



Notary No. 150776

Prepared by and return to:
Name: M. Anderson Bradshaw
Address: P. O. Box 456
Toano, VA 23168
Telephone: (757) 566-1282

NOV 15 2013

RECEIVED

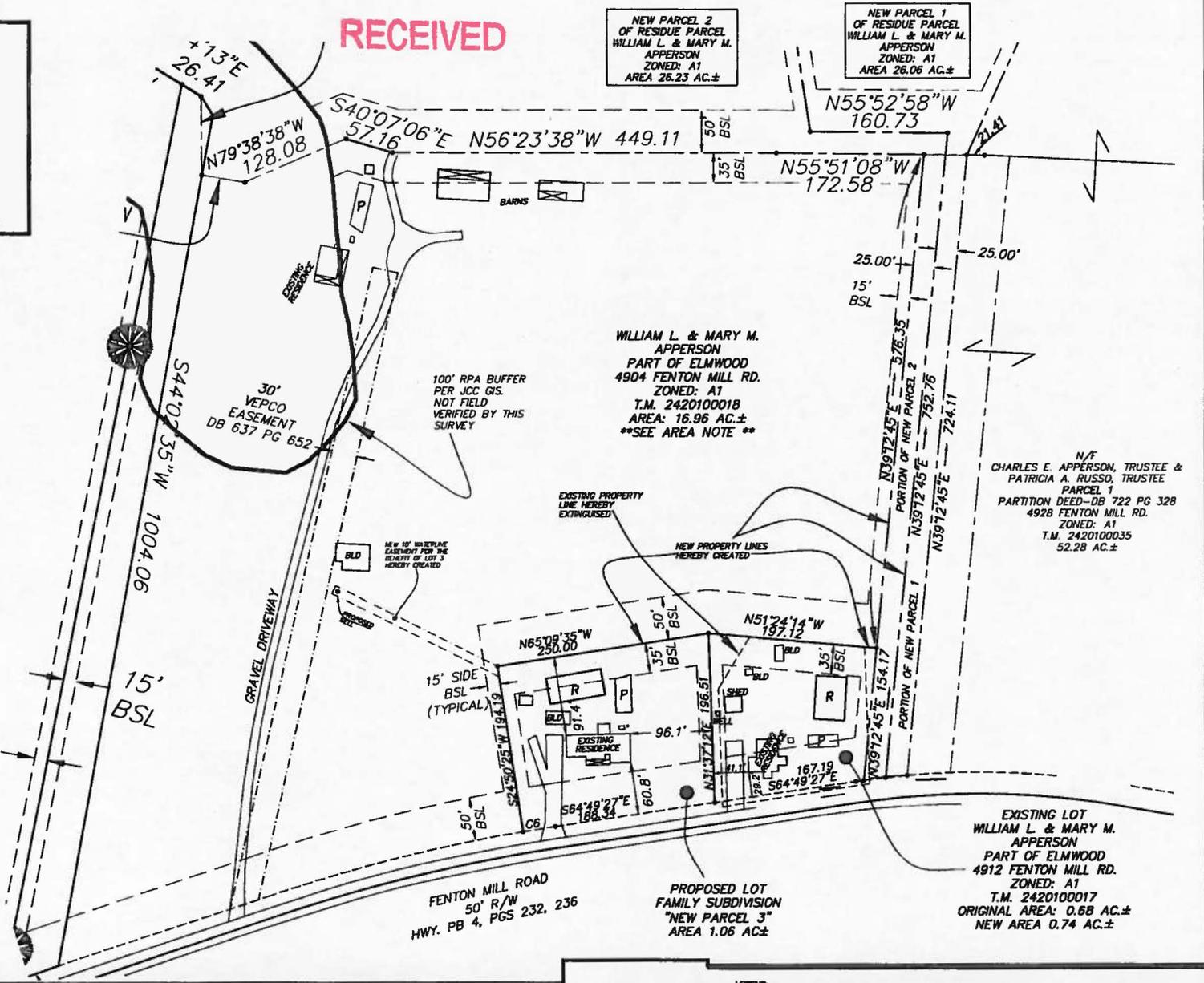
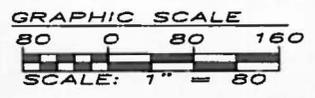
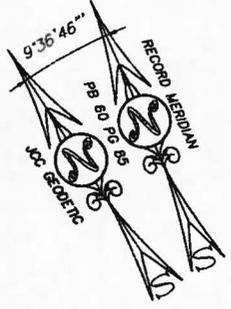
AREA TABLE:
** FAMILY SUBDIVISION EXHIBIT ONLY **

ORIGINAL AREAS:	
4904 FENTON MILL	16.49 AC± **
4912 FENTON MILL	0.68 AC±
TOTAL ORIGINAL AREA	17.17 AC±
NEW AREAS:	
4904 FENTON MILL	14.54 AC±
4912 FENTON MILL	0.74 AC±
NEW PARCEL 3	1.06 AC±
NEW PARCELS 1&2	0.83 AC± **
TOTAL NEW AREA	17.17 AC±

** AREA NOTE:
AREAS SHOWN FOR NEW PARCEL "1" &
NEW PARCEL "2" REFLECT ONLY THE
PORTIONS IMPACTING #4904 FENTON
MILL ROAD.

** AREA NOTE:
4904 FENTON MILL ROAD
AREA 16.96 AC. BY DEED
AREA 16.49 AC. BY SURVEY

MINIMUM BUILDING SETBACK LINES:
FRONT = 50'
SIDE = 15'
REAR = 35'



G:\SEBERT SURVEYING\PROJECTS\4444-1\01 SUB-BLA\img\1744-1 APPERSON.DWG 9/24/2013 11:14:21 AM EDT

SEBERT SURVEYING & LAYOUT, LLC
173 BARLOW ROAD
WILLIAMSBURG, VA
PHONE (757) 345-0931
CELL: (757) 784-2413

EXHIBIT SHOWING PROPOSED
FAMILY SUBDIVISION
BEING THE PROPERTIES OF
WILLIAM L. & MARY M. APPERSON
(HUSBAND & WIFE)

STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA

LEGEND:

N/F	NOW OR FORMERLY
IRF	IRON ROD FOUND
RF	IRON PIPE FOUND
IRF	IRON ROD SET
IPS	IRON PIPE SET
BSL	BUILDING SETBACK LINE
R/W	RIGHT-OF-WAY
PP	POWER POLE
OU	OVERHEAD UTILITY LINE
P	PRIMARY DRAINFIELD
R	RESERVE DRAINFIELD

DATE: 07/22/2013

REVISIONS:

DESIGNED BY: ADS

SCALE: 1" = 200'

PROJECT NO. J144-1

DRAWING NO. 1 OF 1

MEMORANDUM COVER

Subject: Case No. SUP-0018-2013. Pettengill-McClure Family Subdivision

Action Requested: Shall the Board approve a Special Use Permit (SUP) for a family subdivision at 9437 Diascund Reservoir Road?

Summary: Mr. M. Anderson Bradshaw has applied on behalf of the property owners Ms. Betty Pettengill and Ms. Phyllis McClure for a Special Use Permit (SUP) for a family subdivision to create one new lot and leave one parent parcel, both of which will be between one and three acres in size. The property is zoned A-1, General Agriculture and an SUP is required because the lot will be less than three acres in size.

Staff recommends that the Board of Supervisors approve this SUP subject to the conditions listed in the attached resolution. Staff finds the family subdivision consistent with the 2009 Comprehensive Plan and compatible with surrounding zoning and development.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

N/A

Acting County Administrator

Doug Powell DP

Attachments:

1. Staff Report
2. Resolution
3. Location Map
4. Plan
5. Affidavits

Agenda Item No.: I-2

Date: January 14, 2014

**SPECIAL USE PERMIT-0018-2013. Pettengill-McClure Family Subdivision
Staff Report for the January 14, 2014, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

Not required
January 14, 2014, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. M. Anderson Bradshaw

Land Owner: Ms. Betty S. Pettengill and Ms. Phyllis S. McClure

Proposal: Family subdivision to create one new lot and leave one parent parcel.

Location: 9437 Diascund Reservoir Road

Tax Map/Parcel No.: 0230100009A

Parcel Size: +/- 2.76 acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors approve this Special Use Permit (SUP) subject to the conditions listed in the attached resolution. Staff finds the family subdivision is consistent with the 2009 Comprehensive Plan, compatible with surrounding zoning and development, and the Subdivision Ordinance.

Staff Contact: Leanne Pollock, Planner III Phone: 253-6876

PLANNING COMMISSION RECOMMENDATION

This application did not require Planning Commission review since it is a family subdivision.

PROJECT DESCRIPTION

Mr. M. Anderson Bradshaw has applied on behalf of the property owners Ms. Betty Pettengill and Ms. Phyllis McClure for an SUP to allow a family subdivision on an approximately 2.76 acre piece of property which is zoned A-1, General Agriculture. The proposal is to create one new lot and one remaining parent parcel which would be given to Ms. Pettengill's son and Ms. McClure's daughter (see attached affidavits). An SUP is required because the proposed lot and remainder parcel will both be less than three acres but greater than one acre. The applicant has submitted a draft survey of the property and proposed lot line showing that the new lot would be 1.387 acres and the remainder lot would be 1.38 acres. Ten feet of additional right-of-way for Diascund Reservoir Road may need to be dedicated (currently shown on the draft survey), but even after the potential dedication both lots would be greater than 1.3 acres in size. There are currently residential structures on both proposed lots and the structures are served by existing well and septic systems.

Surrounding Zoning and Land Use

The property is surrounded by A-1, General Agriculture property that is designated Rural Lands on the 2009 Comprehensive Plan Land Use Map. Existing uses are residential, agriculture or vacant parcels ranging in size from between one and two acres to about 25 acres. The parcel is in the vicinity of Richmond Road near the New Kent County border.

PUBLIC IMPACTS

Environmental Impacts

Watershed: Diascund Creek

Environmental Staff Comments: The Engineering and Resource Protection Division has reviewed the proposal and has conceptually approved the proposed subdivision.

Utilities

The site is located outside the Primary Service Area (PSA) and is currently served by existing wells and drainfields.

Virginia Department of Health Comments: The existing well and drainfield locations are shown on the draft plat but will not be required to be reviewed by the Department of Health, because the residences currently exist and no changes are proposed or required.

Traffic

The proposed use did not trigger the requirement for a traffic study.

2007 Annual Average Daily Traffic Volume (Richmond Road): From the New Kent County line to Rochambeau Road the daily volume was 6,093 vehicles. There are no traffic counts for Diascund Reservoir Road.

2035 Volume Projected: From the New Kent County line to Rochambeau Road there is the projection of 7,537 Annual Average Daily Traffic (AADT). This portion of Richmond Road is listed in the "OK" category.

Staff Comments: The lots in this subdivision will be required to share one driveway with access to Diascund Reservoir Road. This is specified in Condition No. 2 on the attached resolution. There is currently a single driveway serving the residences on this property.

VDOT Comments: Dedication of an approximately 10-foot-wide strip of property along the frontage may be required to be dedicated as right-of-way so that Diascund Reservoir Road can meet the 50-foot minimum width standard for public roads.

COMPREHENSIVE PLAN

The 2009 James City County Comprehensive Plan Land Use Map designates this property as Rural Lands. Rural Lands are areas containing farms, forests and scattered houses, exclusively outside the PSA, where a lower level of public service delivery exists or where utilities and urban services do not exist and are not

planned for the future. Primary suggested uses include agricultural and forestal activities, scattered houses, and certain recreational public or semi-public and institutional uses that are compatible with the natural and rural surroundings.

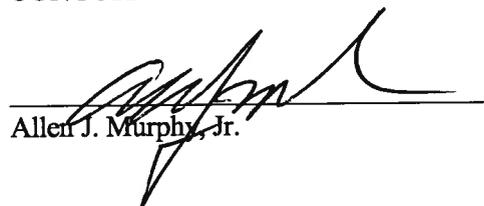
Staff Comments: Staff finds that a family subdivision in this area is consistent with the 2009 Comprehensive Plan, particularly since there are already multiple existing residences on the parcel. The property has been owned by Ms. Pettengill and Ms. McClure and held in a life estate by Ms. Ila Mae Clayton Stewart since January 2008. In October, the property was removed from the life estate and the County Attorney's Office has determined that the property meets the five-year minimum ownership requirement in the Subdivision Ordinance.

RECOMMENDATION

Staff recommends that the Board of Supervisors approve this SUP subject to the conditions listed in the attached resolution. The family subdivision is consistent with the 2009 Comprehensive Plan and compatible with surrounding zoning and development.


Leanne Pollock

CONCUR:


Allen J. Murphy, Jr.

LP/nb
SUP18-13PetMcClure.doc

ATTACHMENTS:

1. Resolution
2. Location map
3. Plan
4. Affidavits

RESOLUTION**CASE NO. SUP-0018-2013. PETTENGILL-MCCLURE FAMILY SUBDIVISION**

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

WHEREAS, Mr. M. Anderson Bradshaw has requested an SUP to allow for a family subdivision with lots less than three acres in size in an A-1, General Agricultural District, located at 9437 Diascund Road, further identified as on James City County Real Estate Tax Map Parcel No. 0230100009A; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0018-2013; and

WHEREAS, the Board of Supervisors are of the opinion that the SUP to allow for the above mentioned family subdivision should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve SUP Application No. SUP-0018-2013, as described herein, pursuant to the following conditions:

1. **Plan.** This SUP is valid for a family subdivision (the "Subdivision") for the creation of no more than one new lot of greater than one acre and one parent lot of greater than one acre. The Subdivision shall be generally as shown on the plan drawn by His Land Surveying, Inc., titled "Family Subdivision on Property Being Tax Parcel ID No. 0230100009A" and dated October 25, 2013.
2. **Access.** Only one entrance serving all lots through a shared driveway shall be allowed onto Diascund Road.
3. **Commencement.** Final subdivision approval must be received from the County within 24 months from the issuance of this SUP or the permit shall become void.
4. **Severance Clause.** The SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Doug Powell
Deputy Clerk to the Board

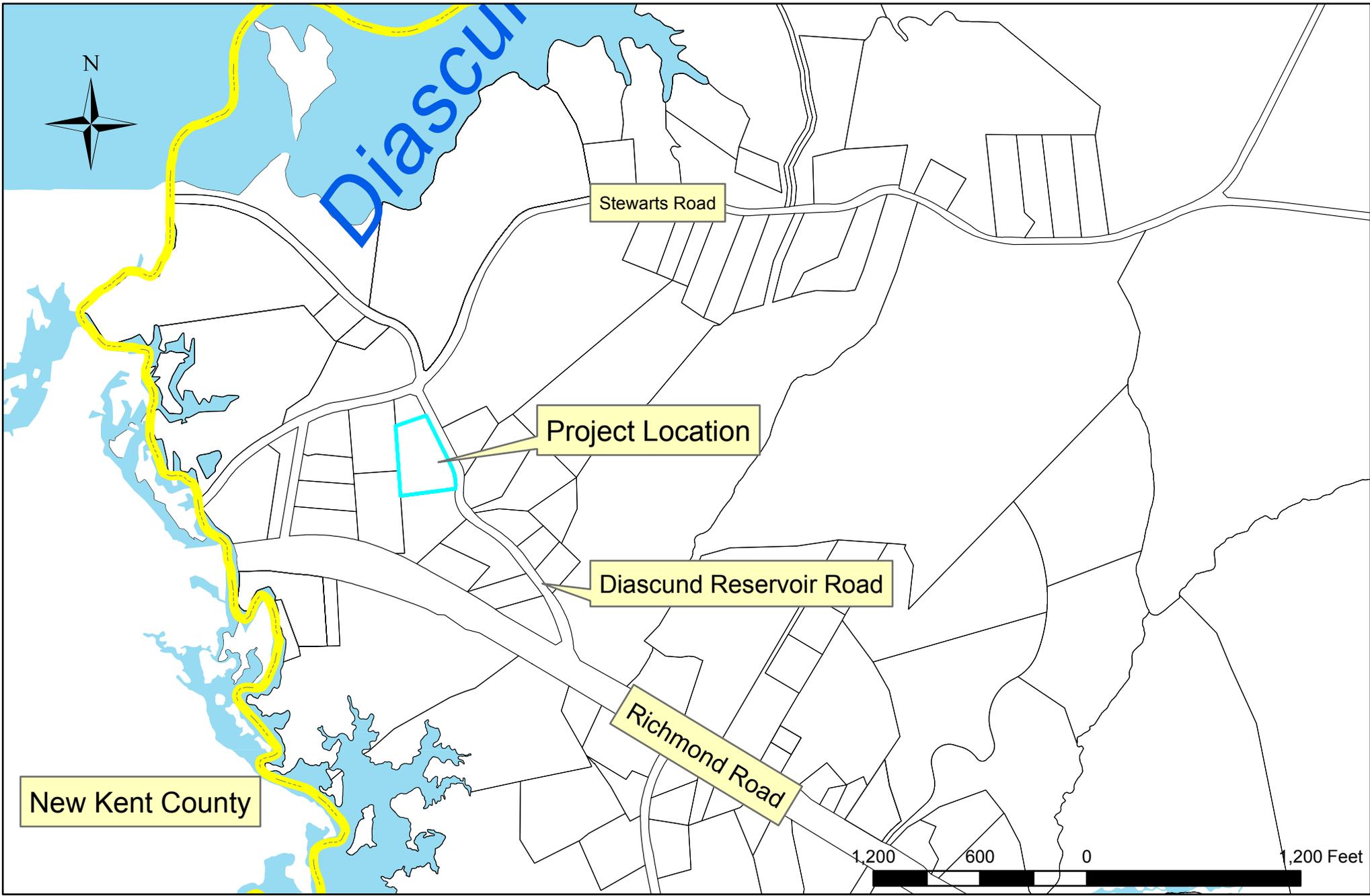
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of January, 2014.

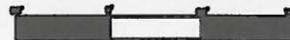
SUP18-13PetMcClure_res

SUP-0018-2013

Pettengill-McClure Family Subdivision



FAMILY SUBDIVISION
ON PROPERTY BEING
TAX PARCEL ID: 0230100009A
LOCATED IN STONEHOUSE DISTRICT, JAMES CITY
COUNTY, VIRGINIA
SCALE: 1" = 60' DATE: 10/25/2013
J.N. 392.5



VICINITY MAP 1" = 1000'

292.95'

OWNER'S CERTIFICATE:
THE BOUNDARY LINE ADJUSTMENT SHOWN ON THIS PLAT IS WITH FREE CONSENT AND IN
ACCORDANCE WITH THE TERMS OF THE UNDERGROUND CONDUIT, PROPRIETOR'S AND/OR TRUSTEED.

DATE _____ SIGNATURE _____

NAME PRINTED _____

DATE _____ SIGNATURE _____

NAME PRINTED _____

CERTIFICATE OF NOTORIZATION
COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____

IN AND FOR THE CITY/COUNTY AND STATE AFORESAID, A NOTARY PUBLIC
HEREBY CERTIFY THAT THE PERSONS WHOSE NAMES ARE SIGNED TO THE FOREGOING INSTRUMENTS
HAVE ACKNOWLEDGED THE SAME BEFORE ME IN THE CITY/COUNTY AFORESAID,
GIVEN UNDER MY HAND THIS _____ DAY OF _____
2013.

ID:0230100007A
JAMES F. & KATRINA S. HOLDEN
DOC. #023000079

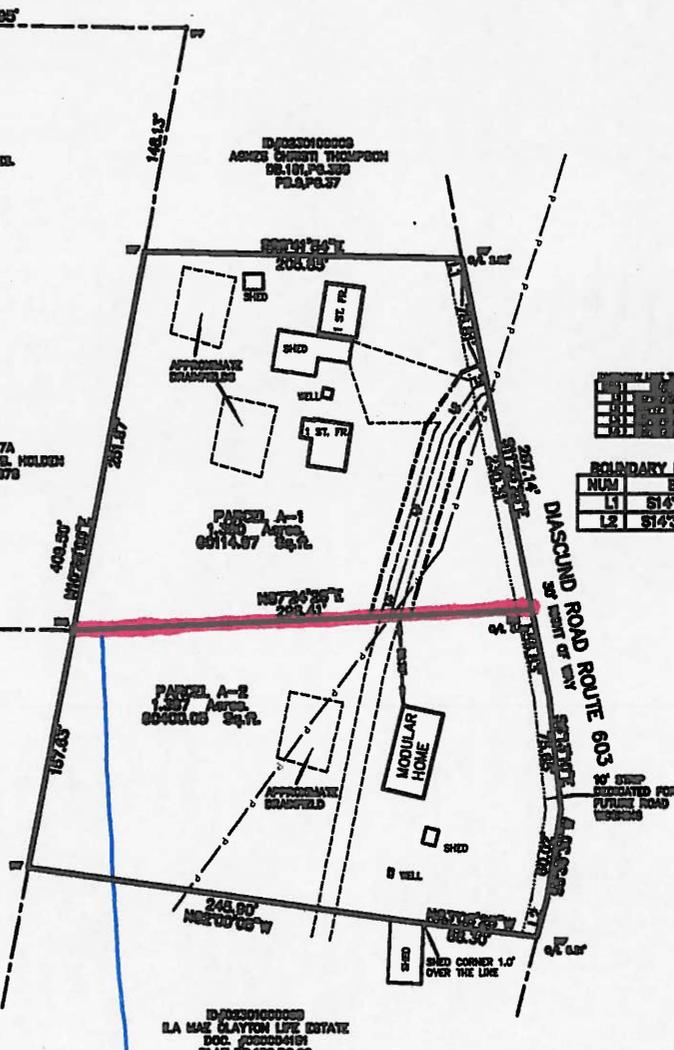
SIGNATURE _____

MY COMMISSION EXPIRES _____
CITY/COUNTY OF _____

IN AND FOR THE CITY/COUNTY AND STATE AFORESAID, A NOTARY PUBLIC
HEREBY CERTIFY THAT THE PERSONS WHOSE NAMES ARE SIGNED TO THE FOREGOING INSTRUMENTS
HAVE ACKNOWLEDGED THE SAME BEFORE ME IN THE CITY/COUNTY AFORESAID,
GIVEN UNDER MY HAND THIS _____ DAY OF _____
2013.

SIGNATURE _____

MY COMMISSION EXPIRES _____



BOUNDARY LINE TABLE		
NUM	BEARING	DISTANCE
L1	S14°31'20" E	3.97'
L2	S14°32'30" W	23.00'

CERTIFICATE OF SOURCE OF TITLE:
THE PROPERTY SHOWN ON THIS PLAT WAS
CONVEYED BY I.A. MAE CLAYTON STEWART TO
BETTY S. PETERHELL & PHYLLIS S. MCCLURE BY
DEED RECORDED IN THE OFFICE OF THE CLERK OF
THE CIRCUIT COURT OF THE COUNTY OF JAMES CITY
IN DOCUMENT #0230004181.

SURVEYOR'S CERTIFICATE:
I HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE OR BELIEF, THIS PLAT COMPLIES
WITH ALL OF THE REQUIREMENTS OF THE BOARD OF SUPERVISORS AND ORDINANCES OF THE
COUNTY OF JAMES CITY, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE
COUNTY.

DATE _____ SIGNATURE _____

NAME PRINTED _____



NOTES:
1. NO WETLANDS OR RPA EXIST ON THIS PROPERTY AS SHOWN
HEREON.
2. ALL EASEMENTS, RIGHTS, AND INTERESTS SHOWN ON THIS PLAT SHALL REMAIN PERMANENT.
3. EXISTING SEWER SYSTEMS AND PRIVATE WELLS WILL NOT BE
AFFECTED BY THIS BOUNDARY LINE ADJUSTMENT.
4. THIS PROPERTY IS ZONED A-1.
5. SETBACK REQUIREMENTS:
FRONT- 70'
SIDE- 15'
REAR- 35'

6. THE PROPERTY SHOWN HEREON IS PARCEL ID: 0230100008A.
7. PROPERTY IS OWNED IN THE NAME OF I.A. MAE CLAYTON LIFE
ESTATE S/O BETTY PETERHELL.
8. THIS PROPERTY IS NOT IN A FLOOD HAZARD ZONE.
9. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT.
10. THIS SURVEY REPRESENTS AS IS IN THE FIELD BOUNDARY SURVEY.
11. FOR SECS. 10-24, THE SURVEYOR SHALL RECORD THE APPROVED
PLAT IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY
WITHIN 180 DAYS AFTER APPROVAL. THEREAFTER, SUCH
APPROVAL SHALL BECOME NULL AND VOID.

Proposed new property line.

CERTIFICATE OF APPROVAL:
THIS SUBDIVISION IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING
SUBDIVISION REGULATIONS AND MAY BE ADMITTED TO RECORD.

DATE _____ SUBDIVISION AGENT OF JAMES CITY COUNTY

HIS LAND SURVEYOR, INC.
P.O. BOX 340
PROVIDENCE FORTKNOX VIRGINIA 23060
(804) 946-7817





County of James City, Virginia - Family Subdivision Affidavit

December _____, 2013

We Betty S. Pettingill and Phyllis S. McClure, own a parcel of property consisting of 2.76 acres and located at 9433, 9435 and 9437 Diascund Reservoir Road, Lanexa, VA and further identified as James City County Real Estate Tax Map No. 0320100009A (the "Property"). We hereby request that James City County, Virginia, approve a family subdivision of the Property into a total of 2 parcel(s), in the specific location and sizes as shown on a plat entitled "Family Subdivision on Property being Tax Parcel ID# 0230100009A Located in Stonehouse District", made by Dean E. Raynes, Land Surveyor, HIS land Surveying, Inc., and dated October 25, 2013 (the "Family Subdivision Plat").

This family subdivision is being made for the purpose of transferring a lot by sale or gift to:

John Fletcher Angle, III, who is the son of Betty S. Pettengill, and is not made for the purpose of circumventing any of the provisions of the Code of the County of James City, Virginia. We acknowledge and affirm that we are siblings and that Phyllis S. McClure is ready, willing, and has the legal ability to transfer the Property in fee simple to Betty S. Pettengill, so that Betty S. Pettengill may subdivide the Property for her son. It is our intention that the deeds of transfer will be drawn and duly recorded as soon as reasonably possible subsequent to the approval of the Family Subdivision Plat.

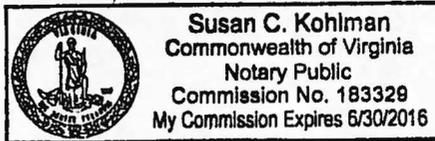
Betty S. Pettingill
Owner
Phyllis McClure
Owner

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY of James City, to-wit:

The foregoing Affidavit was acknowledged before me this 17 day of December, 2013 by, Betty S. Pettengill and Phyllis S. McClure, owner(s).

My Commission expires: 6/30/16

Susan C. Kohlman
Notary Public



Notary No. 183329

Prepared by and return to:
Name: Adam Kinsman
Address: 101-D Mounts Bay Rd.
Williamsburg, VA 23187
Telephone: (757) 253-6832



County of James City, Virginia - Family Subdivision Affidavit

December _____, 2013

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This family subdivision is being made for the purpose of transferring a lot by sale or gift to: Diane McClure, who is the daughter of Phyllis S. McClure, and is not made for the purpose of circumventing any of the provisions of the Code of the County of James City, Virginia. We acknowledge and affirm that we are siblings and that Betty S. Pettengill is ready, willing, and has the legal ability to transfer the Property in fee simple to Phyllis S. McClure so that Phyllis S. McClure may subdivide the Property for her daughter. It is our intention that the deeds of transfer will be drawn and duly recorded as soon as reasonably possible subsequent to the approval of the Family Subdivision Plat.

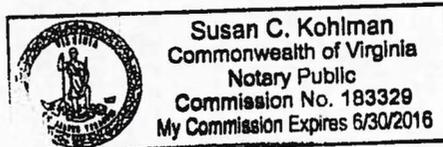
Betty S. Pettengill
Owner
Phyllis McClure
Owner

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY of James City, to-wit:

The foregoing Affidavit was acknowledged before me this 17 day of December, 2013 by, Betty S. Pettengill + Phyllis S. McClure, owner(s).

My Commission expires: 6/30/16

Susan C. Kohlman
Notary Public



Notary No. 183329

Prepared by and return to:
Name: Adam Kinsman
Address: 101-D Mounts Bay Rd.
Williamsburg, VA 23187
Telephone: (757) 253-6832

MEMORANDUM COVER

Subject: Ordinance Amendment to Chapter 2, Administration, Section 2-3, Designation, Population, and Election Cycle of Districts

Action Requested: Shall the Board of Supervisors approve an ordinance amendment that will change the election cycle for districts from staggered terms to quadrennial terms?

Summary: Members of the Board of Supervisors have requested an ordinance amendment to Chapter 2, Administration, Section 2-3, Designation, population, and election cycle of districts, which will change the election cycle for districts from staggered terms to quadrennial terms.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Acting County Administrator

Doug Powell DP

Attachments:

1. Memorandum
2. Ordinance

Agenda Item No.: I-3

Date: January 14, 2014

MEMORANDUM

DATE: January 14, 2014
TO: The Board of Supervisors
FROM: Leo P. Rogers, County Attorney
SUBJECT: Ordinance Amendment to Chapter 2, Administration, Section 2-3, Designation, Population, and Election Cycle of Districts

Attached for your consideration is an ordinance amending County Code Chapter 2, Administration, Section 2-3, Designation, population, and election cycle districts. This ordinance amendment changes the election cycle for districts from staggered terms to quadrennial terms. Under the proposed amendment, elections for members of the Board of Supervisors in 2013, 2015, 2017, and 2019 would result in the following terms: 1) the Supervisors elected in 2013 serve 4-year terms; 2) in 2015, the elected Supervisors for Roberts, Berkeley, and Stonehouse districts would serve 4-year terms; 3) in 2017, the elected Supervisors for Jamestown and Powhatan would serve 2-year terms; and 4) all Supervisors elected in 2019 and every four years thereafter would be elected to 4-year terms.

This amendment was requested by members of the Board.


Leo P. Rogers

LPR/nb
Ch2ElectCy_mem

Attachment

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, MAGISTERIAL DISTRICT, ELECTION DISTRICTS AND ELECTION PRECINCTS, BY AMENDING SECTION 2-3, DESIGNATION, POPULATION, AND ELECTION CYCLE OF DISTRICTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 2, Administration, is hereby amended and reordained by amending Section 2-3, Designation, population and election cycle of districts.

Chapter 2. Administration

Article II. Magisterial District, Election Districts and Election Precincts

Sec. 2-3. Designation, population, and election cycle of districts.

(a) The election districts with populations set forth are as follows:

	<u>Population</u>
01 Election district, Berkeley	13,285
02 Election district, Jamestown	13,536
03 Election district, Powhatan	13,302
04 Election district, Stonehouse	13,147
05 Election district, Roberts	13,739

(b) ~~Staggered term~~ *Quadrennial* election cycle by district:

01 Election district, Berkeley, shall hold an election in 2015 and every four years thereafter;

02 Election district, Jamestown, shall hold an election in ~~2013~~ *2017 for a two-year term, then in 2019 for a four-year term*, and *then* every four years thereafter;

- 03 Election district, Powhatan, shall hold an election in ~~2013~~ *2017 for a two-year term, then in 2019 for a four-year term*, and *then* every four years thereafter;
- 04 Election district, Stonehouse, shall hold an election in 2015 every four years thereafter;
- 05 Election district, Roberts, shall hold an election in 2015 and every four years thereafter.

Mary K. Jones
 Chairman, Board of Supervisors

ATTEST:

Doug Powell
 Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of January, 2014.

Ch2ElectCy_ord

MEMORANDUM COVER

Subject: Case No. SUP-0012-2013. Human Services Building Communications Tower

Action Requested: Shall the Board approve a Special Use Permit (SUP) to allow a 104-foot-tall tower behind the Human Services Building located at 5249 Olde Towne Road?

Summary: Mr. Paul Knight, on behalf of Davis Media LLC, has applied for a Special Use Permit to allow the construction of a 104-foot-tall tower (100-foot tower with 4-foot lighting rod) to be located behind the Human Services Building on Olde Towne Road.

At its November 6, 2013, meeting, the Planning Commission recommended approval of this application by a vote of 5-0 (Absent: Mr. Basic, Mr. Maddocks).

Staff recommends approval of this application subject to the conditions in the attached resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Acting County Administrator

Doug Powell DP

Attachments:

1. Staff Report
2. Resolution
3. Location map
4. Unapproved Planning Commission minutes
5. Balloon test photos
6. Conceptual site plan
7. Sketch of tower
8. Example antenna
9. Performance Standards for Wireless Communications Facilities
10. Williamsburg Community Health Foundation Grant memorandum
11. Williamsburg Community Health Foundation Grant resolution

Agenda Item No.: I-4

Date: January 14, 2014

AGENDA ITEM NO. I-4**Case No. Special Use Permit-0012-2013. Human Services Building Communications Tower Staff Report for the January 14, 2014, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Planning Commission:

Board of Supervisors:

Building F Board Room; County Government Complex

November 6, 2013, 7:00 PM

December 10, 2013, 7:00 PM – (deferred)

January 14, 2014, 7:00 PM

SUMMARY FACTS

Applicant:

Paul Knight, Davis Media LLC

Land Owner:

James City County

Proposal:

To allow the construction of a 104-foot tall (100-foot tower with 4-foot lighting rod) monopole tower

Location:

James City County Human Services Building, 5249 Olde Towne Road

Tax Map/Parcel No.:

3240100029A

Parcel Size:

± 5.5 acres

Zoning:

PL, Public Land

Comprehensive Plan:

Federal, State, and County Land

Primary Service Area:

Inside

STAFF RECOMMENDATION

Staff finds the proposal to be compatible with surrounding land uses and consistent with the Zoning Ordinance Performance Standards and the Comprehensive Plan Land Use Map designation. Staff recommends the Board of Supervisors approve the application with the conditions listed in the attached resolution.

Staff Contact:

Luke Vinciguerra

Phone: 253-6783

PLANNING COMMISSION RECOMENDATION

At its November 6, 2013, meeting, the Planning Commission recommended approval of this application by a vote of 5-0 (Absent: Mr. Basic, Mr. Maddocks).

Changes Since the Planning Commission Meeting

None. During the Planning Commission meeting, a Commissioner inquired if the County purchased a generator for Davis Media LLC. In 2006, James City County received a Williamsburg Community Health Foundation (WCHF) grant for disaster planning and preparedness. The generator was purchased with WCHF grant money approved by the Board of Supervisors (see Attachment Nos. 8 and 9); the Tide radio 92.3FM agreed to its maintenance and fueling. In turn, the County is able to interrupt programming for emergency announcements. The County has a similar agreement with WMBG 740AM. Emergency broadcasts through The Tide radio station are necessary because WMBG's signal drops at night. These radio stations were selected for emergency communications, because they continue to provide local broadcasts when other Hampton Roads radio stations automatically switch to audio feeds from local TV or a national feed from their parent company during an emergency.

PROJECT DESCRIPTION

Mr. Paul Knight, on behalf of Davis Media LLC, has applied for a Special Use Permit (SUP) to allow the construction of a 104-foot-tall tower (100-foot tower with 4-foot lighting rod) to be located behind the Human Services Building on Olde Towne Road (Attachment No. 2). Communication towers over 35 feet in height require an SUP in the PL, Public Land, district. The proposed monopole tower would have a 4-foot in diameter grid dish antenna and an additional small grid antenna mounted at the top of the tower. An illustration of the proposed tower and antenna is provided on Attachment Nos. 5 and 6.

Davis Media LLC operates two FM broadcast radio stations in the Williamsburg area. The company's office is located in the adjacent Williamsburg Business Center where programing is sent by a third-party wired link to broadcast transmitters in adjacent counties. Due to a high failure rate of the hardwired network, Davis Media LLC is proposing a wireless solution between the transmitting sites and its office; this would require an antenna mounted above the tree line. The proposed panel antenna mounted on the tower would receive programing information from a collocated antenna mounted on Davis Media LLC's office while the satellite antenna would relay the broadcast above the tree line to the other transmitting sites.

Davis Media LLC has proposed to lease adjacent land on property owned by James City County. Davis Media LLC is proposing that the County lease the land without charge as the company will provide the County with the ability to access its broadcasting facilities for emergency communications.

PUBLIC IMPACTS

Environmental

Watershed: Powhatan Creek

Staff Comments: The Engineering and Resource Protection Division has no comments on the SUP application at this time. Any site development issues will be resolved during site plan review.

Public Utilities and Transportation

The proposed tower would not generate additional needs for the use of public utilities or significant additional vehicular trips in the area.

VISUAL IMPACTS

The proposed tower site is located within a wooded area behind the Human Services building. The tower would be roughly 500 feet from the nearest home in the Westmoreland subdivision and over 600 feet from the nearest dwelling unit in Spotswood Commons. The base of the tower would not be visible from surrounding roads as it would be screened by trees, fencing, and the Human Services Building.

Based on a publicly advertised balloon test conducted on July 10, 2013, the top of the tower would be visible from portions of New Point Road within the Williamsburg Business Center and immediately adjacent to the entrance of Human Services building as shown on Attachment No. 2. The tower would not be visible from any residential areas or Community Character Corridors (CCCs). Staff notes the proposed tower location has moved about 50 feet to the southeast since the balloon test. Staff finds the location change would not invalidate the balloon test results as the new site location has similar topography and tree cover.

At 104 feet, the proposed tower is lower than other recent tower applications. The recently approved Ingram Road tower was approved at 124 feet while a tower adjacent to Ford's Colony along Route 199 was approved at 135 feet.

COMPREHENSIVE PLAN

Olde Towne Road is not identified as a CCC in the 2009 Comprehensive Plan. Additionally, the Federal, State, and County Land designation does not have applicable development standards. The Comprehensive Plan does discuss minimizing the impacts of newly approved Wireless Communications

Facilities (WCFs). Though the tower does not meet the definition of a WCF, the concept of minimizing tower visibility is applicable. As the tower is not visible from any residential areas and would be generally unnoticeable to the casual observer, staff finds the proposal to be consistent with the Comprehensive Plan.

PERFORMANCE STANDARDS

The James City County Board of Supervisors adopted several performance criteria for WCFs (Attachment No. 7). Though the tower is not a WCF as defined by the zoning ordinance, as the uses are similar, staff finds these performance standards germane to the application.

These performance criteria note that tower mounted WCFs should be located and designated in a manner that minimizes their impacts to the maximum extent possible and minimizes their presence in areas where they would depart from existing and future patterns of development.

While all standards support the goals outlined in the Comprehensive Plan, some may be more critical to the County's ability to achieve these goals on a case-by-case basis. Therefore, some standards may be weighed more heavily in any recommendation or decision on an SUP and a case that meets a majority of the standards may or may not be recommended for approval. To date, towers granted an SUP have substantially met these standards, including those pertaining to visibility.

A. Co-location and Alternative Analysis

Standard A1 encourages co-location. The applicant has considered co-locating on nearby towers; however, Davis Media LLC has been unable to find a nearby structure available or suitable for the proposed use.

Standard A2 pertains to the demonstration of a need for the proposal and the examination of alternatives, including increases in transmission power and other options. With regards to demonstrating the necessity for the tower, the applicant has explained in detail how the current wired service is unreliable, particularly during bad weather. The proposed wireless option would allow Davis Media LLC to operate during hurricanes or other large storms when the wired network would be down.

Standard A3 recommends that the site be able to contain at least two towers on site to minimize the need for additional towers elsewhere. Though it appears structurally possible to locate an additional tower on-site, a second tower on the site would make the tower more noticeable. No other wireless providers' staff has contacted have expressed an interest in this location, thus minimizing the need for a second tower.

Standard A4 is regarding allowance of future service providers to co-locate on the tower. Due to the towers comparably low height, it would be unlikely a provider could collocate as the antennas would likely be below the tree line. As mentioned above, no other wireless providers' staff has contacted have shown interest in the site.

B. Location and Design

Performance Standard B1 states that towers and tower sites should be consistent with existing and future surrounding development and the Comprehensive Plan. More specifically, towers should be compatible with the use, scale, height, size, design, and character of surrounding existing and future uses. The proposed tower is significantly taller than any adjacent building; however, the proposed tower is only slightly above the tree line. Staff understands that due to the nature of the technology, the antenna must be above the trees. As all neighboring properties abutting the site are zoned LB, Limited Business, staff finds, as a result of the balloon test, it is unlikely that the tower would be visible to any future residential development.

Performance Standard B2(a) states that towers should be located in a manner that use a camouflaged design or have minimal intrusion onto residential areas, historic and scenic resources areas, or roads

in such areas, or scenic resource corridors. Staff finds the tower will not impact any residential area or CCC. The base of the tower, along with any utility structures housed at ground level, will not be visible from adjacent roadways; therefore, staff finds the application meets this performance standard.

Performance Standard B3 states that towers should be less than 200 feet to avoid lighting. This application meets this standard.

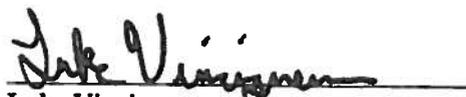
Performance Standard B4 states that towers should be freestanding and not supported by guy wires. This application meets this standard.

C. Buffering

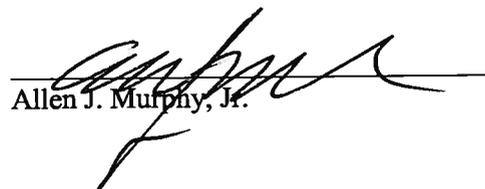
The Performance Standards state that towers should be placed on a site in a manner that maximizes buffering from existing trees, including a recommended 100-foot-wide wooded buffer around the base of the tower, and that the access drive should be designed in a manner that provides no off-site view of the tower base or related facilities. The tower site is situated in a heavily wooded area behind the Human Services Building on Olde Towne Road. Over 100 feet of mature tree canopy would screen the tower from most directions while the Human Services Building would screen the majority of the tower from Olde Towne Road. No access drive is proposed to the tower. Staff finds this condition to have been met.

RECOMMENDATION

Staff finds the proposal to be compatible with surrounding land uses and consistent with the Zoning Ordinance Performance Standards and the Comprehensive Plan Land Use Map designation. At its November 6, 2013, meeting, the Planning Commission recommended approval of this application by a vote of 5-0 (Absent: Mr. Basic, Mr. Maddocks). Staff recommends the Board of Supervisors approve the application with the conditions listed in the attached resolution.


Luke Vinciguerra

CONCUR:


Allen J. Murphy, Jr.

LV/gb
Sup-12-13HSBcomTow.doc

Attachments:

1. Resolution
2. Location map
3. Unapproved Planning Commission minutes
4. Balloon test photos
5. Conceptual site plan
6. Sketch of tower
7. Example antenna
8. Performance Standards for Wireless Communications Facilities
9. WCHF Grant memorandum
10. WCHF Grant resolution

RESOLUTION

CASE NO. SUP-0012-2013. HUMAN SERVICES BUILDING COMMUNICATIONS TOWER

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

WHEREAS, Mr. Paul Knight has applied on behalf of David Media LLC for an SUP to allow for the construction of a 104-foot-tall communications tower on a parcel of land zoned PL, Public Land, located at 5249 Olde Towne Road; and

WHEREAS, the property can be further identified as James City County Real Estate Tax Map Parcel No. 3240100029A; and

WHEREAS, the Planning Commission, following its public hearing on November 6, 2013, voted 5-0 to recommend approval of the application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of SUP-0012-2013 as described herein with the following conditions:

1. Term of Validity: This SUP shall be valid for one monopole communication tower at a total height of 104 feet including all appurtenances at the location shown in the application narrative titled "Davis Media Studio Microwave Tower" dated October 16, 2013.
2. Time Limit: Final building inspection shall be obtained within 24 months of approval of this SUP, or the permit shall become void.
3. Tower Color: The tower color shall be gray. Any alternative color used shall be approved by the Planning Director, or his designee, prior to final site plan approval.
4. Advertisements: No advertising material or signs shall be placed on the tower.
5. Guy Wires: The tower shall be freestanding and shall not use guy wires for support.
6. Removal: Prior to final site plan approval, the owner of the tower shall post a performance bond, cash surety, or letter of credit in an amount sufficient to fund the removal of an abandoned or unused tower or any disused portion thereof, and site restoration as approved by the County Attorney. This bond or other financial mechanism shall remain in effect throughout the life of the tower. The tower shall be considered abandoned or unused if it is not being utilized for the purpose of providing wireless communication service for a period of six months.

7. Enclosure: All equipment enclosures shall be screened from public view with fencing. Fencing materials shall be reviewed and approved by the Planning Director prior to final site plan approval.
8. Collapse Radius: The tower shall be set back from all property lines a minimum of 110 percent of the documented collapse radius.
9. Tree Buffer: To minimize disturbance of the tree canopy, the Planning Director shall approve any tree trimming or clearing plan prior to final site plan approval.
10. Lease Agreement: A leasing agreement shall be approved by the County Attorney prior to final site plan approval.
11. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Mary K. Jones
 Chairman, Board of Supervisors

ATTEST:

Doug Powell
 Deputy Clerk to the Board

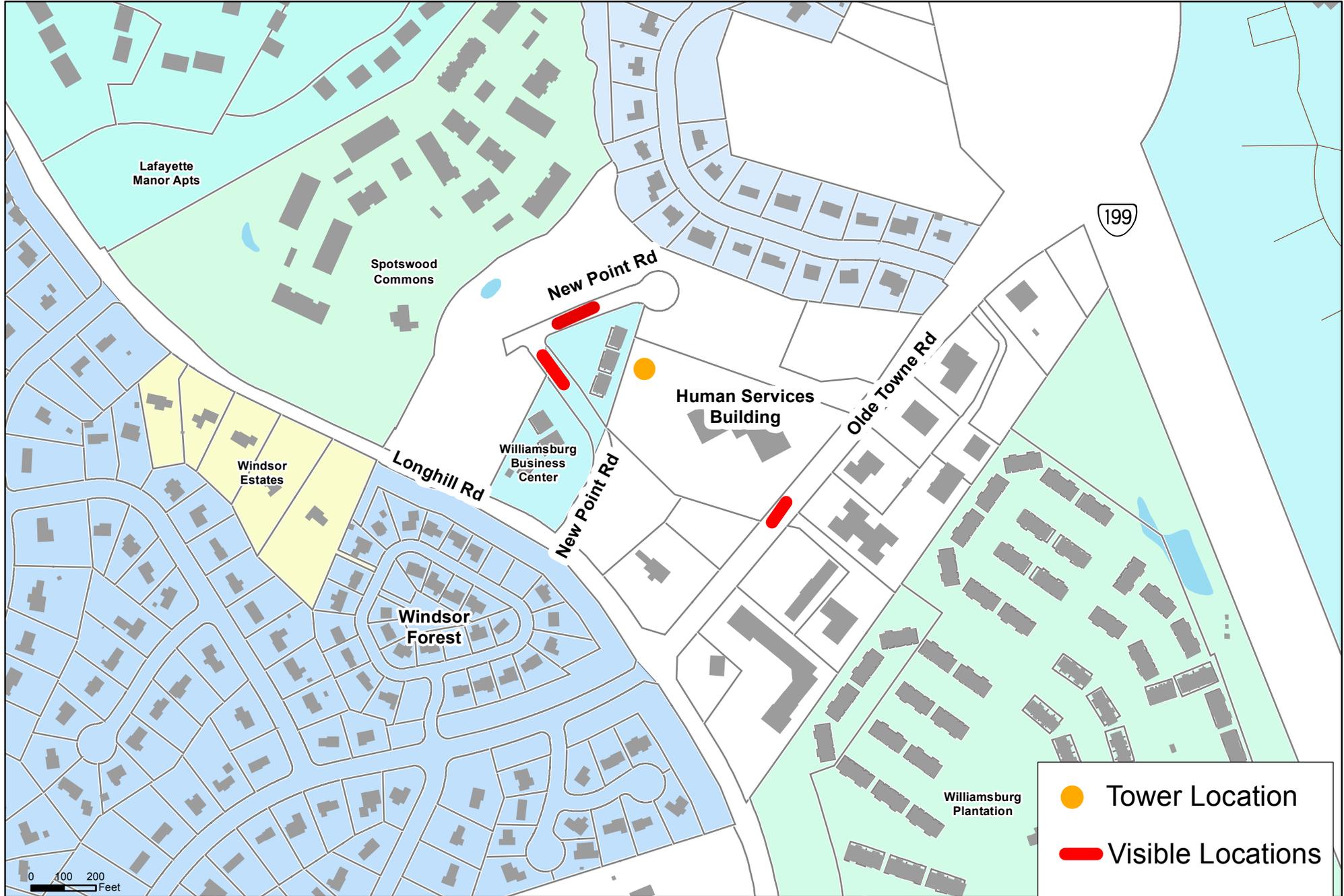
	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of January, 2014.

Sup-12-13HSBComTow_res

SUP-0012-2013

Human Services BLD - Communications Tower



UNAPPROVED PLANNING COMMISSION MINUTES FROM NOVEMBER 6, 2013**Case No. SUP-0012-2013. Olde Towne Rd Human Services Building Communications Tower.**

Mr. Luke Vinciguerra, Planner, addressed the Planning Commission giving a summary of the staff report included in the Agenda Packet.

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

Ms. Bledsoe asked if other locations were considered for the tower.

Mr. Vinciguerra stated that the applicant had searched for other locations but were unsuccessful.

Mr. Krapf asked for clarification regarding the “high failure rate of hardwired networks” mentioned in the Staff Report.

Mr. Vinciguerra stated that lines can currently go down during ice storms and hurricanes.

Mr. Krapf asked if wireless solutions are not as susceptible to natural events.

Mr. Vinciguerra stated that it would most likely be connected to a generator or battery and would thus perform better in inclement weather.

Mr. Krapf asked for verification that an agreement was reached between the applicant and the County, allowing the County to use the Communication facilities if needed in lieu of a lease payment.

Mr. Vinciguerra confirmed that such an agreement was reached through the Attorney’s office.

Mr. Kinsman stated that the Commission should only consider whether the tower is an appropriate use for that location, as the agreement will be considered separately by the Board of Supervisors.

Mr. O’Connor stated that although he was not opposed to the conclusions in the report, he was unhappy with the decision to use the Wireless Communication Facilities (WCF) Performance Standards to review the tower because the policy states that it shall not include public broadcasting. Mr. O’Connor noted that the standards mention the capability of collocations and asked if the tower is expandable.

Mr. Vinciguerra stated that it is not expandable and most likely could not be collocated because of the low height.

Mr. O’Connor stated that his main concern is being consistent in the applications of the standards. Mr. O’Connor also stated that he would also like to see a condition that the tower be expandable to allow for collocations.

Mr. Holt stated that staff made the decision to use the WCF criteria due to the standards' intent of minimizing the visual impacts of the tower. Mr. Holt stated that staff contacted other carriers and determined that there was no immediate interest in collocating on the tower; therefore, in the interest of minimizing visual impacts, it was decided to keep the tower at a lower height.

Ms. Bledsoe noted that the applicant is willing to allow the County to use the tower for emergency communications and asked how that condition would differ from what the County generally does already.

Mr. Vinciguerra stated that he will defer to the applicant.

Mr. Woods asked if Mr. Vinciguerra has received any objections from surrounding properties.

Mr. Vinciguerra stated that he has not received any comments or complaints.

Mr. Woods asked to verify that there are no commercial interests in collocating on the tower.

Mr. Vinciguerra confirmed.

Mr. Woods asked how the County defines public broadcasting.

Mr. Holt stated it is determined by the type of FCC license obtained by the business.

Mr. Woods asked what type of license the applicant has.

Mr. Holt stated that he would defer to the applicant, but that it was not a WCF, which the County defines as cell phone service.

Mr. Woods asked if the height of a proposed structure was below the County's maximum height limit, would it raise any concerns.

Mr. Holt stated that every case is unique.

Mr. Woods opened the public hearing.

Mr. Thomas Davis, President and CEO of Davis Media, stated that Davis Media has engaged in a relationship with the County for several years regarding emergency communications. Mr. Davis stated that the proposed tower will allow the radio station to remain on air at all times, as it has gone down in the past during severe storms.

Ms. Bledsoe asked if it is normal for the County to purchase a generator for a private business.

Mr. Davis stated that it is only normal when the business makes a commitment to turn its entire broadcast over to the County during an emergency.

Mr. Bledsoe asked if other radio stations do so.

Mr. Davis stated that most radio stations will not.

Ms. Bledsoe asked if there was an FCC regulation regarding the amount of time a station must dedicate during an emergency.

Mr. Davis stated that there is the State Emergency Alert System which automatically broadcasts alerts during State emergencies, but there is no infrastructure for local emergencies.

Ms. Bledsoe asked if the County has identified this tower as a need.

Mr. Davis stated that it is a need for the County and the County is supportive of their efforts.

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

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

Mr. Drummond stated that he feels the service would be a benefit for the County.

Ms. Bledsoe asked if a person would have to be already listening to the radio station to hear the emergency broadcasts.

Mr. Davis confirmed and stated that the County notifies the citizens through the website and newsletters to tune to the radio station in times of emergency.

Mr. Drummond moved to recommend approval of the application with the conditions listed in the staff report.

On a roll call vote, the Planning Commission voted to recommend approval of the application with the conditions listed in the staff report by a vote of 5-0; Mr. Basic and Mr. Maddocks being absent.



Figure 1: Photo at the entrance of the Human Services Building



Figure 2: Photo within Williamsburg Business Center on New Point Road

OVERALL SITE PLAN

PLANNING DIVISION

OCT 11 2013

RECEIVED

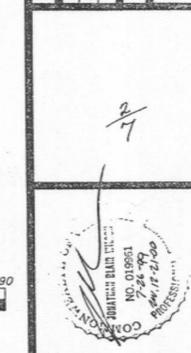
MITCHELL-WILSON ASSOCIATES, P.C.
CIVIL ENGINEERS & LAND SURVEYORS

720 MAIN STREET, SUITE 112, 2nd FLOOR
P.O. BOX 1269
WEST POINT, VIRGINIA 23181
(804) 843-9744

HUMAN SERVICES CENTER
PARKING LOT EXPANSION
SITE PLAN

MVA-98-1237
JAMES CITY COUNTY, VIRGINIA

DESIGN: JBY	DRAWN: JBY
REVISIONS:	
DATE: 7-26-09	SCALE: 1" = 30'
SHEET 2 OF 7	



EMPLOYEE PARKING EXPANSION AREA 2
NEW 90' 9"x18" PARKING SPACES; TWO (2) TOTAL
CONSTRUCTION SEQUENCE

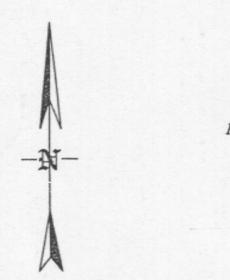
1. REMOVE EXISTING CURB FROM POINT "A" TO POINT "B".
2. CLEAR APPROXIMATELY 320 S.F. +/- AND INSTALL 50 L.F. SILT FENCE.
3. GRADE NEW PARKING SPACE AREA TO AGGREGATE BASE SUBGRADE.
4. INSTALL AGGREGATE BASE OVER COMPACTED AND PROOF-ROLLED SUBGRADE. SIX (6) INCHES COMPACTED DEPTH VDOT No. 21B AGGREGATE.
5. INSTALL 36+/- L.F. OF NEW VDOT CG-2 CURB.
6. INSTALL 17+/- S.Y. OF 2" THICK SM-2A BITUMINOUS ASPHALT SURFACE.
7. STRIPE NEW PARKING STALLS WITH 4" WIDE WHITE PAVEMENT PAINT.
8. FINE GRADE REMAINING DISTURBED AREA, TOPSOIL, PERMANENT SEED & MULCH.
9. LEAVE WORK AREA FREE OF DEBRIS AND WITH A NEAT APPEARANCE.

EMPLOYEE PARKING EXPANSION AREA 3
NEW 90' 9"x18" PARKING SPACES; FOURTEEN (14) TOTAL
CONSTRUCTION SEQUENCE

1. REMOVE EXISTING CURB AND WALK FROM POINTS "A" - "B" - "C".
2. RELOCATE AREA LIGHTS & TRASH CAN.
3. CLEAR APPROXIMATELY 630 S.F. +/- AND INSTALL 150 L.F. SILT FENCE.
4. GRADE NEW PARKING SPACE AREA TO AGGREGATE BASE SUBGRADE. FILL MATERIAL SHALL BE INORGANIC SOIL MATERIAL PLACED IN 6 TO 8-INCH LOOSE LIFTS & COMPACTED TO 95% MAX. DRY DENSITY @ OPT. WATER CONTENT.
5. INSTALL AGGREGATE BASE OVER COMPACTED AND PROOF-ROLLED SUBGRADE. SIX (6) INCHES COMPACTED DEPTH VDOT No. 21B AGGREGATE.
6. INSTALL 168+/- L.F. OF NEW VDOT CG-2 CURB.
7. INSTALL 1028+/- SF OF NEW 4" THICK CONCRETE WALKS.
8. INSTALL 253+/- S.Y. OF 2" THICK SM-2A BITUMINOUS ASPHALT SURFACE.
9. STRIPE NEW PARKING STALLS WITH 4" WIDE WHITE PAVEMENT PAINT.
10. FINE GRADE REMAINING DISTURBED AREA, TOPSOIL, PERMANENT SEED & MULCH.
11. LEAVE WORK AREA FREE OF DEBRIS AND WITH A NEAT APPEARANCE.

SERVICE/EMPLOYEE PARKING EXPANSION AREA 1
NEW 90' 9"x18" PARKING SPACES; FIVE (5) TOTAL
CONSTRUCTION SEQUENCE

1. REMOVE EXISTING CURB & GUTTER FROM POINT "A" TO POINT "B".
2. REMOVE EXISTING C.L.F. GATES AS INDICATED, STORE GATES IN A SUITABLE LOCATION. GATES ARE TO BE REINSTALLED UPON COMPLETION OF FIVE (5) NEW PARKING SPACES.
3. GRADE NEW PARKING SPACE AREA TO AGGREGATE BASE SUBGRADE.
4. INSTALL AGGREGATE BASE OVER COMPACTED AND PROOF-ROLLED SUBGRADE. SIX (6) INCHES COMPACTED DEPTH VDOT No. 21B AGGREGATE.
5. INSTALL 69+/- L.F. OF NEW VDOT CG-6 CURB & GUTTER.
6. INSTALL 103 S.Y. OF 2" THICK SM-2A BITUMINOUS ASPHALT SURFACE.
7. STRIPE NEW PARKING STALLS WITH 4" WIDE WHITE PAVEMENT PAINT.
8. FINE GRADE REMAINING DISTURBED AREA, TOPSOIL, PERMANENT SEEDING AND MULCHING.
9. INSTALL NEW CHAIN LINK FENCING (C.L.F.) AND REINSTALL GATES.
10. LEAVE WORK AREA FREE OF DEBRIS AND WITH A NEAT APPEARANCE.



N/F
CHARTER, L.L.C.
TAX PARCEL (32-4)(15-1)
DEED BOOK 761, PAGE 001
PLAT BOOK 63, PAGES 24-30
ZONING: LB

N/F
ROBERT S. HORNSBY
TAX PARCEL (32-4)(1-29)
DEED BOOK 134, PAGE 553
ZONING: LB

N/F
CHARTER, L.L.C.
TAX PARCEL (32-4)(15-1)
DEED BOOK 761, PAGE 001
PLAT BOOK 63, PAGES 24-30
ZONING: LB

TAX PARCEL (32-4)(1-29A)
5249 OLDE TOWNE ROAD
DEED BOOK 245, PAGE 109
PLAT BOOK 39, PAGE 15
ZONING: LB
AREA = 5.548 ACRES

N/F
WILLIAMSBURG LAND NAVIGATION
TAX PARCEL (32-4)(1-29C)
DEED BOOK 481, PAGE 723
PLAT BOOK 47, PAGES 71
ZONING: LB

SEE "ALTERNATE No. 1" NOTE

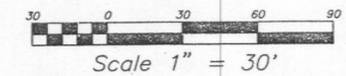
EMPLOYEE/PATRON PARKING EXPANSION AREA 4
NEW 90' 9"x18" PARKING SPACES; FOURTEEN (14) TOTAL
CONSTRUCTION SEQUENCE

1. REMOVE EXISTING CURB AND GUTTER FROM POINTS "A" TO "B".
2. RELOCATE GREPE MYRTLE TREES AS INDICATED.
3. REMOVE EXISTING CONCRETE CHANNEL, CURB CUT APRON AND RIP-RAP STONE.
4. GRADE NEW PARKING SPACE AREA TO AGGREGATE BASE SUBGRADE. FILL MATERIAL SHALL BE INORGANIC SOIL MATERIAL PLACED IN 6 TO 8-INCH LOOSE LIFTS & COMPACTED TO 95% MAX. DRY DENSITY @ OPT. WATER CONTENT.
5. INSTALL AGGREGATE BASE OVER COMPACTED AND PROOF-ROLLED SUBGRADE. SIX (6) INCHES COMPACTED DEPTH VDOT No. 21B AGGREGATE.
6. INSTALL 330+/- L.F. OF NEW VDOT CG-6 CURB & GUTTER.
7. INSTALL 16+/- L.F. OF NEW 2" WIDE x 6" DEEP CONCRETE CHANNEL.
8. INSTALL 220+/- SF OF NEW 4" THICK CONCRETE CURB CUT FLUMES AND LEVEL SPREADER APRONS, AND INSTALL 18 CY RIP-RAP OUTLET PROTECTION.
9. REGRADE STORMWATER BASIN AS INDICATED AND RECONSTRUCT SPILLWAY.
10. INSTALL 254+/- S.Y. OF 2" THICK SM-2A BITUMINOUS ASPHALT SURFACE.
11. STRIPE NEW PARKING STALLS WITH 4" WIDE WHITE PAVEMENT PAINT.
12. FINE GRADE REMAINING DISTURBED AREA, TOPSOIL, PERMANENT SEED & MULCH.
13. LEAVE WORK AREA FREE OF DEBRIS AND WITH A NEAT APPEARANCE.

WETLAND BOTTOM DETENTION BASIN CONSTRUCTION:

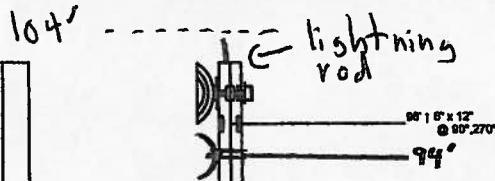
1. EXCAVATE AND GRADE BASIN AREA TO GRADES INDICATED.
2. RECONSTRUCT EARTH BERM TO GRADES INDICATED.
3. UNDERCUT BASIN BOTTOM TO A DEPTH OF 18" BELOW FINISHED GRADE, 240 CY +/- (INTERIOR TO FINISHED ELEVATION CONTOUR 93).
4. SCARIFY UNDERCUT AREA AND PLACE AN 8-INCH LOOSE LIFT OF UNIFIED SOIL CLASSIFICATION SYSTEM CL or SC (LOW PLASTICITY CLAY or SANDY CLAY), 80 CY +/-, COMPACT CLAY LIFT WITH SHEEPFOOT ROLLER OR OTHER SUITABLE COMPACTION EQUIPMENT.
5. REPLACE UNDERCUT MATERIAL TO WITHIN 4-INCHES OF FINISHED GRADE, 115 CY +/-, LIGHTLY ROLL REPLACED MATERIAL, SCARIFY TOP 2-INCHES PRIOR TO TOPSOILING.
6. PLACE 4-INCHES OF TOPSOIL OVER ENTIRE BASIN & RECONSTRUCTED EARTH BERM, FINE GRADE AREA, 13300 S.F. +/-.
7. INSTALL WETLAND BOTTOM PLANTING (SPECIES AND QUANTITIES TO BE SPECIFIED BY OWNER) AS DIRECTED BY OWNER.
8. PERMANENT SEED AND MULCH REMAINING DISTURBED AREAS.

CALL "MISS UTILITY OF VIRGINIA"
48 HOURS PRIOR TO ANY
EXCAVATION; 1-800-552-7001



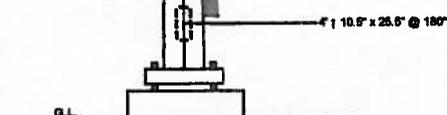
* = Tower Project Notes

COPY FROM JCC
JUN 20 2013
OFFICE OF RECORDS MGMT.



SIZES ARE PRELIMINARY AND MAY CHANGE UPON FINAL DESIGN

Section	1	2
Length (ft)	48'-0"	53'-3"
Number Of Sides	18	18
Leg Splice (ft)	3'-3"	3'-3"
Top Diameter (in)	19"	22.48"
Bottom Diameter (in)	23.33"	30.48"
Taper (in/ft)	0.15	0.15
Grade	A572-85	A572-85
Weight (lbs)	2110	3518



Designed Appurtenance Loading

Elev	Description	Tx-Line
08	(1) Dish Mount (Monopole Only) - Pipe Mount (up to 6' Dish)	
08	Flush Mount (Monopole Only)	
08	(1) 4' Grid Dish	(1) 1/2"
08	(1) 1' x 1' x 3in Panel Antenna	(1) 1/2"

Load Case Reactions

Description	Axial (kips)	Shear (kips)	Moment (ft-k)	Deflection (ft)	Sway (deg)
3s Gusted Wind	7.1	11.5	599	5.3	4.68
3s Gusted Wind 0.9 Dead	5.5	11.5	595	5.2	4.64
3s Gusted Wind&Ice	9.8	0.7	38	0.3	0.28
Service Loads	5.5	1.3	68	0.8	0.51

Base Plate Dimensions

Shape	Width	Thickness	Bolt Circle	Bolt Qty	Bolt Diameter
Square	34"	1.75"	36"	4	2.25"

Notes

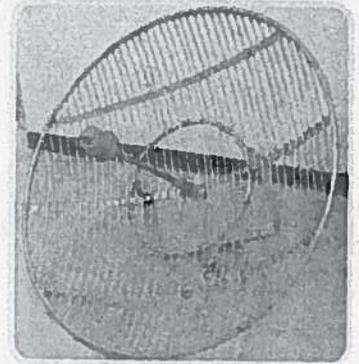
- 1) Antenna Feed Lines Run Inside Pole
- 2) All dimensions are above ground level, unless otherwise specified.
- 3) Weights shown are estimates. Final weights may vary.
- 4) The Monopole was designed for a basic wind speed of 135 mph with 0" of radial ice, and 30 mph with 1/2" of radial ice, in accordance with ANSITIA-222-G-2 (2008), Structure Class II, Exposure Category C, Topographic Category 1.
- 5) Full Height Step Bolts

	Sabre Communications Corporation 2101 Murray Street P.O. Box 658 Sioux City, IA 51102-0658 Phone: (712) 258-8880 Fax: (712) 258-8290	Quote: 14-1780-TAB Opt. 1 Customer: DAVIS MEDIA, LLC Site Name: Williamsburg VA Description: 100' Monopole Date: 7/11/2019 By: JN Page: 1
	<p><small>Information contained herein is the sole property of Sabre Communications Corporation, constitutes a trade secret as defined by Iowa Code Ch. 550 and shall not be reproduced, copied or used in whole or part for any purpose whatsoever without the prior written consent of Sabre Communications Corporation.</small></p>	

Item
15-553

Grid Antenna, 2.4GHz, 27dBi

Subscriber Antennas



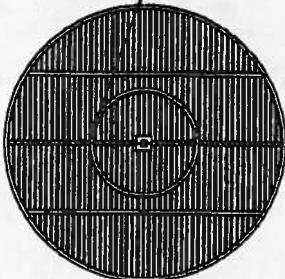
Electrical Specification

Frequency Range:	2400 - 2500 MHz
Gain:	27 dBi
Horizontal Beamwidth:	7.5°
Vertical Beamwidth:	7.5°
Front/Back Ratio:	>38dB
Polarization:	Vertical/Horizontal
VSWR:	≤1.4
First Upper Suppression:	<-18dB
Impedance:	50 Ohms
Max. Input Power:	100W
Connector:	N Type Female
Lightning Protection:	DC Ground

Mechanical Specification

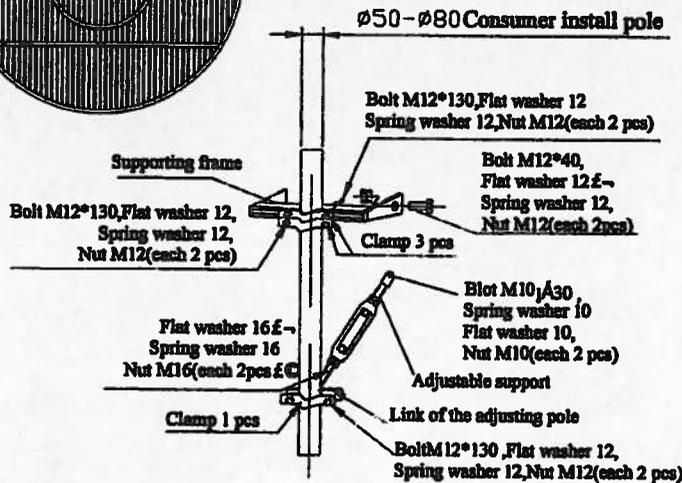
Diameter:	1200mm (47.24")
Weight, incl. bracket	24.25 lbs
Wind Survivability:	210km/h
Horizontal Adj. Angle:	+/- 90°
Pitching Adj. Angle:	+/- 15°
Mounting Kit/Style:	Included: Pole Mount
Operating Temperature:	-40°C to 60°C

Use by vertical polarization install

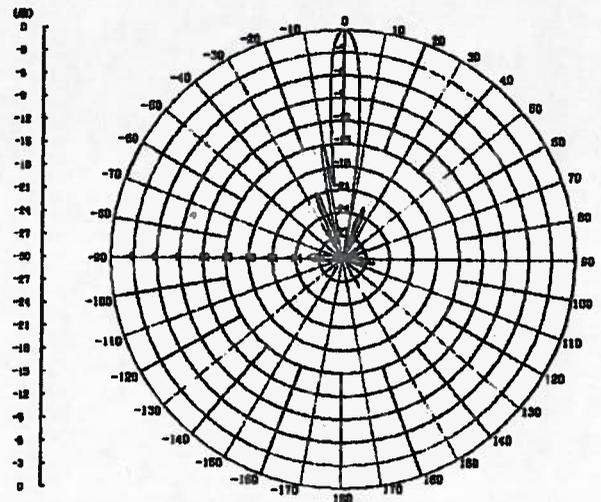


Please Note:

1. When you install the feeding source, you shall make the polarization direction of the feeding source parallel with the reflect panel grid of the paraboloid, then lock the feed source with the two bigger retaining nuts which is in the feeding source.
2. The diameter of the mounting pole is $\phi 50 - \phi 80$



Antenna Radiation Pattern



**TELETRONICS
INTERNATIONAL INC.**

*Specifications Subject to Change without Notice

Teletronics International, Inc.
2 Choke Cherry Road
Rockville, MD 20850

Tel: 301.309.8500
Fax: 301.309.8851
www.teletronics.com

**PERFORMANCE STANDARDS FOR WIRELESS COMMUNICATIONS FACILITIES
THAT REQUIRE A SPECIAL USE PERMIT**

January 10, 2012

In order to maintain the integrity of the James City County's significant historic, natural, rural and scenic resources, to preserve its existing aesthetic quality and its landscape, to maintain its quality of life and to protect its health, safety, general welfare, and property values, wireless communications facilities (WCFs) should be located and designed in a manner that minimizes their impacts to the maximum extent possible and minimizes their presence in areas where they would depart from existing and future patterns of development. To implement these goals, the Planning Commission and the Board of Supervisors have adopted these performance standards for use in evaluating special use permit applications for WCFs. While all of the standards support these goals, some may be more critical to the County's ability to achieve these goals on a case by case basis. Therefore, some standards may be weighed more heavily in any recommendation or decision on a special use permit, and cases that meet a majority of the standards may or may not be approved. The terms used in these standards shall have the same definition as those same terms in the Zoning Ordinance. In considering an application for a special use permit, the Planning Commission and the Board of Supervisors will consider the extent to which an application meets the following performance standards:

A. Collocation and Alternatives Analysis

1. Applicants should provide verifiable evidence that they have cooperated with others in co-locating additional antenna on both existing and proposed structures and replacing existing towers with ones with greater co-location capabilities. It should be demonstrated by verifiable evidence that such co-locations or existing tower replacements are not feasible, and that proposed new sites contribute to the goal of minimizing new tower sites.
2. Applicants should demonstrate the following:
 - a. That all existing WCFs and potential alternative mounting structures more than 60 feet tall within a three-mile radius of the proposed site for a new WCF cannot provide adequate service coverage or an antenna mounting opportunity.
 - b. That adequate service coverage cannot be provided through an increase in transmission power, replacement of an existing WCF within a three mile radius of the site of the proposed WCF, or through the use of a camouflaged WCF, alternative mounting structure, multi-antenna system or a system that uses lower antenna heights than proposed.
 - c. The radii of these study areas may be reduced where the intended coverage of the proposed WCF is less than three miles.
3. Towers should be sited in a manner that allows placement of additional WCF facilities. A minimum of two tower locations, each meeting all of the requirements of the Zoning Ordinance and these standards, should be provided at all newly approved tower sites.
4. All newly permitted towers should be capable of accommodating enough antennas for at least three service providers or two service providers and one government agency. Exceptions may be made where shorter heights are used to achieve minimal intrusion of the tower as described in Section B.2. below.

B. Location and Design

1. WCFs should be consistent with existing and future surrounding development and the Comprehensive Plan. While the Comprehensive Plan should be consulted to determine all applicable land use principles, goals, objectives, strategies, development standards, and other policies, certain policies in the Plan will frequently apply. Some of these include the following: (1) WCFs should be compatible with the use, scale, height, size, design and character of surrounding existing and future uses, and such uses that are generally located in the land use designation in which the WCF would be located; and (2) WCFs should be located and designed in a manner that protects the character of the County's Community Character Corridors and historic and scenic resource areas and their view sheds.
2. WCFs should be located and designed consistent with the following criteria:

<i>Proposed Location of WCF</i>	<i>Impact Criteria</i>
<i>a. Within a residential zone or residential designation in the Comprehensive Plan</i>	<i>Use a camouflage design, a well buffered slickstick, Multi-Antenna system, or have a minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or community character corridors.</i>
<i>b. Near a historic or scenic resource area or on a Community Character Corridor</i>	<i>Use a camouflaged design or slicksticks that have minimal intrusion on to residential areas, historic and scenic resources areas or on community character corridors.</i>
<i>c. Within a rural lands designation in the Comprehensive Plan</i>	<i>For areas designated rural lands in the Comprehensive Plan that are within 1,500 feet from the tower, use a well buffered monopole, a camouflaged design, or other design that has minimal intrusion on to residential areas, or community character corridors.</i> <i>For rural lands more than 1,500 feet from the tower, no more than the upper 25% of the tower should be visible.</i>
<i>d. Within a commercial or in an industrial designation in the Comprehensive Plan</i>	<i>Use a camouflage design, well buffered monopole, or other design that has minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or community character corridors.</i>

Notes for the above table:

1. Exceptions to these criteria may be made on a case by case basis where the impact of the proposed WCF is only on the following areas: (1) An area designated residential on the Comprehensive Plan or zoning map which is not a logical extension of a residential subdivision or which is a transitional area between residential and nonresidential uses, (2) a golf course or a golf course and some combination of commercial areas, industrial areas, or utility easements, provided the tower is located on the golf course property, or (3) a scenic easement.

2. A *WCF* will meet the minimal intrusion criteria if it is not visible off site above the tree line. Such *WCF* should only be visible off-site when viewed through surrounding trees that have shed their leaves.
3. Camouflaged towers having the design of a tree should be compatible in scale and species with surrounding natural trees or trees native to Eastern Virginia.
4. *WCFs* should be less than 200 feet in height in order to avoid the need for lighting. Taller heights may be acceptable where views of the *WCF* from residential areas and public roads are very limited. At a minimum, *WCFs* 200 feet or more in height should exceed the location standards listed above.
5. Towers should be freestanding and not supported with guy wires.

C. Buffering

1. *WCFs* should be placed on a site in a manner that takes maximum advantage of existing trees, vegetation and structures so as to screen as much of the entire *WCF* as possible from view from adjacent properties and public roads. Access drives should be designed in a manner that provides no view of the *WCFs* base or related facilities.



Figure 1: Example of a well buffered slickstick with minimal intrusion

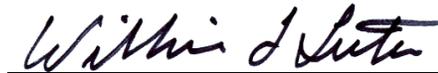
2. Towers should be buffered from adjacent land uses and public roads as much as possible. Following buffer widths and standards should be met:
 - a. In or adjacent to residential or agricultural zoning districts, areas designated residential or rural lands on the Comprehensive Plan, historic or scenic resource areas, or community character corridors, an undisturbed, completely wooded buffer consisting of existing mature trees at least 100 feet wide should be provided around the tower.
 - b. In or adjacent to all other areas, at least a 50 foot wide vegetative buffer consisting of a mix of deciduous and evergreen trees native to Eastern Virginia should be provided.

MEMORANDUM

DATE: November 14, 2006
TO: The Board of Supervisors
FROM: William T. Luton, Fire Chief
SUBJECT: Williamsburg Community Health Foundation Grant - \$100,000

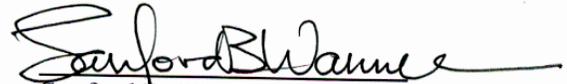
The Williamsburg Community Health Foundation has awarded James City a grant in the amount of \$100,000. The funds are to be used to purchase items identified by the County's Emergency Preparedness Planning Group as priority needs. Items include generators for special-needs residents, a generator for the Tide Radio Station (FM 92.3), Reverse 911, laptops, video equipment for the Emergency Operations Center (EOC), and an electronic hurricane display board.

Staff recommends adoption of the attached resolution.



William T. Luton

CONCUR:



Sanford B. Wanner

WTL/cec
WmbgCommHlthFndGrnt.mem

Attachment

RESOLUTION

WILLIAMSBURG COMMUNITY HEALTH FOUNDATION GRANT

WHEREAS, the Williamsburg Community Health Foundation has awarded a grant in the amount of \$100,000 to be used toward the efforts of the James City County Emergency Preparedness Planning Group; and

WHEREAS, the funds will be used to purchase generators for special-needs residents, a generator for the Tide Radio Station, 92.3, Reverse 911, laptops, video equipment for the Emergency Operations Center (EOC), and an electronic hurricane display board; and

WHEREAS, the grant requires no local match; and

WHEREAS, the grant expires on December 31, 2007, thus allowing any unspent funds as of June 30, 2007, to be carried forward to the James City County's next fiscal year.

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

Revenue:

WCHF Emergency Preparedness \$100,000

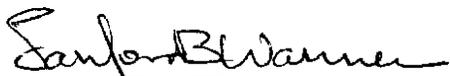
Expenditure:

WCHF Emergency Preparedness \$100,000



Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	AYE
ICENHOUR	AYE
MCGLENNON	AYE
BRADSHAW	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of November, 2006.

MEMORANDUM COVER

Subject: Lease of County Property Located at 5249 Olde Towne Road

Action Requested: Shall the Board approve the resolution authorizing the lease of a portion of the property housing the Human Services Building to allow the construction of a 104-foot-tall communications tower?

Summary: Davis Media has applied for a Special Use Permit (SUP) to construct a 104-foot-tall communications tower on the property located at 5249 Olde Towne Road. In lieu of rent payments, Davis Media has offered the County the ability to break into local radio programming during emergencies.

Should the Board approve the SUP application, staff recommends that the Board also approve the resolution authorizing the lease of the property to Davis Media.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Acting County Administrator

Doug Powell DP

Attachments:

1. Memorandum
2. Resolution
3. Draft Lease

Agenda Item No.: I-5

Date: January 14, 2014

MEMORANDUM

DATE: January 14, 2014
TO: The Board of Supervisors
FROM: Adam R. Kinsman, Deputy County Attorney
SUBJECT: Lease of County Property Located at 5249 Olde Towne Road

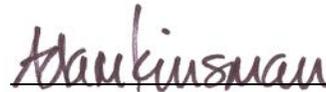
In a separate application, Mr. Paul Knight applied on behalf of Davis Media for a Special Use Permit (SUP) to permit the construction of a 104-foot-tall communications tower on a parcel of land zoned PL, Public Land located at 5249 Olde Towne Road. The tower will allow Davis Media to continue to operate the local radio station during those times when the Verizon wireless service is inoperable.

Following the Board's meeting in December, Mr. Tom Davis, owner of Davis Media, has offered the County the following in exchange for use of the County's property:

1. Rent at the rate of \$250 per month, based on a five-year lease term with the possibility of four five-year renewal terms;
2. The ability to change the height or configuration of the tower to allow the County to co-locate other utilities, for which the County may keep all proceeds; and
3. The unfettered ability to break into radio programming during emergency situations.

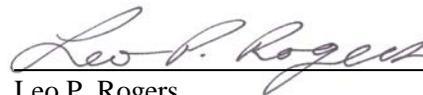
Standard real property leases in the County for cellular towers generally use approximately 800 square feet of property and start at more than \$2,000 per month. This amount is based upon the market rate for profit-generating cellular towers. Mr. Davis has stated that the sole purpose of this tower is to allow the radio station to broadcast during emergencies and will not generate any revenue for Davis Media. In addition, the proposed site plan for this tower shows a footprint that is significantly smaller than 800 square feet.

Should the Board approve Davis Media's SUP application, approval of the attached resolution will authorize the County Administrator to execute those documents necessary to lease a portion of 5249 Olde Towne Road to Davis Media for the construction of a communications tower.



Adam R. Kinsman

CONCUR:



Leo P. Rogers

ARK/nb
OTownRdLease_mem

Attachment

RESOLUTION

LEASE OF COUNTY PROPERTY LOCATED AT 5249 OLDE TOWNE ROAD

WHEREAS, James City County currently owns a certain parcel of land located in the County of James City at 5249 Olde Towne Road and further identified as James City County Real Estate Tax Parcel No. 3240100029A and commonly known as the Human Services Building (the “Property”); and

WHEREAS, Davis Media has applied for a Special Use Permit (SUP) to allow the construction of a 104-foot-tall communications tower on the Property; and

WHEREAS, the proposed communications tower would allow Davis Media’s local radio station to transmit information during those times when the Verizon wireless service is inoperable; and

WHEREAS, Davis Media has proposed rent payments in the amount of \$250/month, along with the ability to alter the tower, to keep any co-location income, and to allow the County to break into Davis Media’s programming during emergencies; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that the County should lease a portion of the Property to Davis Media for the construction of a 104-foot-tall communications tower.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the Acting County Administrator to execute those documents necessary for the lease of the Property to Davis Media.

 Mary K. Jones
 Chairman, Board of Supervisors

ATTEST:		VOTES		
		<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
	KENNEDY	___	___	___
	JONES	___	___	___
	MCGLENNON	___	___	___
	ONIZUK	___	___	___
	HIPPLE	___	___	___

 Doug Powell
 Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of January, 2014.

HUMAN SERVICES BUILDING
WIRELESS COMMUNICATION FACILITY TOWER SITE
LEASE AGREEMENT

This LEASE AGREEMENT (the “Agreement”) is made this _____ day of _____, 2014, between **THE COUNTY OF JAMES CITY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the “County” or the “Landlord”) and **DAVIS MEDIA, LLC**, a Delaware Limited Liability Company, d/b/a Local Voice Media (the “Tenant”).

WHEREAS, the County owns the property located at 5249 Olde Towne Road, further identified as Tax Map No. 3240100029A, consisting of approximately 5.5 acres, as shown on **Exhibit A** attached hereto (the “County Property”); and

WHEREAS, the Tenant’s office is located in the Williamsburg Business Center, adjacent to the County Property; and

WHEREAS, the Tenant, wishes to lease a _____ foot portion of the County Property, more specifically described in and as shown on Exhibit A, and construct a 104-foot wireless communications facility (“WCF”) on it to provide a wireless transmission in order to establish more reliable broadcast capabilities to its two FM radio stations in the area; and

WHEREAS, on occasion, the County requires broadcasting capabilities for emergency communications; and

WHEREAS, following a public hearing conducted at its meeting on _____, the Board of Supervisors voted _____ to enter into this lease agreement with Davis Media, LLC to provide additional microwave communications coverage as set forth herein.

NOW, THEREFORE, for and in consideration of the covenants and agreements hereinafter set forth, the parties agree as follows:

1. **LEASE OF PROPERTY:** The County does hereby grant unto Tenant a lease of a portion of the parcel located at 5249 Olde Towne Road, Williamsburg, Virginia, and further identified as James City County Real Estate Tax Parcel No. 3240100029A, more specifically described in and as shown on **Exhibit B** (the “Lease Area”).

2. **PERMITTED USE.** Tenant may use the Premises for the transmission and reception of communications signals, in particular, microwave signals at a height of 104-feet, and the installation, construction, maintenance, operation, repair, replacement and upgrade of its communications fixtures and related equipment, cables, accessories and improvements, which may include a suitable support structure, associated antennas, I beams, equipment shelters or cabinets and fencing and any other items necessary to the successful and secure use of the Premises (collectively, the “**Communication Facility**”), as well as the right to test, survey and review title on the Property; Tenant further has the right to add, modify and/or replace equipment in order to be in compliance with any current or future federal, state or local mandated application, including, but not limited to, emergency 911 communication services, at no additional cost to Tenant or Landlord (collectively, the “**Permitted Use**”). Tenant has the right to install and operate transmission cables from the equipment shelter or cabinet to the antennas, electric lines from the main feed to the equipment shelter or cabinet and communication lines from the main entry point to the equipment shelter or cabinet, and to make Property improvements, alterations, upgrades or additions appropriate for Tenant’s use (“**Tenant Changes**”). Tenant Changes include the right to construct a fence around the Premises and undertake any other appropriate means to secure the Premises. Tenant agrees to comply with all applicable governmental laws, rules, statutes and regulations, relating to its use of the Communication Facility on the Property. Tenant has the right to modify, supplement, replace, upgrade, expand the equipment, increase the number of antennas or relocate the Communication Facility within the Premises at any time during the term of this Agreement. Tenant will be allowed to make such alterations to the Property in order to accomplish Tenant’s Changes with Landlord’s written consent and approval, or to insure that Tenant’s Communication Facility complies with all applicable federal, state or local laws, rules or regulations. In the event Tenant desires to modify or upgrade the Communication Facility, and Tenant requires an additional portion of the Property (the “**Additional Premises**”) for such modification or upgrade, Tenant and Landlord shall negotiate in good faith for use of the Additional Premises.

3. **TERM.**

(a) The initial lease term will be five (5) years (“**Initial Term**”), commencing on the effective date of written notification by Tenant to Landlord of Tenant’s exercise of the Option (the “**Term Commencement Date**”). The Initial Term will terminate on the fifth (5th) annual anniversary of the Term Commencement Date.

(b) The Tenant has the option to renew for three (3) additional five (5) year term(s) (each five (5) year term shall be defined as the “**Extension Term**”), upon the same terms and conditions unless either party notifies the other in writing of its intention not to renew this Agreement at least sixty (60) days prior to the expiration of the existing Term.

(c) If, at least sixty (60) days prior to the end of the third (3rd) extended term, either Landlord or Tenant has not given the other written notice of its desire to extend this Agreement for additional terms, this Agreement shall terminate upon the expiration of the third (3rd) Extension Term.

(d) The Initial Term, and the Extension Term and are collectively referred to as the Term ("**Term**").

4. RENT.

(a) Commencing on the first day of the month following the date that Tenant commences construction (the "Rent Commencement Date"), Tenant will pay the Landlord a monthly rental payment of TWO HUNDRED FIFTY DOLLARS (\$250.00) ("Rent"), at the address set forth below, on or before the fifth (5th) day of each calendar month in advance. In partial months occurring after the Rent Commencement Date, Rent will be prorated. The initial Rent payment will be forwarded by Tenant to Landlord within thirty (30) days after the Rent Commencement Date.

(b) The monthly Rent will increase annually by three percent (3%) over the Rent paid during the previous year.

(c) All Rent or other charges payable under this Agreement shall be billed by Landlord within one (1) year from the end of the calendar year in which the charges were incurred; any charges beyond such period shall not be billed by Landlord, and shall not be payable by Tenant. The provisions of the foregoing sentence shall survive the termination or expiration of this Agreement.

(d) All Rent shall be made payable to James City County Treasurer and sent to: James City County, P.O. Box 8701, Williamsburg, Virginia 23187, Attn: Treasurer's Office.

(e) All Rent collected from co-located facilities, subleases and/or assignments of the Communication Facility shall be paid solely to the County.

5. APPROVALS.

(a) Landlord agrees that Tenant's ability to use the Premises is contingent upon the suitability of the Premises for Tenant's Permitted Use and Tenant's ability to obtain and maintain all Government Approvals. Landlord authorizes Tenant to prepare, execute and file all required applications to obtain Government Approvals for Tenant's Permitted Use under this Agreement and agrees to reasonably assist Tenant with such applications and with obtaining and maintaining the Government Approvals.

(b) Tenant has the right to obtain a title report or commitment for a leasehold title policy from a title insurance company of its choice and to have the Property surveyed by a surveyor of Tenant's choice. In the event Tenant determines, in its sole discretion, due to the title report results or survey results, that the condition of the Premises is unsatisfactory, Tenant will have the right to terminate this Agreement upon reasonable notice to Landlord.

(c) Tenant may also perform and obtain, at Tenant's sole cost and expense, soil borings, percolation tests, engineering procedures, environmental investigation or other tests or reports on, over, and under the Property, necessary to determine if the Tenant's use of the

Premises will be compatible with Tenant's engineering specifications, system, design, operations or Government Approvals.

6. TERMINATION. This Agreement may be terminated, without penalty or further liability, as follows:

(a) by either party on thirty (30) days prior written notice, if the other party remains in default under Paragraph 15 Default and Right to Cure of this Agreement after the applicable cure periods;

(b) by Tenant upon written notice to Landlord, if Tenant is unable to obtain, or maintain, any required approval(s) or the issuance of a license or permit by any agency, board, court or other governmental authority necessary for the construction or operation of the Communication Facility as now or hereafter intended by Tenant; or if Tenant determines in its sole discretion that the cost of obtaining or retaining the same is commercially unreasonable;

(c) by Tenant upon written notice to Landlord for any reason, at any time prior to commencement of construction by Tenant; or

(d) by Tenant upon sixty (60) days prior written notice to Landlord for any reason, so long as Tenant pays Landlord a termination fee equal to three (3) months' Rent, at the then current rate, provided, however, that no such termination fee will be payable on account of the termination of this Agreement by Tenant under any one or more of Paragraphs 5(b) Approvals, 6(a) Termination, 6(b) Termination, 6(c) Termination, 8 Interference, 11(d) Environmental, 18 Severability, 19 Condemnation or 20 Casualty of this Agreement.

7. INSURANCE.

(a) Tenant will carry during the Term, at its own cost and expense, the following insurance: (i) "All Risk" property insurance for its property's replacement cost; (ii) commercial general liability insurance with a minimum limit of liability of \$2,500,000 combined single limit for bodily injury or death/property damage arising out of any one occurrence; and (iii) Workers' Compensation Insurance as required by law. The coverage afforded by Tenant's commercial general liability insurance shall apply to Landlord as an additional insured, but only with respect to Landlord's liability arising out of its interest in the Property.

(b) Tenant shall have the right to self-insure with respect to any of the above insurance requirements.

8. INTERFERENCE.

(a) Where there are existing radio frequency user(s) on the Property, the Landlord will provide Tenant with a list of all existing radio frequency user(s) on the Property to allow Tenant to evaluate the potential for interference. Tenant warrants that its use of the Premises will not interfere with existing radio frequency user(s) on the Property so disclosed by Landlord, as long as the existing radio frequency user(s) operate and continue to operate within their respective frequencies and in accordance with all applicable laws and regulations.

(b) Landlord reserves the right to lease, license or give rights to any third party for the use of the Property. Any such lease, license or rights given to a third party shall not interfere with the Tenant's radio frequency, use of the Communication Facility, operations or any other rights

under this Agreement. Landlord will notify Tenant in writing prior to granting any third party the right to install and operate communications equipment on the Property.

(c) Landlord will not use, nor will Landlord permit its employees, tenants, licensees, invitees or agents to use, any portion of the Property in any way which interferes with the Communication Facility, the operations of Tenant or the rights of Tenant under this Agreement. Landlord will cause such interference to cease within forty-eight (48) hours after receipt of notice of interference from Tenant. In the event any such interference does not cease within the aforementioned cure period then the parties acknowledge that Tenant will suffer irreparable injury, and therefore, Tenant will have the right, in addition to any other rights that it may have at law or in equity, for Landlord's breach of this Agreement, to elect to enjoin such interference or to terminate this Agreement upon notice to Landlord.

9. INDEMNIFICATION.

(a) Tenant agrees to indemnify, defend and hold Landlord harmless from and against any and all injury, loss, damage or liability (or any claims in respect of the foregoing), costs or expenses (including reasonable attorneys' fees and court costs but excluding real property or personal property taxes) arising directly from the installation, use, maintenance, repair or removal of the Communication Facility or Tenant's breach of any provision of this Agreement, except to the extent attributable to the negligent or intentional act or omission of Landlord, its employees, agents or independent contractors.

(b) Notwithstanding anything to the contrary in this Agreement, Tenant and Landlord each waives any claims that each may have against the other with respect to consequential, incidental or special damages.

10. WARRANTIES.

(a) Tenant and Landlord each acknowledge and represent that it is duly organized, validly existing and in good standing and has the right, power and authority to enter into this Agreement and bind itself hereto through the party set forth as signatory for the party below.

(b) Landlord represents and warrants that: (i) Landlord owns the Property as a legal lot in fee simple; (ii) the Property is not encumbered by any liens, restrictions, mortgages, covenants, conditions, easements, leases, or any other agreements of record or not of record, which would adversely affect Tenant's Permitted Use and enjoyment of the Premises under this Agreement; (iii) as long as Tenant is not in default then Landlord grants to Tenant sole, actual, quiet and peaceful use, enjoyment of the Premises; (iv) Landlord's execution and performance of this Agreement will not violate any laws, ordinances, covenants or the provisions of any mortgage, lease or other agreement binding on the Landlord; and (v) if the Property is or becomes encumbered by a deed to secure a debt, mortgage or other security interest, Landlord shall provide promptly to Tenant a mutually agreeable Subordination, Non-Disturbance and Attornment Agreement.

11. ENVIRONMENTAL.

(a) Landlord represents and warrants to the best of Landlord's knowledge that the Property is free of hazardous substances as of the date of this Agreement, and, to the best of Landlord's knowledge, the Property has never been subject to any contamination or hazardous conditions resulting in any environmental investigation, inquiry or remediation. Landlord and Tenant agree that each will be responsible for compliance with any and all environmental and industrial hygiene laws, including any regulations, guidelines, standards, or policies of any governmental authorities regulating or imposing standards of liability or standards of conduct with regard to any environmental or industrial hygiene condition or other matters as may now or at any time hereafter be in effect, that are now or were related to that party's activity conducted in or on the Property.

(b) Tenant agrees to hold harmless and indemnify Landlord from, and to assume all duties, responsibilities and liabilities at the sole cost and expense of the Tenant for, payment of penalties, sanctions, forfeitures, losses, costs or damages, and for responding to any action, notice, claim, order, summons, citation, directive, litigation, investigation or proceeding which is related to (i) the Tenant's failure to comply with any environmental or industrial hygiene law, including without limitation any regulations, guidelines, standards or policies of any governmental authorities regulating or imposing standards of liability or standards of conduct with regard to any environmental or industrial hygiene conditions or matters as may now or hereafter be in effect, or (ii) any environmental or industrial hygiene conditions that arise out of or are in any way related to the condition of the Property and activities conducted by the party thereon, unless the environmental conditions are caused by the other party.

(c) The indemnifications of this Paragraph 11 Environmental specifically include reasonable costs, expenses and fees incurred in connection with any investigation of Property conditions or any clean-up, remediation, removal or restoration work required by any governmental authority. The provisions of this Paragraph 11 Environmental will survive the expiration or termination of this Agreement.

(d) In the event Tenant becomes aware of any hazardous materials on the Property, or any environmental or industrial hygiene condition or matter relating to the Property that, in Tenant's sole determination, renders the condition of the Premises or Property unsuitable for Tenant's use, or if Tenant believes that the leasing or continued leasing of the Premises would expose Tenant to undue risks of government action, intervention or third-party liability, Tenant will have the right, in addition to any other rights it may have at law or in equity, to terminate the Agreement upon notice to Landlord.

12. ACCESS. At all times throughout the Term of this Agreement, and at no additional charge to Tenant, Tenant and its employees, agents, and subcontractors, will have twenty-four (24) hour per day, seven (7) day per week pedestrian and vehicular access to and over the Property, from an open and improved public road to the Premises, for the installation, maintenance and operation of the Communication Facility and any utilities serving the Premises. Landlord grants to Tenant an easement for such access and Landlord agrees to provide to Tenant such codes, keys and other instruments necessary for such access at no additional cost to Tenant. Upon Tenant's request, Landlord will execute a separate recordable easement evidencing this

right. In the event any public utility is unable to use the access or easement provided to Tenant then the Landlord agrees to grant additional access or an easement either to Tenant or to the public utility, for the benefit of Tenant, at no cost to Tenant. The Landlord shall be provided with a set of keys or an access code to any locked fence or other area not fully enclosed for the purpose of retrieving any lost athletic equipment.

13. OWNERSHIP OF COMMUNICATION FACILITY. All portions of the Communication Facility brought onto the Property by Tenant will become the property of the Landlord and will remain on the County Property for its use. The Landlord may expand the Communication Facility, and may use the Communication Facility in any way that does not interfere with the Tenant's use, to include the broadcast of microwave signals at 104-feet.

14. MAINTENANCE/UTILITIES.

(a) Tenant will keep and maintain the Premises in good condition, reasonable wear and tear and damage from the elements excepted. Landlord will maintain and repair the Property and access thereto, in good and tenantable condition, subject to reasonable wear and tear and damage from the elements.

(b) Tenant will be responsible for paying on a monthly or quarterly basis all utilities charges for electricity, telephone service or any other utility used or consumed by Tenant on the Premises. In the event Tenant cannot secure its own metered electrical supply, Tenant will have the right, at its own cost and expense, to submeter from the Landlord. When submetering is necessary and available, Landlord will read the meter on a monthly or quarterly basis and provide Tenant with the necessary usage data in a timely manner to enable Tenant to compute such utility charges. Failure by Landlord to perform this function will limit utility fee recovery by Landlord to a 12-month period. Landlord will fully cooperate with any utility company requesting an easement over, under and across the Property in order for the utility company to provide service to the Tenant. Landlord will not be responsible for interference with, interruption of or failure, beyond the reasonable control of Landlord, of such services to be furnished or supplied by Landlord.

15. DEFAULT AND RIGHT TO CURE.

(a) The following will be deemed a default by Tenant and a breach of this Agreement: (i) non-payment of Rent if such Rent remains unpaid for more than thirty (30) days after receipt of written notice from Landlord of such failure to pay; or (ii) Tenant's failure to perform any other term or condition under this Agreement within forty-five (45) days after receipt of written notice from Landlord specifying the failure. No such failure, however, will be deemed to exist if Tenant has commenced to cure such default within such period and provided that such efforts are prosecuted to completion with reasonable diligence. Delay in curing a default will be excused if due to causes beyond the reasonable control of Tenant. If Tenant remains in default beyond any applicable cure period, Landlord will have the right to exercise any and all rights and remedies available to it under law and equity.

(b) The following will be deemed a default by Landlord and a breach of this Agreement: Landlord's failure to perform any term, condition or breach of any warranty or

covenant under this Agreement within forty-five (45) days after receipt of written notice from Tenant specifying the failure. No such failure, however, will be deemed to exist if Landlord has commenced to cure the default within such period and provided such efforts are prosecuted to completion with reasonable diligence. Delay in curing a default will be excused if due to causes beyond the reasonable control of Landlord. If Landlord remains in default beyond any applicable cure period, Tenant will have the right to exercise any and all rights available to it under law and equity, including the right to cure Landlord's default and to deduct the costs of such cure from any monies due to Landlord from Tenant.

16. ASSIGNMENT/SUBLEASE. Tenant will have the right to assign this Agreement or sublease the Premises and its rights herein, in whole or in part, only with the written consent of Landlord. Landlord shall receive all rental income from any and all uses of the subleases.

Tenant will have the right to assign, sell or transfer its interest under this Agreement without the approval or consent of Landlord, to Tenant's parent or member company or any affiliate or subsidiary of, or partner in, Tenant or its parent or member company or to any entity which acquires all or substantially all of the Tenant's assets in the market defined by the Federal Communications Commission in which the Property is located by reason of a merger, acquisition, or other business reorganization. Upon notification to Landlord of such assignment, transfer or sale, Tenant will be relieved of all future performance, liabilities and obligations under this Agreement.

17. NOTICES. All notices, requests, demands and communications hereunder will be given by first class certified or registered mail, return receipt requested, or by a nationally recognized overnight courier, postage prepaid, to be effective when properly sent and received, refused or returned undelivered. Notices will be addressed to the parties as follows:

IF TO THE COUNTY:

County Administrator
101-D Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187-8784

IF TO DAVIS MEDIA, LLC:

Davis Media, LLC
d/b/a Local Voice Media
4732 Longhill Road, Suite 2201
Williamsburg, VA 23188

With a copy to:
County Attorney
101-D Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187-8784

18. SEVERABILITY. If any term or condition of this Agreement is found unenforceable, the remaining terms and conditions will remain binding upon the parties as though said unenforceable provision were not contained herein. However, if the invalid, illegal or

unenforceable provision materially affects this Agreement then the Agreement may be terminated by either party on ten (10) business days prior written notice to the other party hereto.

19. CONDEMNATION. In the event Landlord receives notification of any condemnation proceedings affecting the Property, Landlord will provide notice of the proceeding to Tenant within forty-eight (48) hours. If a condemning authority takes all of the Property, or a portion sufficient, in Tenant's sole determination, to render the Premises unsuitable for Tenant, this Agreement will terminate as of the date the title vests in the condemning authority. The parties will each be entitled to pursue their own separate awards in the condemnation proceeds, which for Tenant will include, where applicable, the value of its Communication Facility, moving expenses, prepaid Rent, and business dislocation expenses, provided that any award to Tenant will not diminish Landlord's recovery. Tenant will be entitled to reimbursement for any prepaid Rent on a prorata basis.

20. CASUALTY. Landlord will provide notice to Tenant of any casualty affecting the Property within forty-eight (48) hours of the casualty. If any part of the Communication Facility or Property is damaged by fire or other casualty so as to render the Premises unsuitable, in Tenant's sole determination, then Tenant may terminate this Agreement by providing written notice to the Landlord, which termination will be effective as of the date of such damage or destruction. Upon such termination, Tenant will be entitled to collect all insurance proceeds payable to Tenant on account thereof and to be reimbursed for any prepaid Rent on a prorata basis. If notice of termination is given, or if Landlord or Tenant undertake to rebuild the Communications Facility, Landlord agrees to use its reasonable efforts to permit Tenant to place temporary transmission and reception facilities on the Property at no additional Rent until such time as Tenant is able to secure a replacement transmission location or the reconstruction of the Communication Facility is completed.

21. TAXES. Landlord shall be responsible for payment of all ad valorem taxes levied upon the lands, improvements and other property of Landlord. Tenant shall be responsible for all taxes levied upon Tenant's leasehold improvements (including Tenant's equipment building) on the Leased Property. Landlord shall provide Tenant with copies of all assessment notices on or including the Leased Property immediately upon receipt, but in no event less than seven (7) business days after receipt by Landlord. Tenant shall have the right to contest, in good faith, the validity or the amount of any tax or assessment levied against the Leased Property by such appellate or other proceedings as may be appropriate in the jurisdiction, and may defer payment of such obligations, pay same under protest, or take such other steps as Tenant may deem appropriate. This right shall include the ability to institute any legal, regulatory or informal action in the name of Tenant, with respect to the valuation of the Leased Property. The expense of any such proceedings shall be borne by Tenant and any refunds or rebates secured as a result of Tenant's action shall belong to Tenant.

22. SALE OF PROPERTY. If Landlord, at any time during the Term of this Agreement, decides to sell, subdivide or rezone any of the Premises, all or any part of the Property or

Surrounding Property, to a purchaser other than Tenant, Landlord shall promptly notify Tenant in writing, and such sale, subdivision or rezoning shall be subject to this Agreement and Tenant's rights hereunder. In the event the Property is transferred, the new landlord shall have a duty at the time of such transfer to provide Tenant with a completed IRS Form W-9, or its equivalent, and other related paper work to effect a transfer in Rent to the new landlord. The provisions of this Paragraph 22 shall in no way limit or impair the obligations of Landlord under Paragraph 8 above.

23. **RELOCATION.** Landlord reserves the right to require Tenant to relocate the Tenant's Communication Facilities and any Tenant Changes or any portion thereof on the Property if Tenant's operations materially affect the functional operations of the Landlord on the Property. The Tenant shall relocate or remove the specified Communication Facilities or portion thereof within one hundred twenty (120) days of receipt of written notice by Landlord; provided, however, if the relocated space is unacceptable to Tenant, Tenant shall have the right to terminate this Lease immediately upon written notice to Landlord. Upon such termination, the parties to this Lease shall be released from all duties, obligations, liabilities and responsibilities hereunder except for any indemnity obligations, including without limitation, environmental indemnity, tax obligations, and Tenant's obligation to remove the Communication Facilities from the Premises.

24. **MISCELLANEOUS.**

(a) **Amendment/Waiver.** This Agreement cannot be amended, modified or revised unless done in writing and signed by an authorized agent of the Landlord and an authorized agent of the Tenant. No provision may be waived except in a writing signed by both parties.

(b) **Memorandum/Short Form Lease.** Either party will, at any time upon fifteen (15) business days prior written notice from the other, execute, acknowledge and deliver to the other a recordable Memorandum or Short Form of Lease. Either party may record this Memorandum or Short Form of Lease at any time, in its absolute discretion.

(c) **Bind and Benefit.** The terms and conditions contained in this Agreement will run with the Property and bind and inure to the benefit of the parties, their respective heirs, executors, administrators, successors and assigns.

(d) **Entire Agreement.** This Agreement and the exhibits attached hereto, all being a part hereof, constitute the entire agreement of the parties hereto and will supersede all prior offers, negotiations and agreements with respect to the subject matter of this Agreement.

(e) **Governing Law.** This Agreement will be governed by the laws of the Commonwealth of Virginia without regard to conflicts of law.

(f) **Interpretation.** Unless otherwise specified, the following rules of construction and interpretation apply: (i) captions are for convenience and reference only and in no way define or limit the construction of the terms and conditions hereof; (ii) use of the term "including" will be interpreted to mean "including but not limited to"; (iii) whenever a party's consent is required under this Agreement, except as otherwise stated in the Agreement or as same may be duplicative, such consent will not be unreasonably withheld, conditioned or delayed; (iv) exhibits are an integral part of the Agreement and are incorporated by reference into this

Agreement; (v) use of the terms “termination” or “expiration” are interchangeable; and (vi) reference to a default will take into consideration any applicable notice, grace and cure periods.

(g) **Estoppel.** Either party will, at any time upon twenty (20) business days prior written notice from the other, execute, acknowledge and deliver to the other a statement in writing (i) certifying that this Agreement is unmodified and in full force and effect (or, if modified, stating the nature of such modification and certifying this Agreement, as so modified, is in full force and effect) and the date to which the Rent and other charges are paid in advance, if any, and (ii) acknowledging that there are not, to such party’s knowledge, any uncured defaults on the part of the other party hereunder, or specifying such defaults if any are claimed. Any such statement may be conclusively relied upon by any prospective purchaser or encumbrancer of the Premises. The requested party's failure to deliver such a statement within such time will be conclusively relied upon by the requesting party that (i) this Agreement is in full force and effect, without modification except as may be properly represented by the requesting party, (ii) there are no uncured defaults in either party’s performance, and (iii) no more than one month’s Rent has been paid in advance.

(h) **No Electronic Signature/No Option.** The submission of this Agreement to any party for examination or consideration does not constitute an offer, reservation of or option for the Premises based on the terms set forth herein. This Agreement will become effective as a binding Agreement only upon the handwritten legal execution, acknowledgment and delivery hereof by Landlord and Tenant.

Signatures begin on the next page.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their respective seals the day and year first above written.

Approved as to form:

County Attorney

COUNTY OF JAMES CITY, VIRGINIA

M. Douglas Powell
Acting County Administrator

Date: _____

COMMONWEALTH OF VIRGINIA

County of James City, to wit:

The foregoing Lease Agreement was acknowledged before me by M. Douglas Powell, Acting County Administrator, this _____ day of _____, 2014.

Notary Public
Notary Registration No.: _____
My commission expires: _____

DAVIS MEDIA, LLC

d/b/a/ Local Voice Media

By: _____

Thomas G. Davis

President and CEO

Date: _____

STATE/COMMONWEALTH OF _____

County/City of: _____

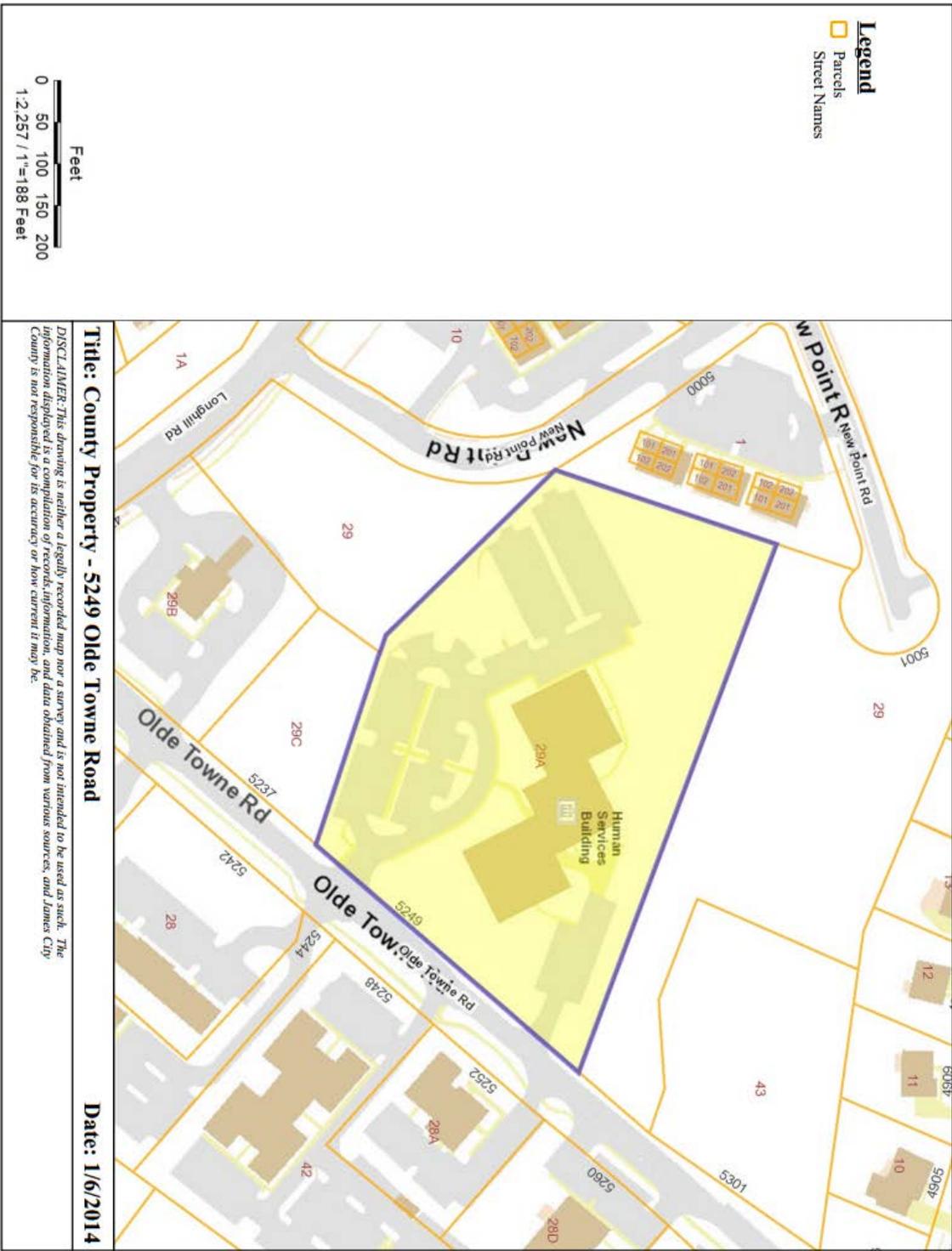
The foregoing Lease Agreement was acknowledged before me by Thomas G. Davis, President and CEO of Davis Media, LLC, this _____ day of _____, 2014.

Notary Public

Notary Registration No.: _____

My commission expires: _____

EXHIBIT A



MEMORANDUM COVER

Subject: Sale of County Property Located at 225 Meadowcrest Trail - \$600,000

Action Requested: Shall the Board approve the resolution authorizing the sale of 225 Meadowcrest Trail to NVR, Inc. (Ryan Homes) for \$600,000?

Summary: NVR, Inc. has offered to purchase a 15-acre parcel of property owned by the County and located at 225 Meadowcrest Trail for \$600,000, contingent upon rezoning the property to R-1, General Residential.

Should the Board approve the rezoning application, staff recommends that the Board also approve the resolution authorizing the sale of the property to NVR, Inc.

Fiscal Impact: \$600,000

FMS Approval, if Applicable: Yes No

Acting County Administrator

Doug Powell  _____

Attachments:

1. Memorandum
2. Resolution
3. Letter from NVR, Inc.

Agenda Item No.: I-6

Date: January 14, 2014

MEMORANDUM

DATE: January 14, 2014
TO: The Board of Supervisors
FROM: Adam R. Kinsman, Deputy County Attorney
SUBJECT: Sale of County Property Located at 225 Meadowcrest Trail - \$600,000

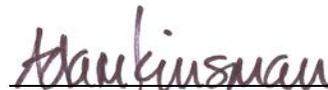
In 2000, Wellington, L.L.C. donated a 15-acre parcel of property located at 225 Meadowcrest Trail to the County in exchange for settlement of a proffer dispute. The parcel was situated in the middle of the proposed Wellington neighborhood and, like the surrounding Wellington property, was zoned R-1, General Residential. The County had no plans for the property and it remained vacant while the eastern section of Wellington was developed.

In 2007, the County adopted the PL – Public Lands zoning district. All government-owned property, including 225 Meadowcrest Trail, was comprehensively rezoned into this district. Because there is no established market for properties zoned PL – Public Lands, they are assessed according to their most probable zoning. In this case, the most probable zoning for the County’s property is R-1, General Residential. The County’s division of Real Estate Assessments has determined that the value of 15 acres of “raw” (i.e., not subdivided and prepared for development) R-1, General Residential, land in this area is \$453,800.

In 2011, the County was contacted by NVR, Inc. (Ryan Homes) regarding the County’s willingness to sell 225 Meadowcrest Trail to Ryan Homes so that it could be included in the proposed western section of Wellington (known as “Windsor Ridge”). Following a series of negotiations, NVR, Inc. agreed to pay \$40,000 per acre, or \$600,000, contingent upon the Board’s approval of the rezoning and the sale.

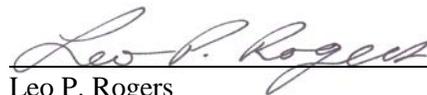
Following the previous meeting at which the Board considered NVR Inc’s offer, staff approached NVR and requested that it reconsider its \$600,000 offer for the property. On November 16 the County Administrator received NVR Inc.’s response, a copy of which is attached. NVR Inc.’s threat of litigation has no basis in law or fact and, as always, the Board has the complete discretion in determining whether to sell County-owned property.

Should the Board approve the rezoning of the property to R-1, General Residential, I recommend that the Board also approve the attached resolution authorizing the County Administrator to execute those documents necessary to transfer the property to NVR, Inc. for \$600,000.



Adam R. Kinsman

CONCUR:



Leo P. Rogers

ARK/nb
MeadowcrestSale_mem

Attachment

RESOLUTION

SALE OF COUNTY PROPERTY LOCATED AT 225 MEADOWCREST TRAIL - \$600,000

WHEREAS, James City County currently owns a certain parcel of land located in the County of James City, containing approximately 15 acres located at 225 Meadowcrest Lane and further identified as James City County Real Estate Tax Map Parcel No. 1330100016 (the “Property”); and

WHEREAS, the Property is situated adjacent to the Windsor Ridge neighborhood, which is currently being developed by NVR, Inc.; and

WHEREAS, NVR, Inc., has offered to purchase the Property for \$600,000 so that it may be incorporated into the Windsor Ridge development; and

WHEREAS, the Property is assessed at \$453,800 and the County has not identified any current or future need for the Property; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that the County should sell the Property to NVR, Inc. for \$600,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to execute those documents necessary for the sale and transfer of the Property to NVR, Inc.

 Mary K. Jones
 Chairman, Board of Supervisors

ATTEST:

 Doug Powell
 Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of January, 2014.

RECEIVED

NOV 18 2013

COUNTY ADMINISTRATOR



November 15, 2013

Mr. Robert C. Middaugh
James City County
P.O. Box 8784
Williamsburg, VA 23187-8784

RE: 2/26/13 Real Estate Sales Contract ("Contract") for the Wellington JCC project (the "Project"), by and between James City County ("Seller") and NVR, Inc. ("NVR")

Dear Mr. Middaugh:

This letter is in follow up to our meeting last week regarding the contract referenced above. It is NVR's position that a fair and equitable price was negotiated and agreed upon by both parties at the contract sales price of \$600,000. This contract was fully executed by NVR and the County and is a valid and binding contract for the purchase of the property for the terms and price indicated. Based upon the terms of this contract, there is no contingency or allowance for a price adjustment (or other terms) by either party in our agreement.

Our interpretation of Paragraph 1 of the Contract is that the Board of Supervisor's approval is contingent upon a public hearing and final vote by the Board to approve or disapprove the sale of the property. On 2/4/13 when the agreement was executed, the County and NVR had already fully agreed upon price and terms and it was our understanding that Board action was a final public and formal approval for the transfer of the property and not a contingency that would allow for further adjustment of price and terms.

In support of this assertion, Paragraph 1 states that "[s]hould the Board fail to approve the *sale of the Property*," not that "should the Board fail to approve the terms of the Contract," or something along those lines. As such, NVR hereby reserves its rights under the Contract in that regard.

Thank you again for meeting with us. We are looking forward to a successful project.

Sincerely,

NVR, Inc. d/b/a Ryan Homes

By: 

Rob Loftis, General Manager - Land

cc: Adam Kinsman, Esq. (County Attorney)
Jeffrey Ambrose
David Branch
Brett Hetrick
Michelle Curtis, Esq.

MEMORANDUM COVER

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

Action Requested: Shall the Board approve a rezoning and special use permit for Wellington, Windsor Ridge, Section 4 and accept the voluntary proffers?

Summary: On November 27, 2012, the James City County Board of Supervisors adopted an Initializing Resolution calling for the rezoning of the 15-acre property located at 225 Meadowcrest Trail adjacent to the Wellington subdivision.

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

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

On September 10, 2013, the Board of Supervisors continued the public hearing to the December 10, 2013, Board meeting.

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

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Acting County Administrator

Doug Powell *DP*

Attachments:

1. Rezoning Resolution
2. SUP Resolution
3. Location Map
4. Approved Minutes of the August 7, 2013, Planning Commission meeting
5. Approved Minutes of the September 10, 2013, Board of Supervisors meeting
6. Proffers
7. DRW Traffic Assessment
8. Fiscal Impact Analysis, prepared by Ted Figura
9. Fiscal Impact Analysis, prepared by Planning Staff
10. Housing Opportunities Policy
11. Initiating Resolution
12. Citizen Email
13. Master Plan

Agenda Item No.: I-7

Date: January 14, 2014

AGENDA ITEM NO. I-7**REZONING-0002-2013/SPECIAL USE PERMIT-0005-2013. Wellington, Windsor Ridge, Section 4
Staff Report for the January 14, 2014, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Planning Commission:

Building F Board Room; County Government Complex

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

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

Board of Supervisors:

September 10, 2013, 7:00 p.m. (continued)

December 10, 2013, 7:00 p.m. (deferred)

January 14, 2014, 7:00 p.m.

SUMMARY FACTS

Applicant:

James City County

Land Owner:

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

Proposal:

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

Location:

225 Meadowcrest Trail

Tax Map/Parcel No.:

1330100016

Parcel Size:

± 15.00 acres

Existing Zoning:

PL, Public Lands

Proposed Zoning:

R-1, Limited Residential, with proffers

Comprehensive Plan:

Low Density Residential

Primary Service Area:

Inside

STAFF RECOMMENDATION

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

Staff Contact:

Christopher Johnson, Principal Planner

Phone: 253-6690

PLANNING COMMISSION RECOMMENDATION

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

Proposed Changes Made Since September 10, 2013, Board Meeting

The Board continued the public hearing to the December 10, 2013, meeting in order to allow staff and the contract purchaser time to revisit the terms of the proposal.

Proffers

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

Cash Proffer Summary	
Use	Amount
Water	\$1,342.00 per dwelling unit
Recreation	\$71.49 per dwelling unit for fields \$391.97 per dwelling unit for trails
School Facilities	\$8,929.19 per dwelling unit
Library Facilities	\$61.00 per dwelling unit
Fire/EMS Facilities	\$71.00 per dwelling unit
Total Amount per Unit (in 2013 dollars)	\$20,866.65 per dwelling unit
Total Amount (in 2013 dollars)*	\$546,706.23 total

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

PROJECT HISTORY

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

PROJECT DESCRIPTION

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

PUBLIC IMPACTS

Archaeology

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

Natural Resources

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

Engineering and Resource Protection

Watershed: Ware Creek

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

Public Utilities

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

Proffers:

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

Transportation

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

2007 County Traffic Counts: Croaker Road, a two-lane road which is slated to be expended to four

lanes in the future, recorded 9,275 vehicle trips per day and Rochambeau Drive recorded 7,600 vehicle trips per day.

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

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

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

Proffers:

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

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

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

Fiscal

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

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

Housing

Sample architectural elevations provided to staff for five styles of single-family dwellings typical for

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

Proffers:

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

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

Public Facilities

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

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

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

COMPREHENSIVE PLAN

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

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

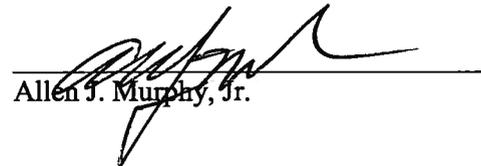
RECOMMENDATION

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



Christopher Johnson

CONCUR:



Allen J. Murphy, Jr.

CJ/gb
Z-2-13WellWinRid.doc

ATTACHMENTS:

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

RESOLUTION

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

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

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

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

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

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

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Doug Powell
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of January, 2014.

RESOLUTION

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approve the issuance of Special Use Permit No. SUP-0005-2013 as described herein with the following conditions:

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

 Mary K. Jones
 Chairman, Board of Supervisors

ATTEST:

 Doug Powell
 Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of January, 2014.

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



Approved Minutes of the August 7, 2013 Planning Commission Meeting

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

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

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

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

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

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

Mr. Krapf opened the public hearing.

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

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

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

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

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

Approved Minutes of the September 10, 2013 Board of Supervisors Meeting

1. Case No. Z-0002-2013/SUP-0005-2013. Wellington. Windsor Ridge. Section 4

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

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

Mr. Heath Richardson, representative of the Wellington Homeowners Association (HOA) Board, addressed the Board stating that generally the HOA is in favor of the development of the 15-acre parcel.

1. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board asking why the property was not put out to bid for developers.
2. Mr. John Haldeman, 1597 Founder's Hill North, representing the James City County Citizen Coalition (J4C), addressed the Board stating that the proceeds from the sale of the property should be reinvested in Purchase of Development Rights (PDR) and greenspace programs.
3. Mr. Sasha Diggs, 3612 Ironbound Road, addressed the Board in opposition to the case and the giving up of greenspace that the County already owns.
4. Mr. Ed Oyer, 139 Indian Circle, addressed the Board stating his concern over the fact that no cash proffers are involved in the sale.
5. Mr. Tim Cleary, 103 Land's End Drive, addressed the Board stating the pros and cons of building 28 new homes in the County.
6. Ms. Marjorie Ponziani, 4852 Bristol Circle, addressed the Board asking the Board why the pre-negotiated sale was not put out for bid for local developers.

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

Mr. Kennedy offered background information on the history of this piece of property. He stated that he has issues with the speculative nature of the number of children that these potential homes will bring into the school system. He stated that if no cash proffers are included, then why is this project not being offered to a small local developer. He stated that if the County is going to waive a considerable amount of money, then he would rather see that waived for people that are invested here in the County. He stated that he cannot be supportive of the case as it stands.

Mr. Bradshaw requested that staff clarify how the price of the property was arrived at.

Mr. Rogers stated that the property was not reassessed when it was rezoned from R-1 to Public Lands (PL). He stated that 28 homes are proposed, six of which are affordable housing which have some form of proffer attached. He stated that the price is about what would be paid for R-1 property plus the additional units. He stated that staff could go back and look at the price based on the value of the PL with additional proffers added. He stated that if the Board desires, staff can go back and renegotiate.

Mr. Bradshaw stated that by size and location, it is not suitable to be a school or park, the public uses that were originally intended. As for the price and the proffers, if the land was owned by someone other than the County and they came forward with a plan for development, the County would expect to receive roughly \$550,000 in cash proffers. He stated that the purchase price of \$600,000 leaves very little value in the land itself. He stated that the proffer value has been built into the purchase price; however, he does not believe that it is enough. He stated that he would prefer that the price be renegotiated.

Mr. Icenhour stated that he agrees with Mr. Bradshaw that the concept is a good one. He stated that the County did not go out and purchase this property for greenspace; it was given to the County as part of the proffers for Wellington. He stated that he did not realize that the cash proffers were going to be rolled into the purchase price. He stated that the money from the price of the land would go into the capital fund for the fire station in Norge, so it would be a transfer from one capital asset to another. He stated that he would be happy to see the price renegotiated and then the cash proffer policy applied so that that money would be set aside like all other cash proffers for the construction of schools. He stated whatever is determined to be the value of the land needs to be transferred into another capital investment. He stated that he cannot support the case as it stands. Mr. Icenhour formally requested a deferral for staff to renegotiate the price based on the comments and issues raised.

Mr. McGlennon stated that the cash proffer issue is more difficult in this case because the County is the landowner. He stated that the equivalent of a cash proffer must be determined and applied. He stated that there are unanswered issues with this case. He stated that the residents of Wellington are concerned that the land will eventually be developed and they would like to see it developed in such a way that will blend with their existing neighborhood.

Mr. Kennedy asked how the negotiation with Ryan Homes, Inc. came about.

Mr. Middaugh stated that the residents of Wellington asked the County to intercede on their behalf with Mr. Ashe who was developing the area on the other side of the lake that could be seen by the homes on the back side. He stated that it became apparent that the County had a piece of property there that was not going to be used and Ryan Homes was already developing infrastructure in the surrounding areas.

Mr. Kennedy asked if the discussion with Ryan Homes came about before or after the Board action last year to sell the property.

Mr. Middaugh stated that the discussion with Ryan Homes began before the Board action, because it was the only way to solve the dilemma that the Wellington residents asked for help with.

Mr. Rogers stated that sole source procurement allows for unique items to be purchased by the County without going out to bid. He stated that land, by its nature and location, is a unique item. He stated that land is not under the Public Procurement Act. He stated that if the Board would like to defer action and have staff go back and renegotiate, then he would recommend leaving the Public Hearing open.

Mr. Middaugh stated, for clarification, that the discussion with Ryan Homes began as a result of the issues that the Wellington residents were having with Mr. Ashe and by extension Ryan Homes. He stated at that time the sale of the property was not discussed. He stated that further discussion with Ryan Homes came after he asked the Board for guidance last year.

Ms. Jones stated that she would agree to the request for a deferral. She stated that she is supportive of selling the property and putting it back on the tax rolls. She stated that she has some issue with only talking to one developer, but she does understand the value of consistency for the residents of Wellington. She stated that it is important for citizens to understand that proffers are voluntary, that the County cannot force a developer to give up anything. She stated that while there is a fiscal impact when new families come into the County, there is also a contribution made to the County by those people.

Mr. McGlennon stated that the proffer policy is in place to allow a developer to contribute to the cost incurred by the County for the development. Prior to the policy being in place, the County rarely got any concessions from the developers for the costs. In this case the question is whether or not Ryan Homes has chosen to apply the proffer policy to the units they propose to build and his opinion is that they have.

Ms. Jones stated that apparently the lack of maintenance on the property by the County has caused some issues in the Wellington development due to storm run-off. She stated that in moving forward the County should remedy that situation.

Mr. McGlennon stated that he believes the real value of the property has not been taken into account in this case and would be supportive of a deferral to allow for renegotiation.

Mr. Rogers recommended continuing the case to a date certain. He stated that staff would readvertise the Public Hearing. He stated that he is suggesting this because if there are significant changes to the proffers or the contract, it may affect the rezoning case which would mean that the case would have to go back to the Planning Commission. He stated that staff would need at least 60 if not 90 days.

Mr. Bradshaw asked if it is continued to a date certain, then does a date need to be specified.

Mr. Rogers stated yes. He stated that it could be done at the first meeting in November, however, he would prefer the first meeting in December.

Mr. Kennedy stated that he has issue with the first meeting in November, because there will be a new Board member. He stated that he would prefer the first meeting in December.

Mr. Icenhour amended his motion to continue the case until the first meeting in December, which is December 10, 2013.

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

PROFFERS

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

RECITALS

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

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

CONDITIONS

1. Density. There shall be no more than twenty-eight (28) dwelling units ("dwelling units") as shown on the Master Plan.
2. Master Plan. The Property shall be developed generally as shown on the Master Plan. Development plans may deviate from the Master Plan as provided in Section 24-556 of the Zoning Ordinance.
3. Water Conservation. For all residential lots and/or developed parcels on the Property, the County or its successor in title shall be responsible for developing and implementing water conservation

standards which shall be submitted to and approved by the James City Service Authority (the "JCSA") and subsequently for enforcing these standards. The standards shall address such water conservation measures as prohibitions on the installation of irrigation systems and irrigation wells, the use of drought resistant native and other adopted low water use landscape materials, the use of warm season turf on lots and common areas in areas with appropriate growing conditions for such turf and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. These standards shall be approved by the JCSA prior to final subdivision or site plan approval.

4. Green Building. Written evidence or documentation which establishes that the development of the Property has obtained EarthCraft and/or Energy Star Single Family Certification, or an equivalent certification, shall be provided to the Planning Director within one month of issuance of a Certificate of Occupancy, or such other time as is agreed to in writing in advance by the Planning Director.
5. Housing Opportunities. Development of the Property shall be done in a manner consistent with criteria established by the Housing Opportunities Policy adopted by the Board of Supervisors on November 27, 2012 to provide affordable and workforce housing opportunities at different price ranges to achieve the greater housing diversity goal described in the 2009 Comprehensive Plan.
6. Owners Association. The County or its successor in title shall join an existing neighborhood association (the "Association") in accordance with Virginia law or organize a separate Association for development within the Property, which all property owners by virtue of their property ownership within the Property shall be members and required to join. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and reviewed by the County Attorney for consistency with this Proffer prior to the final subdivision or site plan approval. The Governing Documents shall require that the Association adopt an annual maintenance budget, which shall include a reserve for maintenance of stormwater management BMPs, recreation areas, sidewalks and all other common areas including dedicated open space within the Property under the jurisdiction of the Association and shall require that the Association (i) assess all members for the maintenance of all properties owned or maintained by the Association and (ii) file liens on members' properties for non-payment of such assessments. The Governing Documents shall grant each Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents. The Governing Documents shall authorize the Association to develop, implement, and enforce a water conservation plan as provided herein. In the event that the Property is not subjected to the provisions of the declaration of restrictive covenants for an existing Association, and the stormwater management system serving the Property utilizes or empties into any BMP system owned, operated, or maintained by an existing Association, the property owner's association established for the Property shall contribute, pro-rata, for all of the costs of maintaining, repairing, replacing and improving such system (and if such Association fails to make such contributions, in addition to all other remedies, the Association shall have the right to specially assess the lots within the Property).

7. Design Criteria. The County or its successor in title shall prepare and submit architectural elevations to the Planning Director for review and approval setting forth design criteria and architectural standards for the development of the Property generally consistent with the Supplemental Submittal materials submitted as a part of the rezoning application and on file with the Planning Division and the general intent to establish a measure of consistency between certain residential lots on the Property (the "Transition Area") with development on adjacent residential properties within the Windsor Ridge and Wellington neighborhoods. Design criteria and architectural elevations shall be approved by the Planning Director prior to final subdivision or site plan approval for any development of the Property. Once approved, the architectural elevations may not be amended without the prior approval of the Planning Director. For the Transition Area, Lots 1, 12-13, and 21-28, as shown on the Master Plan, shall meet the following design criteria:
- a. 1,800 sq. ft. minimum for a ranch (1 or 1.5 story) dwelling;
 - b. 2,300 sq. ft. minimum for a 2-story dwelling;
 - c. Foundations shall be a crawl space or basement and the veneer of the foundation shall be brick or stone on the front elevation, and shall be brick, stone or stamped/colored concrete to match the dwelling color on side and rear elevations;
 - d. Stoops and steps on the front of the home shall be brick or decorative (not cinder block) stone;
 - e. Exterior facades shall be beaded vinyl, brick, stone, cementitious siding, or a combination thereof;
 - f. Driveways, patios, and sidewalks shall be concrete or exposed aggregate concrete;
 - g. Roofing shall be architectural grade shingles;
 - h. Fences installed during new construction shall be no taller than 4.5 feet, not extend beyond the front corner of the dwelling, and of a style currently approved by the Wellington HOA. Fences after new construction shall be approved by the governing ARB;
 - i. Detached structures installed during new construction shall match the main dwelling. After new construction, any additions shall be reviewed by the governing ARB;
 - j. Mailboxes shall be of a style currently approved by the Wellington Estates HOA;
 - k. Water conservation measures shall be adhered to as required by the municipality; and;
 - l. Builder shall install street trees as shown on approved plans. Trees shall be native deciduous and have a minimum caliper of 1-inch at four feet above ground level.

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

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

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

WITNESS the following signatures:

THE COUNTY OF JAMES CITY, VIRGINIA

BY: _____
Doug Powell, Assistant County Administrator

COMMONWEALTH OF VIRGINIA

County of James City, to-wit:

The foregoing Proffers were acknowledged before me this ____ day of _____, 2013
by Doug Powell.

Notary Public

My Commission expires on: _____

Registration No. _____

EXHIBIT A

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

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

**MEMORANDUM**

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

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

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

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

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

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

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

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

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

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

TABLE 1 - WINDSOR RIDGE 4 TRIP GENERATION

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

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

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

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

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

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

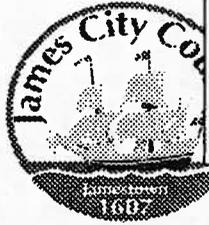
Direction	6 17 22 17 9 25 251									
	AM Peak Hour				PM Peak Hour				Daily Traffic	
	Entering Traffic		Exiting Traffic		Entering Traffic		Exiting Traffic		Exiting Traffic	
	% Dist.	Trips	% Dist.	Trips	% Dist.	Trips	% Dist.	Trips	% Dist.	Trips
North	57%	3	61%	10	57%	10	57%	5	57%	143
South	43%	3	39%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

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

WELLINGTON/WINDSOR RIDGE SECTION 4
TRIP GENERATION AND DISTRIBUTION

DRW Consultants, LLC
804-794-7312

Exhibit 1



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

Version 10.21.11

FISCAL IMPACT ANALYSIS WORKSHEET AND ASSUMPTIONS

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

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

Fiscal Impact Analysis Worksheet Section 2: Residential Developments

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

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

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

Residential Expenses – School Expenses

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

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

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

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

Residential Expenses - Non-School Expenses

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

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

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

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

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

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

Residential Revenues

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Fiscal Impact Analysis Worksheet Section 3: Commercial and Industrial Developments

Commercial and Industrial Expenses

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

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

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

Commercial & Industrial Revenues

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Fiscal Impact Analysis Worksheet Section 4: Current Land Use

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

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

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

Residential Expenses - School Expenses

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

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

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

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

Residential Expenses - Non-School Expenses

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

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

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

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

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

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

Residential Revenues

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

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

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

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

Property is owned by the County and is not taxable

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

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

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

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

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

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

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

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

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

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

Current Commercial Use

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

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

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

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

Current Commercial Revenues

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Fiscal Impact Worksheet Section 6: Phasing

Residential Phasing

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

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

Commercial Phasing

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

Final Phasing Projections

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

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

Fiscal Impact Worksheet Section 7: Employment

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

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

Version 12.6.12



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

FISCAL IMPACT WORKSHEET AND ASSUMPTIONS

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

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

Fiscal Impact Worksheet Section 2: Residential Developments

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

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

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

Residential Expenses – School Expenses

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

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

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

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

Residential Expenses - Non-School Expenses

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

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

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

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

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

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

Residential Revenues

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Fiscal Impact Analysis Worksheet Section 3: Commercial and Industrial Developments

Commercial and Industrial Expenses

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

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

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

Commercial & Industrial Revenues

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

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

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

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

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

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

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

Proposed Business	Total Business	Machinery and Tools	Total Business

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

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

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

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

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

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

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

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

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

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

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

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

Fiscal Impact Analysis Worksheet Section 4: Current Land Use

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

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

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

Residential Expenses - School Expenses

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

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

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

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

Residential Expenses - Non-School Expenses

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

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

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

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

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

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

Residential Revenues

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

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

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

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

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

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

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

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

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

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

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

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

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

Current Commercial Use

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

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

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

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

Current Commercial Revenues

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Proposed Commercial Impact	Current Commercial Impact	Final Commercial Fiscal Impact
	N/A	\$ 0

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

Final Residential Impact	Final Commercial Impact	Final Fiscal Impact
(\$ 29,107.17)	N/A	(\$ 29,107.17)

Fiscal Impact Worksheet Section 6: Phasing

Residential Phasing

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

Commercial Phasing

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

Final Phasing Projections

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

Fiscal Impact Worksheet Section 7: Employment

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

RESOLUTION

HOUSING OPPORTUNITIES POLICY

WHEREAS, the 2009 Comprehensive Plan recognizes the importance of providing housing opportunities which are affordable for homeowners and renters with particular emphasis on households earning 30 to 120 percent of James City County's Area Median Income (AMI); and

WHEREAS, consideration of measures to promote affordable and workforce housing was included as part of the Zoning Ordinance update methodology adopted by the Board of Supervisors in May 2010; and

WHEREAS, the Policy Committee recommended approval of the Housing Opportunities Policy to the Planning Commission on October 11, 2011; and

WHEREAS, the James City County Planning Commission, after a public hearing, recommended approval of the Housing Opportunities Policy on November 7, 2012, by a vote of 6-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes the following Housing Opportunities Policy in order to identify criteria whereby the provision of workforce housing in residential and multiple-use rezoning cases is done in a consistent manner:

The Housing Section of the 2009 Comprehensive Plan sets the following goal for housing opportunities in the County: *"Achieve high quality in design and construction of all residential development and neighborhood design, and provide a wide range of choices in housing type, density, price range, and accessibility."* In order to address the objectives of this goal, this policy is designed to increase the range of housing choices in the County through the provision of affordable and workforce housing in all rezoning applications that include a residential component.

This policy identifies criteria whereby the provision of affordable and workforce housing (rental and ownership) in residential rezoning cases is consistent yet flexible. Provision of housing at different price ranges is a strategy to achieve the greater housing diversity goal described in the 2009 Comprehensive Plan.

1. Definitions

- a. **Affordable Housing.** Housing available at a sales price or rental amount that does not exceed 30 percent of the total monthly income of households earning between 30 percent and 80 percent of the area median income as determined by the U.S. Department of Housing and Urban Development (HUD).
- b. **Workforce Housing.** Housing available at a sales price or rental amount that does not exceed 30 percent of the total monthly income of households earning between greater than 80 percent and 120 percent of the area median income as determined by the U.S. Department of Housing and Urban Development (HUD).

- 2 -

2. Provision and Integration of Housing Opportunity Dwelling Units

- a. At least 20 percent of a development's proposed dwelling units should be offered for sale or made available for rent at prices that are targeted at households earning 30 to 120 percent of Area Median Income (AMI). Of that 20 percent, the units should be targeted at the AMI ranges specified below:

Units targeted to (percent of AMI):	Percent of the development's proposed dwelling units expected
30 percent – 60 percent	8 percent
Over 60 percent – 80 percent	7 percent
Over 80 percent – 120 percent	5 percent

- b. These units should be fully integrated in the development with regard to location, architectural detailing, quality of exterior materials, and general appearance.

3. Applicability of Cash Proffers for Housing Opportunity Dwelling Units

- a. Units targeted at household meeting 30 to 120 percent of AMI will have reduced expectations for cash proffers in accordance with the amounts set forth in the Cash Proffer Policy for Schools adopted by the Board of Supervisors on July of 2007, as amended, other cash proffers related for water and sewer improvements (typically proffered to the James City Service Authority), and other public facility and infrastructure capital improvement program items. The reductions in the expected proffer amounts would be as follows:

Units targeted to (percent of AMI):	Percent cash proffer reduction:
30 percent – 60 percent	100 percent
Over 60 percent – 80 percent	60 percent
Over 80 percent – 120 percent	30 percent

4. Retention of Housing Opportunity Units Over Time

- a. Rental units must be made available at the targeted rents for a period of at least 30 years.
- b. Sales of all targeted for-sale units as specified in paragraph one shall include a soft second mortgage payable to the benefit of James City County or third party approved by the Office of Housing and Community Development and the County Attorney's Office. The term of the soft second mortgage shall be at least 50 years. In addition, a provision shall be included in the deed that establishes a County right of first refusal in the event that the owner desires to sell the unit.

5. In-lieu Contribution to the Housing Fund

Applicants may choose to offer cash contributions in-lieu of the provision of the percentages of affordable and workforce housing units specified above. Such cash contributions shall be payable to the James City County Housing Fund. The Housing Fund will be used to increase the supply and availability of units targeted at households earning 30 to 120 percent of AMI in the County. If applicants choose to offer a cash contribution in-lieu of construction of the units, the guideline minimum amount per unit shall be:

- 3 -

Units targeted to (percent of AMI):	Cash in-lieu amount
30 percent – 60 percent	The cost to construct a 1,200 square-foot dwelling as determined below
Over 60 percent – 80 percent	The cost to construct a 1,200 square-foot dwelling as determined below
Over 80 percent – 120 percent	The cost to construct a 1,400 square-foot dwelling as determined below

Beginning in February 2013, and continuing in every subsequent February, the Housing and Community Development Director shall establish the average square foot cost to construct an affordable/workforce dwelling unit, which will be added to the median cost of a lot in the proposed subject development. The dwelling unit construction cost shall be determined based on the cost information provided by at least three builders of affordable/workforce dwellings in James City County. If no costs are available from James City County builders, the Director may consult builders from nearby localities. The anticipated median cost of a lot in the proposed development shall be documented and submitted by the developer; in the case of a proposed all-apartment development, the developer shall work with the Housing and Community Development Director to reach an acceptable estimate based on land and infrastructure costs.

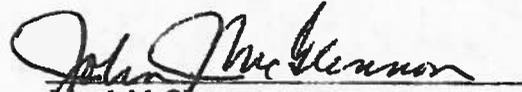
6. Procedures

- a. For rental units, the developer shall provide assurances in a form acceptable to the County Attorney that the development will provide a statement of rental prices, demonstrating that they are within the specified affordable and workforce housing income range, for the proffered units for each year of the 30-year term.
- b. For for-sale units, the developer shall offer units at prices that fit within the affordable and workforce housing price range as stated in the definitions¹, which shall be calculated and made available on an annual basis by the County.
 - i. With regard to the soft-second mortgages, the James City County Office of Housing and Community Development (“OHCD”) shall be named beneficiary of a second deed of trust for an amount equal to the sales price of the market rate unit and the sales price of the proffered unit. The soft second shall be a forgivable loan, upon the terms specified in Section 5 above, in a form approved by OHCD and the County Attorney. The soft second deed of trust, the deed of trust note, and the settlement statement shall be subject to the approval of the County Attorney and Housing and Community Development Director prior to closing. The original note and deed of trust and a copy of the settlement statement identifying the net sales price shall be delivered by the closing agent of the OHCD after the deed of trust is recorded and no later than 45 days after closing. If down-payment assistance loans are authorized by OHCD, the lien on the deed of trust for the soft second may be recorded in third priority.
 - ii. Owner shall consult with and accept referrals of, and sell to qualified buyers from the OHCD on a noncommission basis.

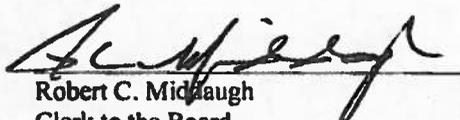
¹ The prices shall be established based on payment of 30 percent of household income toward housing cost.

- 4 -

- iii. Prior to closing, OHCD shall be provided with copies of the HUD deed and the original deed of trust and note for the soft second.


 John J. McGlennon
 Chairman, Board of Supervisors

ATTEST:


 Robert C. Midhaugh
 Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<u>X</u>	---	---
JONES	<u>X</u>	---	---
KENNEDY	<u>X</u>	---	---
ICENHOUR	<u>X</u>	---	---
KALE	<u>X</u>	---	---

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of November, 2012.

ZO-07-09-10_res2

RESOLUTION

INITIATION OF ZONING CHANGES TO 225 MEADOWCREST TRAIL

WHEREAS, the County is the owner of certain real property located at 225 Meadowcrest Trail and further identified as Parcel No. 1330100016 on the James City County Real Estate Tax Map (the "Property"); and

WHEREAS, NVR, Inc. (Ryan Homes) desires to purchase the Property so that it may be incorporated into the Windsor Ridge neighborhood; and

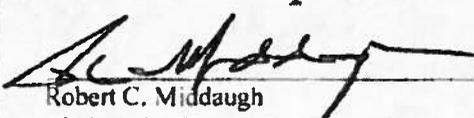
WHEREAS, the Property may not be used for residential development unless and until the current PL, Public Lands, zoning designation is changed; and

WHEREAS, the Board of Supervisors of James City County is of the opinion that it is in the public interest to rezone the Property for use as a residential development.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia does hereby initiate the rezoning of the Property from PL, Public Lands to R-1, Limited Residential with any other zoning changes (including, but not limited to a special use permit) necessary to achieve a density on the Property similar to that in the adjacent Windsor Ridge neighborhood. The Planning Commission shall hold at least one public hearing on the proposed rezoning and Special Use Permit and shall forward its recommendation thereon to the Board of Supervisors in accordance with the law.


 John J. McGlennon
 Chairman, Board of Supervisors

ATTEST:


 Robert C. Middaugh
 Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	X	---	---
JONES	X	---	---
KENNEDY	---	X	---
ICENHOUR	X	---	---
KALE	X	---	---

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of November, 2012.

225Meadowcrest_res

Christopher Johnson

From: M Casbarra <mcasbarra@hotmail.com>
Date: August 14, 2013, 6:30:04 PM EDT
To: "jccboard@jamescitycountyva.gov" <jccboard@jamescitycountyva.gov>
Subject: **Affordable Housing in Wellington**

Dear Members of the Board of Supervisors,

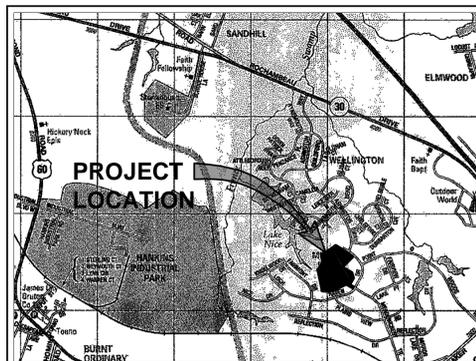
It has come to our attention that Ryan Homes has proposed to buy from James City County 15 acres of public land at 225 Meadow Crest Trail in Williamsburg for development of residential homes with the intent of making it part of Windsor Ridge at Wellington. As homeowners in Wellington, we are highly disappointed and concerned that affordable housing is required to be part of this development. We do not want any number or type of affordable housing in or near our neighborhood as this could greatly impact our property values. In addition, we have concerns about overcrowding and want to see this parcel left as greenspace as it has greatly enhanced our neighborhood. While homeowners in the Wellington subdivision will have to approve adopting the new development into our HOA by a vote of two-thirds, we will not support it if affordable housing is to be built in this parcel. While we are not against affordable housing, we do not want it in our backyard. We ask that you take our concerns into deep consideration when this proposal comes to your agenda and treat this as if it were your neighborhood.

Thanks,

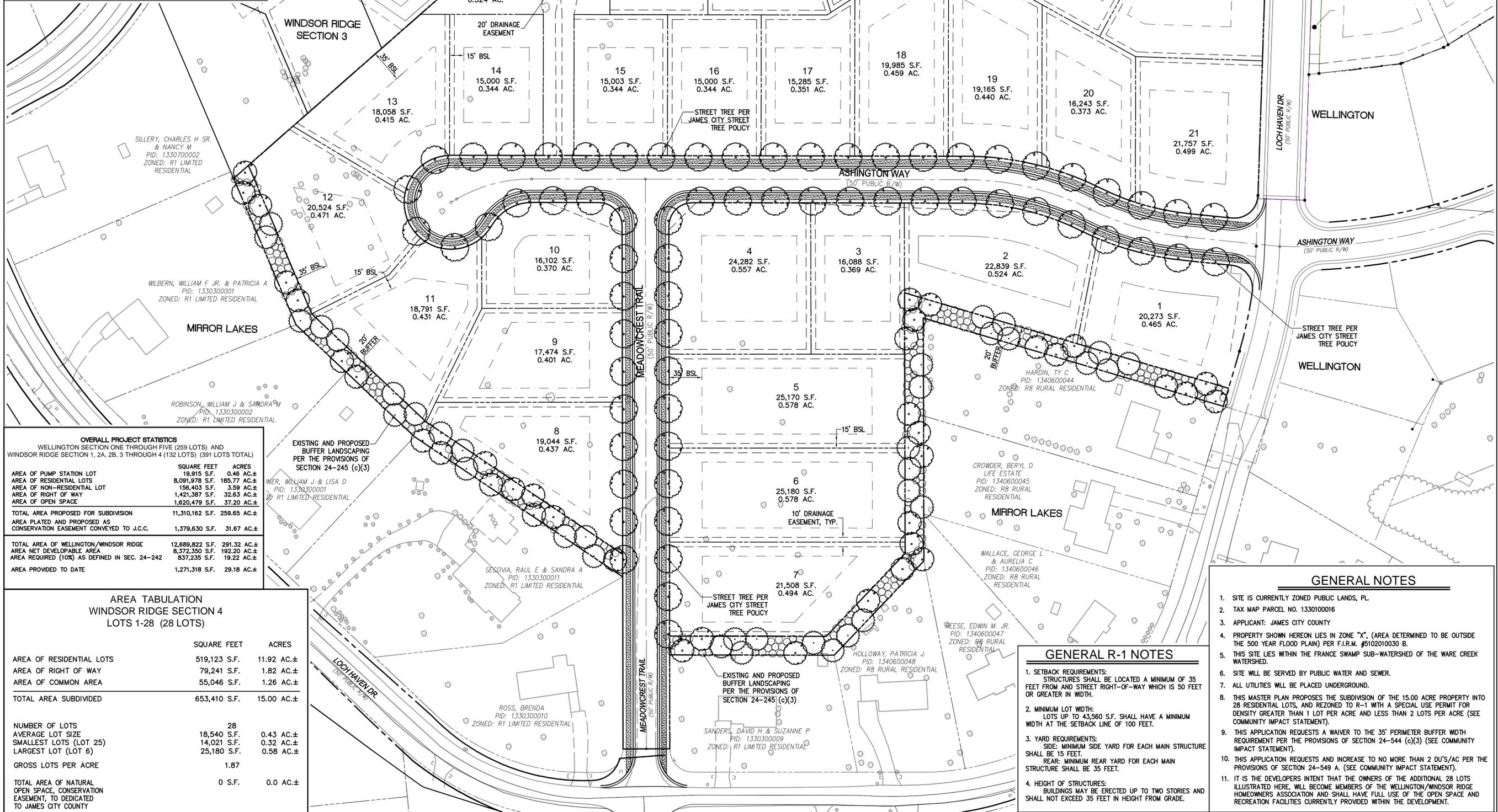
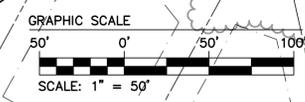
David & Melissa Casbarra

3909 Leicester South

Williamsburg, VA 23188



VICINITY MAP
 (APPROXIMATE SCALE: 1"=2000')
 MAP COPYRIGHT KAPPA MAP GROUP LLC
 (800)829-6277
 PERMITTED USE NUMBER 21004223



OVERALL PROJECT STATISTICS
 WELLINGTON SECTION ONE THROUGH FIVE (259 LOTS) AND WINDSOR RIDGE SECTION 1, 2A, 2B, 3 THROUGH 4 (132 LOTS) (391 LOTS TOTAL)

	SQUARE FEET	ACRES
AREA OF PUMP STATION LOT	19,915 S.F.	0.46 AC.±
AREA OF RESIDENTIAL LOTS	8,091,978 S.F.	185.77 AC.±
AREA OF NON-RESIDENTIAL LOT	156,403 S.F.	3.59 AC.±
AREA OF RIGHT OF WAY	1,421,387 S.F.	32.63 AC.±
AREA OF OPEN SPACE	1,620,479 S.F.	37.20 AC.±
TOTAL AREA PROPOSED FOR SUBDIVISION	11,310,162 S.F.	259.65 AC.±
AREA PLATED AND PROPOSED AS CONSERVATION EASEMENT CONVEYED TO J.C.C.	1,379,630 S.F.	31.67 AC.±
TOTAL AREA OF WELLINGTON/WINDSOR RIDGE	12,689,822 S.F.	291.32 AC.±
AREA NET DEVELOPABLE AREA	8,372,350 S.F.	192.20 AC.±
AREA REQUIRED (10%) AS DEFINED IN SEC. 24-242	837,235 S.F.	19.22 AC.±
AREA PROVIDED TO DATE	1,271,318 S.F.	29.18 AC.±

AREA TABULATION
 WINDSOR RIDGE SECTION 4
 LOTS 1-28 (28 LOTS)

	SQUARE FEET	ACRES
AREA OF RESIDENTIAL LOTS	519,123 S.F.	11.92 AC.±
AREA OF RIGHT OF WAY	79,241 S.F.	1.82 AC.±
AREA OF COMMON AREA	55,046 S.F.	1.26 AC.±
TOTAL AREA SUBDIVIDED	653,410 S.F.	15.00 AC.±
NUMBER OF LOTS	28	
AVERAGE LOT SIZE	18,540 S.F.	0.43 AC.±
SMALLEST LOTS (LOT 25)	14,021 S.F.	0.32 AC.±
LARGEST LOT (LOT 6)	25,180 S.F.	0.58 AC.±
GROSS LOTS PER ACRE	1.87	
TOTAL AREA OF NATURAL OPEN SPACE, CONSERVATION EASEMENT, TO DEDICATED TO JAMES CITY COUNTY	0 S.F.	0.0 AC.±

- GENERAL R-1 NOTES**
- SETBACK REQUIREMENTS: STRUCTURES SHALL BE LOCATED A MINIMUM OF 35 FEET FROM AND STREET RIGHT-OF-WAY WHICH IS 50 FEET OR GREATER IN WIDTH.
 - MINIMUM LOT WIDTH: LOTS UP TO 43,560 S.F. SHALL HAVE A MINIMUM WIDTH AT THE SETBACK LINE OF 100 FEET.
 - YARD REQUIREMENTS: SIDE: MINIMUM SIDE YARD FOR EACH MAIN STRUCTURE SHALL BE 15 FEET. REAR: MINIMUM REAR YARD FOR EACH MAIN STRUCTURE SHALL BE 35 FEET.
 - HEIGHT OF STRUCTURES: BUILDINGS MAY BE ERRECTED UP TO TWO STORIES AND SHALL NOT EXCEED 35 FEET IN HEIGHT FROM GRADE.

- GENERAL NOTES**
- SITE IS CURRENTLY ZONED PUBLIC LANDS, PL.
 - TAX MAP PARCEL NO. 1330100016
 - APPLICANT: JAMES CITY COUNTY
 - PROPERTY SHOWN HEREON LIES IN ZONE "X". (AREA DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN) PER F.I.R.M. #5102010030 B.
 - THIS SITE LIES WITHIN THE FRANCE SWAMP SUB-WATERSHED OF THE WARE CREEK WATERSHED.
 - SITE WILL BE SERVED BY PUBLIC WATER AND SEWER.
 - ALL UTILITIES WILL BE PLACED UNDERGROUND.
 - THIS MASTER PLAN PROPOSES THE SUBDIVISION OF THE 15.00 ACRE PROPERTY INTO 28 RESIDENTIAL LOTS, AND REZONED TO R-1 WITH A SPECIAL USE PERMIT FOR DENSITY GREATER THAN 1 LOT PER ACRE AND LESS THAN 2 LOTS PER ACRE (SEE COMMUNITY IMPACT STATEMENT).
 - THIS APPLICATION REQUESTS A WAIVER TO THE 35' PERIMETER BUFFER WIDTH REQUIREMENT PER THE PROVISIONS OF SECTION 24-544 (c)(3) (SEE COMMUNITY IMPACT STATEMENT).
 - THIS APPLICATION REQUESTS AND INCREASE TO NO MORE THAN 2 DU'S/AC PER THE PROVISIONS OF SECTION 24-549 A. (SEE COMMUNITY IMPACT STATEMENT).
 - IT IS THE DEVELOPERS INTENT THAT THE OWNERS OF THE ADDITIONAL 28 LOTS ILLUSTRATED HERE, WILL BECOME MEMBERS OF THE WELLINGTON/WINDSOR RIDGE HOMEOWNERS ASSOCIATION AND SHALL HAVE FULL USE OF THE OPEN SPACE AND RECREATION FACILITIES CURRENTLY PROVIDED WITHIN THE DEVELOPMENT.

Rev.	Date	Description

5246 Old Towne Road, Suite 1
 Phone: (757) 250-0040
 Fax: (757) 250-8884
 www.aesva.com

AES
 CONSULTING ENGINEERS

Hampton Roads | Central Virginia | Middle Peninsula

WINDSOR RIDGE
 MASTER PLAN FOR REZONING
 AND SPECIAL USE PERMIT

Project Contacts: VMB
 Project Number: 8223-15
 Scale: 1"=50' Date: 12/21/12

Sheet Title:
MASTER PLAN
 BINDING PER
 SEC. 24-23 (a)(2)

Sheet Number
M-01



SYMBOL	SOIL DESCRIPTION
11C	CRAVEN-UCHEE COMPLEX, 6 TO 10 PERCENT SLOPES
14B	EMPORIA FINE SANDY LOAM, 2 TO 6 PERCENT SLOPES
15D	EMPORIA COMPLEX, 10 TO 15 PERCENT SLOPES
15F	EMPORIA COMPLEX, 25 TO 50 PERCENT SLOPES
18B	KEMPSVILLE FINE SANDY LOAM, 2 TO 6 PERCENT SLOPES
20B	KENANSVILLE LOAMY FINE SAND, 2 TO 6 PERCENT SLOPES
29A	SLAGLE FINE SANDY LOAM, 0 TO 2 PERCENT SLOPES
31B	SUFFOLK FINE SANDY LOAM, 2 TO 6 PERCENT SLOPES
34B	UCHEE LOAMY FINE SAND, 2 TO 6 PERCENT SLOPES

NOTE: SOILS INFORMATION PROVIDED FROM THE SOIL SURVEY OF JAMES CITY AND YORK COUNTIES AND THE CITY OF WILLIAMSBURG, VIRGINIA (USDA 1985). THIS INFORMATION IS "BEST-FIT" ONTO THE JAMES CITY COUNTY GIS MAPPING AND MAY NOT BE ENTIRELY ACCURATE.

Rev.	Date	Description	Revised By

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 Williamsburg, VA 23186
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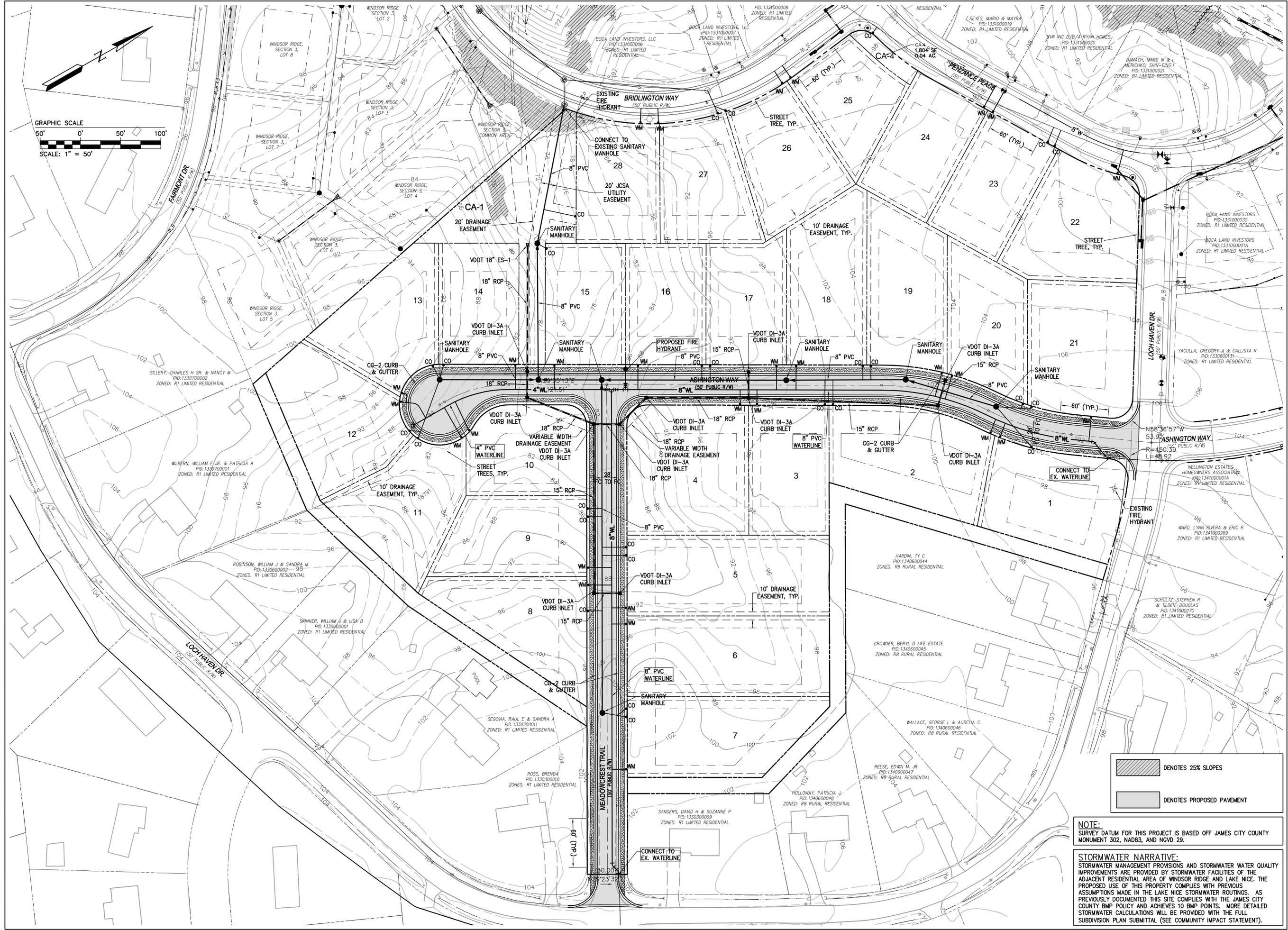
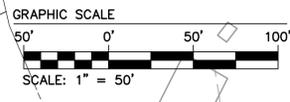
WINDSOR RIDGE
 MASTER PLAN FOR REZONING
 AND SPECIAL USE PERMIT

STONEHOUSE DISTRICT | JAMES CITY COUNTY | VIRGINIA

Project Contacts: VMB
 Project Number: 8223-15
 Scale: 1"=50' Date: 12/21/12

Sheet Title:
ENVIRONMENTAL INVENTORY

Sheet Number
M-02



 DENOTES 25% SLOPES
 DENOTES PROPOSED PAVEMENT

NOTE:
 SURVEY DATUM FOR THIS PROJECT IS BASED OFF JAMES CITY COUNTY MONUMENT 302, NAD83, AND NGVD 29.

STORMWATER NARRATIVE:
 STORMWATER MANAGEMENT PROVISIONS AND STORMWATER WATER QUALITY IMPROVEMENTS ARE PROVIDED BY STORMWATER FACILITIES OF THE ADJACENT RESIDENTIAL AREA OF WINDSOR RIDGE AND LAKE NICE. THE PROPOSED USE OF THIS PROPERTY COMPLIES WITH PREVIOUS ASSUMPTIONS MADE IN THE LAKE NICE STORMWATER ROUTINGS. AS PREVIOUSLY DOCUMENTED THIS SITE COMPLIES WITH THE JAMES CITY COUNTY BMP POLICY AND ACHIEVES 10 BMP POINTS. MORE DETAILED STORMWATER CALCULATIONS WILL BE PROVIDED WITH THE FULL SUBDIVISION PLAN SUBMITTAL (SEE COMMUNITY IMPACT STATEMENT).

Rev.	Date	Description

5245 Old Towne Road, Suite 1
 James City County, VA 23060-1108
 Phone: (757) 250-0040
 Fax: (757) 250-8884
 www.aesva.com



Hampton Roads | Central Virginia | Middle Peninsula
 VIRGINIA
 JAMES CITY COUNTY
 STONEHOUSE DISTRICT

WINDSOR RIDGE
MASTER PLAN FOR REZONING
AND SPECIAL USE PERMIT

Project Contacts:	VMB
Project Number:	8223-15
Scale:	1"=50'
Date:	12/21/12
Sheet Title:	UTILITY & STORMWATER MANAGEMENT PLAN
Sheet Number:	M-03