AGENDA ITEM NO. H-1a

AT AN ORGANIZATIONAL MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 2ND DAY OF JANUARY 2014, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER WORK SESSION 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
Kevin Onizuk, Jamestown District
John J. McGlennon, Roberts District

M. Douglas Powell, Assistant County Administrator
Leo P. Rogers, County Attorney

Mr. Kennedy thanked everyone for the all of the expressions of sympathy his family received on the death of his mother at Thanksgiving.

C. ORGANIZATIONAL MEETING

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

Mr. Hipple nominated Ms. Jones for Chairman.

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

Mr. Onizuk nominated Mr. Hipple for Vice Chairman.

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

Ms. Jones welcomed Mr. Onizuk to the Board and congratulated him on his election. She stated that she looked forward to working with him over the coming years.

2. Establishment of Meeting Dates, Places, and Times

Ms. Jones stated that the Board has an amended calendar in front of them this evening. She stated that Mr. McGlennon had mentioned that dates for meetings with the School Board and the City Council of Williamsburg need to be established as well.

Mr. McGlennon stated he does not believe those dates can be decided on this evening; however, the Board needs to be working on those arrangements. He also noted that the first meeting in November has been moved to Wednesday the 12th since Veterans Day falls on the second Tuesday of the month this year. He stated that the Board has met on Holidays before, so does the Board want to keep to the regular schedule of Tuesday meetings or move the meeting to Wednesday the 12th.

Ms. Jones stated that as long as it is not a scheduling conflict for the Board, it would be nice to not meet on Veterans Day in case there are recognition events that members would like to attend.

Mr. Kennedy asked if Veterans Day is a staff holiday.

Mr. Powell stated yes.

Mr. Kennedy asked if that would require compensation time for staff if the Board were to hold the meeting on Veterans Day.

Mr. Powell stated that there might be a few, but it would not be significant.

Ms. Jones stated that she is flexible, but her preference would be to meet on Wednesday the 12th and be respectful of the holiday.

Mr. McGlennon made a motion to approve the Calendar as amended and placed at their seats this evening.

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

3. Commission/Committee Appointments

Ms. Jones stated that she would go around the table and see if there are any specific requests from the members to serve on specific commissions or committees. She stated that Mr. McGlennon is the Chair of the High Growth Coalition, so it only makes sense for him to stay on that committee.

Mr. Kennedy stated that he would wait and see what the choices are of the other members.

Ms. Jones stated that she is currently the Chair of Hampton Roads Military and Federal Facilities Alliance (HRMFFA), and she would like to continue serving. She stated that the Chairman typically serves on the Hampton Roads Planning District Commission (HRPDC), Hampton Roads Transportation Planning Organization (HRTPO), and the School Liaison Committee. She stated that she would be fine with another member taking the School Liaison spot. She stated that she believes Mr. Hipple and Mr. Onizuk, who currently have school-age children, would be good choices to serve on the School Liaison Committee.

Mr. Kennedy stated that it is his understanding that the schools' Superintendent is planning to eliminate the School Liaison meetings. He stated that he is concerned about that decision because the schools take up a majority of the County's budget. He stated that it has seemed over the years that nothing constructive really comes from the School Liaison meetings. He stated that perhaps there is a way to better that process.

Ms. Jones stated that when she served on the School Liaison Committee that she always found it to be a valuable resource of information. She stated that the County does not meet with the schools that often, so the Liaison Committee is a good way to stay on top of things and stay in communication with the schools.

Mr. Onizuk stated that he would envision the position as more interaction with the Superintendent, attending School Board meetings and being more of a true liaison between the two entities.

Mr. Hipple and Mr. Onizuk both expressed their interest in serving on the School Liaison Committee.

Ms. Jones asked if Mr. McGlennon would like to continue serving on the Historic Triangle Collaborative (HTC).

Mr. McGlennon stated that he would be fine with that; however, he believes that an argument could be made that perhaps a representative of the Board's majority should serve on it as a reflection of the County's position.

Mr. Powell stated that this is typically a committee that the Chairman serves on and the other participating localities typically have their Chairman serve. He stated that the County Administrator attends as well.

Mr. Onizuk asked how the HTC differs from Williamsburg Area Destination Marketing Committee (WADMC) and the Greater Williamsburg Chamber and Tourism Alliance.

Mr. McGlennon stated that the HTC is not just tourism related. The three member jurisdictions have their Chairman and their Administrator in attendance. In addition, the Presidents of Colonial Williamsburg, Jamestown-Yorktown Foundation, and the College of William and Mary; as well as a representative from the Chamber and Tourism Alliance, and a representative from Busch Gardens. He stated that it is a way for all the major entities in the area to be aware of what the others are doing. He stated in contrast, WADMC is responsible for allocating the $2 hotel tax revenue.

Ms. Jones asked what the meeting schedule is for the HTC.

Mr. McGlennon stated that they meet the third Monday of every month, from 8 until 9 in the morning.

Ms. Jones asked Mr. Kennedy if he would serve on the HTC since he has a history with that committee.

Mr. Kennedy agreed.

Ms. Jones asked if he would like to continue on with the Agricultural and Forestal Advisory Committee and the Farmers Advisory Committee.

Mr. Kennedy stated yes.

Mr. Kennedy stated that he delegated his seat on the EDA to Mr. Bradshaw during his illness due to conflicting appointments. He stated that he would be happy to give that to another Board member if there is interest.

Mr. Hipple stated that he would be happy to take the position on the EDA.

Mr. Onizuk asked if there are any committees in particular that a specific member wants to do. He asked Mr. Hipple if he had any specific requests.

Mr. Hipple stated that he would like to serve on WADMC and the Land Conservancy, unless someone else wants the Land Conservancy.

Ms. Jones stated that she has served for a while on the Regional Issues Committee (RIC), and again it is a good opportunity to discuss a variety of issues in the region with members of the other jurisdictions. She stated that she would be willing to give it up if someone else would like to serve on it. She stated that it meets quarterly at the City Council Building and is usually the fourth Tuesday morning of the month.

Mr. Hipple stated that he would take that one.

Mr. Onizuk asked if Mr. Kennedy was interested in continuing on the Greater Williamsburg Chamber and Tourism Alliance.

Mr. Kennedy stated no. He stated that it is a luncheon meeting on a Thursday. He stated that it is more of a social meeting; it is not a board meeting.

Mr. McGlennon stated that if someone is interested in serving, he believes that they should serve for several years as the Board has not been well represented there in recent years.

Mr. Kennedy stated that he believes that the member localities will be given seats on the Executive Committee of the Chamber, so that role would be included as well. He stated that he believes that they meet quarterly.

Mr. Onizuk stated that he would be interested in that as well as the Land Conservancy.

Mr. Kennedy asked if Mr. Hipple would be taking WADMC.

Mr. Hipple stated correct.

Mr. McGlennon stated that he is willing to continue on the Williamsburg Area Medical Assistance Corporation (WAMAC) and the Virginia Peninsula Regional Jail Authority.

Ms. Jones asked Mr. Powell what the schedules are for the Community Services Coalition Board of Directors, the Greater Peninsula Workforce Development Consortium, and the Peninsula Council for Workforce Development.

Mr. Powell stated that the only one that needs a Board appointment is the Peninsula Council for Workforce Development. The Consortium is a staff representative and Ms. Barbara Watson represents the County on it. As for the Council, he stated that he believes it is a monthly meeting early in the morning in Newport News. He stated that he can verify the meeting schedule if the Board wants to hold off on making that appointment.

Mr. McGlennon asked Mr. Powell if he knew the meeting schedule for the Community Services Coalition.

Mr. Powell stated not at this time.

Ms. Jones asked for the meeting schedules to be verified for the Community Services Coalition and the Peninsula Council for Workforce Development.

Mr. Onizuk stated that he had some questions about the Peninsula Public Sports Facility Authority (PPSFA).

Ms. Jones stated that it has been inactive for some time, but talking about sports tourism, that is a key interest at the Chamber.

Ms. Jones asked Mr. Rogers if a vote needs to be taken on the appointments.

Mr. Rogers stated that is correct. He also asked the Board if they would like to continue having the alternate for the HRPDC and WADMC the County Administrator, by position, or would the Board like to appoint a specific individual.

Mr. Kennedy stated that for WADMC, the County is the only locality that has that representation. He stated that the other localities did not draw that in and believes that it is important to keep it that way.

Ms. Jones stated that she agrees to keep it by position.

Mr. Powell asked if the Board is satisfied with the members of the Community Action Agency.

Mr. McGlennon asked if they are willing to continue to serve.

Mr. Powell stated that they have not been appointed for very long and staff has not heard from them stating that they no longer wish to serve.

Mr. McGlennon stated that he is fine with them continuing to serve.

Mr. McGlennon made a motion to appoint Mr. Hunter Old, Ms. Andrea Salamy, Ms. Cathy Richardson, Mr. Tucker Edmonds, and Mr. John R. Smith as the alternates for the Board to the Community Action Agency Board of Directors; Ms. Jones to Hampton Roads Military and Federal Facilities Alliance, the Hampton Roads Planning District Commission, and the Hampton Roads Transportation Planning Organization; Mr. Onizuk and Mr. Hipple to the School Liaison Committee; Mr. Kennedy to the Historic Triangle Collaborative, the Agricultural and Forestal District Advisory Committee, and the Farmers Advisory Committee; Mr. Hipple as the Liaison to the Economic Development Authority and the Williamsburg Area Destination Marketing Committee; Mr. McGlennon to the Virginia Peninsula Regional Jail Authority; Mr. Onizuk to the Williamsburg Land Conservancy Board of Directors; Mr. Hipple to the Regional Issues Committee; Mr. Onizuk to the Greater Williamsburg Area Chamber and Tourism Alliance; and Mr. McGlennon to the High Growth Coalition of VACo and the Williamsburg Area Medical Assistance Corporation.

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

Ms. Jones stated that it is helpful for the Board members to share the agendas of the committees with the rest of the Board.

4. <u>Adoption of Rules of Order</u>

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

Mr. McGlennon made a motion to approve the resolution on Pages 4 and 5 of the Agenda Packet.

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

R E S O L U T I O N

ORGANIZATIONAL MEETING OF THE BOARD OF SUPERVISORS

WHEREAS, the Board of Supervisors of James City County, Virginia, is required by State law to organize at the first meeting in January.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following rules shall apply for the Year 2014:

1. Regular meetings of the Board shall be held as shown on the attached 2014 calendar, in the Board Room of the James City County Government Center. The meeting time shall be 7:00 p.m.

   Work session meetings of the Board shall be held at 4:00 p.m., Tuesday before the second regular meeting in the Board Room of the James City County Government Center.

2. The Board of Supervisors agrees to follow Robert's Rules of Order, Newly Revised 10th Edition, October 2000, and more specifically, the provisions which pertain to the "Conduct of Business in Boards," at page 469 et. seq., in particular, the "Procedure in Small Boards" as follows:

   a. Members are not required to obtain the floor before making motions or speaking, which they can do while seated.

   b. Motions need not be seconded.

   c. There is no limit to the number of times a member can speak to a question, and motions to close or limit debate generally should not be entertained.

   d. Informal discussion of a subject is permitted while no motion is pending.

   e. The Chairman can speak in discussion without rising or leaving the chair; and can make motions and votes on all questions.

3. In addition, the Board agrees to the following:

   a. A motion to rescind shall not be in order in a land use decision involving a rezoning or a special use permit. A motion to reconsider such a decision must be made at the same meeting the original decision is made by the Board.

   b. Should it be necessary to cancel an advertised Board of Supervisors meeting due to weather or other conditions, the meeting shall be continued forty-eight hours to the same time and place.

Mr. Powell asked the Board if they would like to pick their seating assignments for the dais for the coming year.

Ms. Jones stated that it can be done at the end of the meeting tonight.

Mr. McGlennon asked if the Board will be in a position to conduct the Work Sessions this year in the Conference Room that is in Building D.

Mr. Powell stated perhaps later this year, but not right away.

The Board agreed to pick seating assignments at the end of the meeting.

D. BOARD CONSIDERATIONS

1. Policy of Recording Closed Session Meetings of the Board of Supervisors

Ms. Jones stated that this issue was brought up as a result of questions regarding discussions held in closed sessions. She stated that this policy was suggested as a way to verify if questions arose as to what was said during a closed session.

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

Ms. Jones asked how the recordings would be maintained.

Mr. Rogers stated that the recordings would be maintained in his possession. He stated that the voice recorder has 20 hours of recording time and in his opinion, the Board would probably not have more than 20 hours of closed session in a four month period.

Mr. McGlennon asked if there are any stipulations on the Board making the recordings public. He stated that his understanding is that a majority vote of the Board is all that would be necessary to make a recording public.

Mr. Rogers stated that is correct. He stated that this is a not common practice in localities and there are no other procedures that he could find governing the recording of closed sessions.

Ms. Jones stated that she has serious reservations about this issue.

Mr. Onizuk voiced his concerns over recording personnel discussions that could later be made public by a majority vote that open the County to liability.

Mr. Hipple stated that he is concerned that the recording device would prevent open discussions between Board members for fear of their comments being made public at a later date.

Mr. Onizuk asked Mr. Kennedy's opinion as the proponent of this item.

Mr. Kennedy stated that he has heard the concerns of the other Board members and that this policy can be pulled from the Agenda. Mr. Kennedy stated that he thought there was interest in having this policy and in the future he would appreciate if the Board is not interested then that be communicated.

Mr. Hipple and Mr. Onizuk both stated that they thought this policy was a good idea until they realized that a majority vote could make the recording open to the public.

Ms. Jones asked if the policy could be modified in such a way as to prevent the recordings from being made public except under a court order.

Mr. Rogers stated that the Board adopts its own rules of order. He stated that if this Board stated that it took a majority vote to release the recording, another Board with a majority could change the policy and the rules. He stated that this item was a general policy item, but he would note that if at any point the Board would like to record a closed session, they may do so just by making a motion and taking a vote.

2. Bank Resolution Amendment

Mr. Powell addressed the Board giving a summary of the Memorandum included in the Agenda Packet.

Mr. Rogers stated that once a new County Administrator is hired, this resolution would be amended to add that person as well. He stated that he would then restructure the resolution to require that one signature must come from the County Administrator's office and one must come from the Treasurer's office. He stated that this would prevent any type of collusion to sign checks and is in the best interest of the County.

Mr. Powell stated that at this time, no one from the County Administrator's office is authorized to sign checks and one of the two people authorized from the Treasurer's office is no longer the Deputy Treasurer.

Ms. Jones asked if this would apply to an Interim County Administrator.

Mr. Powell stated that the resolution would have to be amended, but the Board could certainly do that.

Ms. Jones asked if a particular issue needs to be addressed in the next week or two that this resolution needs to address.

Mr. Powell stated that he is not sure when the next paycheck run is scheduled.

Mr. Kennedy made a motion to approve the resolution.

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

R E S O L U T I O N

BANK RESOLUTION AMENDMENT

BE IT RESOLVED that James City County (JCC) has multiple financial institutions designated as depositories for the JCC funds and that funds so deposited may be withdrawn upon a check, draft, note, or order of the Board of Supervisors; and

BE IT FURTHER RESOLVED that all checks, drafts, notes, or orders drawn against said accounts be signed by two of the following:

M. Douglas Powell		Assistant County Administrator
	OR	
M. Ann Davis		Treasurer
	OR	
Jennifer D. Tomes		Assistant Treasurer

whose signatures shall be duly certified to these financial institutions and that no checks, drafts, notes, or orders drawn against these financial institutions shall be valid unless so signed.

BE IT FURTHER RESOLVED, that these financial institutions are hereby authorized and directed to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders be payable to the order of any such persons signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or the individual credit of any of the other officers or not. For cash investment purposes, the institution is also authorized and directed to honor requests for the transfer of money from savings to checking, checking to savings, and transfers from checking or savings to purchase Certificates of Deposit, repurchase agreements or to make other lawful investments when requested by M. Ann Davis, Treasurer, or Jennifer D. Tomes, Assistant Treasurer. This resolution shall continue in force and these financial institutions may consider the facts concerning the holders of said offices, respectively, and their signatures to be and continue as set forth in the Certificate of the Secretary, accompanying a copy of this resolution when delivered to these financial institutions or in any similar subsequent certificate, until written notice to the contrary is duly served on these financial institutions.

E. CLOSED SESSION

1. Consideration of a Personnel Matter, the Discussion of Candidates for Interim County Administrator Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia

Mr. Onizuk made a motion to enter into Closed Session.

Mr. McGlennon asked for clarification on whether or not the process the Board plans to use for selecting an Interim County Administrator can be discussed under the Closed Session exemption or if it is only the discussion of the individuals.

Mr. Rogers stated that only the individuals may be discussed during the Closed Session.

Mr. McGlennon asked if the Board would like to talk about the process prior to entering the Closed Session.

Mr. Onizuk stated that he believes the Board should. He stated that while he was not officially on the Board until yesterday and could not participate in the process in any official capacity, he stated that the process has not been handled well up to this point. He stated that it has caused some dissention on the Board and some bad press for the Board. He stated that the Board has the opportunity to work as a cohesive group. He stated that he is hopeful that the Board can find a way to communicate better in the future. He stated that the citizens

have voted for change in leadership in the County and he intends to do his part to work together. He stated that from this point forward the slate needs to be wiped clean and the Board needs to decide what it wants in an Interim County Administrator.

Mr. McGlennon stated that one of his principle questions is how long does the Board expect an Interim County Administrator to be in the position. He stated that he is not clear of the expected timeline. He stated that he understands Mr. Kennedy is in favor of utilizing a similar search process as used before to find a new County Administrator. If that is the case, then the timeline for a new County Administrator would take 3-5 months. He stated than an Interim County Administrator would need to be someone that could serve for that amount of time. He stated the Board would need to outline the expectations of the Interim. He stated that his sense would be an Interim that could continue to move the County forward, but would not make changes dramatically. The new County Administrator, when hired, will work with the Board to determine the direction that the County will go in. In his perspective, the Interim needs to be an effective manager, but not someone with a clear policy agenda. He stated that the Board needs to be cognizant of the fact that this process will cost the County a fair amount of money.

Ms. Jones stated that she agrees that the Interim needs to be someone that can effectively manage the County, but they will also be there to serve the citizens of the County as well. She stated that she agrees with utilizing a similar process as used previously for the search for the new County Administrator. She stated that she believes the last search was handled well and that confidentiality needs to be maintained as it was last time.

Mr. Kennedy stated that Mr. McGlennon has hit on several key points. He stated that the Interim is a very key position, as the County starts the budget process now and it is a major function of what the Board does. He stated that the Interim will have to be actively involved in that process. He stated that his other key point is communication. He stated that he has sent out some emails in the last several weeks that have gone unanswered by other Board members. He stated that the Board has got to communicate better and work together. He stated a Request for Proposals (RFP) needs to be advertised if the Board desires to go forward with a consultant to facilitate the search for the new County Administrator. He stated that is something that the Board can direct Mr. Powell to do today. Mr. Kennedy stated that he has had email communications with Mr. Powell regarding the long-term County Administrator position and Mr. Powell has stated that he is not interested at this time. He stated that there are Stormwater Issues that will need to be addressed, so he believes that the Interim needs to be someone that is more than just a manager. He stated that there needs to be an establishment of trust on the Board and with the Interim and the new County Administrator. He stated that there is a major change coming with the Chamber and Tourism Alliance this month that will affect the tourism industry in this area which the Board has neglected for a while. He stated that the Board cannot wait to deal with these issues later. He stated that he was not satisfied with the last search and would not like to use the same company as before. He stated that he does not believe that the search will happen quickly, more like 5-6 months; which means that the Interim position is going to be a key position. He stated that the Board needs to outline what it is that the Board expects the Interim to accomplish.

Mr. McGlennon stated that when discussing the process for the new County Administrator, in regard to confidentiality, there is some disagreement about the final stages having a meeting with the public. He stated that he would like the potential consulting firms to brief the Board on their thoughts regarding public engagement and confidentiality.

Ms. Jones stated that she appreciates that thought. She stated that Newport News did a public engagement with their final candidates for the new Police Chief. She stated that it is something that the Board should discuss and decide on in discussions with the consulting firms.

Mr. Hipple stated that this Board has very intelligent members. He stated that he is honored to be serving on this Board and would like to see some of the old baggage left behind. He stated that the Board needs to focus on finding a good leader that is going to lead the County. He distributed a list of goals for the coming year for the County and goals for the Interim Administrator. He stated that it does not need to be discussed now, but he would like to see the Board begin to look at setting goals and planning for the direction that the Board is going to move forward in. He stated that it is a starting point to facilitate a discussion and there may be things that he has missed, like Stormwater for instance. He stated how the Board helps the community, through the selection of the Interim and through the selection of the new County Administrator should be the primary goal.

Ms. Jones stated that she appreciates the list given by Mr. Hipple. She stated that all the members can work off of the list and develop their own thoughts that can be discussed potentially at the Retreat that will be held in a couple of weeks.

Mr. Hipple stated that he believes when the members start looking at their lists that the Board will find that it is more alike than they thought.

Mr. Onizuk stated that he brought some goals along with him this evening as well. He asked if the Board would like to discuss them now or wait until later.

Ms. Jones stated that the Board can discuss them now if it wants, it might help define some of the expectations of the Interim and new County Administrator.

Mr. Onizuk stated that one of his big goals for the next four years is economic development while still maintaining the County's character. He stated that tourism is a very large part of that development, including sports tourism. He stated that he believes in maintaining the beauty and openness of this County and it should be an economic driver as well. He stated that the schools are an economic driver as well. He stated that it is in our economic best interest to have premier schools and as a parent, he wants that as well. He stated that there are capacity issues with our schools and a solution needs to be found that makes sense. He stated that the Board needs to work with the schools to develop an intelligent solution that is going to fit James City County for more than just five years. He stated that expiring school buses is another issue that is going to need to be addressed as well. He stated that another issue is affordable housing. He stated that it concerns him that a lot of people that work in the County cannot afford to live in the County. He believes that is an issue that the Board needs to address with the new County Administrator to find more affordable housing solutions. He stated that he has been told that it is very cost prohibitive to build affordable housing here, for a variety of reasons and that is something that needs to be addressed. He stated that is his big picture over the next four years.

Ms. Jones stated that her goal moving forward is the Board working as a team and good communication. Additionally, she stated that she would like to continue to be conservative in the budget. She stated that she would like to see the County maintain a high quality standard without passing those costs on to the taxpayers. She stated that she would like to evaluate the assets of the County and see what can be done to better promote those assets. She stated whether that be promoting the history, the parks and recreation, tourism, and sports tourism. She would like to work more with the Office of Economic Development to communicate that out as well as with the Chamber.

Mr. Kennedy stated that the County has grown in the sports tourism industry in last several years. He stated that there has been some dysfunction with the Chamber and WADMC over the past several years. He stated that Charlottesville has a Facebook page entitled "Experience Charlottesville" that has over 79,000 "likes" and has pictures and comments posted to it every day. He stated that there are a lot of big ideas, but he believes that the Board needs to decide on the top three. He stated that the County does not utilize mass media

well and that is something that the Board needs to work at. He stated that after looking over Mr. Hipple's list, we do need to talk to our local businesses and see how we can improve customer service. He stated that Mr. Larry Foster at the James City Service Authority (JCSA) was brilliant at customer service. He stated that in all his years on the Board, he does not believe he has ever heard a negative word spoken about the JCSA. He stated that needs to be highlighted in other departments. He stated that the County has very capable staff, but they need to be given clearer goals that are attainable.

Mr. McGlennon stated that the budgetary process is an opportunity to set some goals and direction for the County as well. He stated that he would like the Board to be mindful of where it has come in the past five years. He stated that it has reduced spending over the last five years, while picking up a significant amount of reduced State spending. He stated that it has shifted the resources available to a lot of departments, it has reduced County work staff and at the same time the County's population has grown approximately 15-20 percent. He stated that the reputation of the County is mostly on the backs of the staff of the County. He stated that he receives compliments about staff all the time and of course there are complaints from time to time, but those tend to be more toward policy and not customer service. He stated that the Board needs to set the tone that it expects the highest level of performance from the staff, but that performance is also valued.

Ms. Jones stated that the motion to go into Closed Session is still on the floor.

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

At 5:33 p.m., the Board entered into Closed Session.

At 8:24 p.m., the Board reconvened in Open Session.

Mr. McGlennon made a motion to certify the Closed Session.

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

R E S O L U T I O N

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1), to consider personnel matters, discussion of candidates for Interim County Administrator.

Mr. Hipple made a motion to appoint Mr. M. Douglas Powell as the Acting County Administrator.

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

F. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy requested that the Board draw numbers for seat assignments on the dais.

Mr. Powell stated that as Chairman, Ms. Jones gets to decide where she wants to sit on the dais.

Ms. Jones stated that she would like to be on the side of the dais closest to the Video Control Booth.

Mr. Powell stated that is seat no. 5, so he will remove that number.

Mr. McGlennon drew seat no. 3, Mr. Onizuk drew seat no. 4, Mr. Hipple drew seat no. 2, and Mr. Kennedy drew seat no. 1.

Ms. Jones wished everyone a Happy New Year and stated that she looks forward to working with everyone this year.

G. ADJOURNMENT – until 7 p.m. on January 14, 2014, for the Regular Meeting

Mr. Hipple made a motion to adjourn.

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

At 8:28 p.m., Ms. Jones adjourned the Board.

_____
M. Douglas Powell
Clerk to the Board

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AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF JANUARY 2014, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

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

M. Douglas Powell, Acting County Administrator
Leo P. Rogers, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Dariana Jones, an 8th-grade student at Toano Middle School and a resident of the Jamestown District, led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATIONS

1. Chairman's Awards – 2013

a. Ms. Robin Bledsoe and Hiking for Virginia's Fallen Heroes

Mr. Kennedy presented the Volunteer Award to Ms. Bledsoe and read the award for the public.

b. Investigator Bill Gibbs

Mr. Kennedy presented the Employee Award to Investigator Gibbs and read the award for the public.

F. PUBLIC COMMENTS

1. Mr. Sasha Diggs, 3612 Ironbound Road, addressed the Board in regard to reports in the Virginia Gazette of the offering of the position as Interim County Administrator to Mr. Maroney.

2. Ms. Tabb Royals, 11 James Square, addressed the Board in regard to the Supervisors working together better than they have in years past.

3. Mr. Ralph W. Crandall, 193 Shoal Creek, addressed the Board in regard to the stormwater run-off from Greensprings Plantation Road coming down into the Fairway Villas neighborhood.

Mr. Kennedy asked that staff follow up with Mr. Crandall.

4. Ms. Betty Walker, 101 Locust Place, addressed the Board in regard to the Federal Reserve Banking System.

5. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board in regard to global warming and the millions of dollars that have been spent trying to combat the effects of global warming.

6. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board in regard to the effects of the Fukushima Nuclear Power Plant explosion on the waters of the Pacific Ocean.

7. Ms. Rosanne Reddin, 4700 President's Court, addressed the Board in regard to the article in the paper regarding the tenure of Mr. Icenhour on the Board.

8. Mr. Eugene Kazan, 188 Shoal Creek, addressed the Board in regard to the situation at Fairway Villas and the fact that their Best Management Practice (BMP) is taking on stormwater from Greensprings.

9. Mr. Jay Everson, 103 Branscome Boulevard, addressed the Board in regard to Lake Peleg and the conveyance system that is behind the even numbered houses on Branscome Boulevard.

10. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in regard to Fire Station 1 and expressed his appreciation for the Bruton Volunteer firefighters.

11. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in regard to the ascension of command and questioned why the Assistant County Administrator did not automatically become the Acting County Administrator.

12. Mr. John Pottle, 4233 Teakwood Drive, addressed the Board offering an invocation.

13. Mr. Jim Icenhour, 101 Shinnecock, addressed the Board in regard to consistency in action and in speech.

G. BOARD REQUESTS AND DIRECTIVES

Ms. Jones stated that at the December 10, 2013, meeting, she requested information from staff regarding the costs associated with the new Fire Station 1 Building. She stated that she spoke with the Chief of the Volunteer Firefighters and the Chief of the Fire Department and received a thorough report which confirmed that the new Fire Station 1 is coming in on budget.

Mr. Hipple expressed his appreciation and respect for the Volunteer Fire Department. He stated that he spoke with the Chief in regard to the new fire station and received confirmation that the new construction will come in on budget.

Mr. Onizuk complimented the Office of Economic Development for its work with Lumber Liquidators as they decided to expand their operations here in James City County. He stated that he looks forward to and supports Lumber Liquidators' continued success here in the County.

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. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

1. Minutes –
   a. November 26, 2013, Work Session
   b. December 10, 2013, Regular Meeting

2. Grant Award – Hampton Roads Planning District Commission (HRPDC) – $16,038

R E S O L U T I O N

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	$16,038
Expenditure:	
HRPDC-EOC Optical Internet	$16,038

3. Grant Award – Virginia Department of Emergency Management (VDEM) Local Emergency Management Performance Grant (LEMPG) – $5,286

R E S O L U T I O N

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:

Revenue:	
VDEM-LEMPG	$5,286
Expenditure:	
VDEM-LEMPG	$5,286

4. Grant Award – Office of Emergency Medical Services (OEMS) Rescue Squad Assistance Fund (RSAF) Grant – $38,022

R E S O L U T I O N

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	2,082
Total	$38,022
Expenditure:	
OEMS-RSAF-EMS Equipment/EMD Guide Cards	$38,022

5. Grant Award – Virginia Department of Emergency Management (VDEM) State Homeland Security Program (SHSP) Grant – $11,530

R E S O L U T I O N

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 $11,530

Expenditure:
VDEM-SHSP-Citizen Corps $11,530

6. Revisions to James City County Personnel Policies and Procedures Manual

R E S O L U T I O N

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.

I. PUBLIC HEARINGS

1. Case No. SUP-0017-2013. Apperson Family Subdivision

Ms. Jennifer Van Dyke, Planner I, addressed the Board giving a summary of the staff report included in the Agenda Packet.

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

1. Mr. M. Anderson Bradshaw, 8620 Merry Oaks Lane, attorney for the applicant, addressed the Board stating that a member of the Apperson family has owned this property since 1898. He stated that this application exemplifies the intended nature of the legislative regulations requiring the preservation of family, or legacy, subdivisions within the subdivision ordinance. He stated that Mr. William G. Apperson has resided in the home in question for many years and this Special Use Permit (SUP) would allow him to own the home he resides in while still assisting his parents in the running of the family agricultural business.

2. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in support of the case.

As no one else wished to speak, Ms. Jones closed the Public Hearing.

Mr. Kennedy made a motion to approve the resolution.

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

R E S O L U T I O N

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.

2. Case No. SUP-0018-2013. Pettengill-McClure Family Subdivision

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

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

1. Mr. M. Anderson Bradshaw, 8620 Merry Oaks Lane, attorney for the applicant, addressed the Board stating that Ms. Pettengill and Ms. McClure desire to subdivide the property in question into two lots so that each may be conveyed to their children.

As no one else wished to speak, Ms. Jones closed the Public Hearing.

Mr. Kennedy made a motion to approve the resolution.

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

R E S O L U T I O N

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.

Ms. Jones stated that the remaining Public Hearings are deferrals from the December 10, 2013, meeting. She stated that the Public Hearings were left open and that staff would not be repeating their previous presentations; however, staff is available for questions.

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

Mr. Rogers summarized the election cycles over the next several years that will ultimately result in quadrennial elections in 2019.

1. Mr. Jeff Ryer, 7154 Merrimac Trail, addressed the Board in his capacity as the Chairman of the Redistricting Committee. He stated that tonight the residents of James City County will finally be equal in terms of weighing in on County government. He stated that staggered terms do not work in localities that are

required to redistrict every 10 years. He stated that this issue is not about the officials in office, it is about the rights of the people living in those districts.

Mr. McGlennon asked what organization Mr. Ryer is speaking on behalf of.

Ms. Jones stated that he is speaking as the Chairman of the Redistricting Committee.

Mr. McGlennon stated that the Redistricting Committee did not elect Mr. Ryer to speak on its behalf as that committee has not been in existence for several years.

Ms. Jones stated that representatives of groups address the Board frequently and the Board does not question if the membership of the group is aware of their representation at a specific Board meeting.

Mr. McGlennon stated that the Redistricting Committee does not exist anymore to his knowledge.

2. Ms. Heather Cordasco, 113 Alexanders Place, addressed the Board as a member of the Redistricting Committee stating that it was never formerly disbanded. She stated that this issue is about the people's ability to vote. She stated that uniform terms work in many localities throughout the Commonwealth and allow voters to give a very clear mandate on county governing.

3. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board in support of uniform terms. She stated that citizens will finally have the opportunity to all be heard.

4. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in support of uniform terms.

5. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in support of uniform terms.

6. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board in support of uniform terms and stated that this issue should be put to a referendum.

7. Mr. Jim Icenhour, 101 Shinnecock, addressed the Board in opposition to uniform terms.

8. Mr. Chris Henderson, 101 Keystone, addressed the Board in support of uniform terms.

Ms. Jones asked citizens to direct their comments to the Chair and to not interchange directly with specific Board Members. She stated that this allows for the progression of an orderly meeting.

9. Ms. Marjorie Ponziani, 4852 Bristol Circle, addressed the Board in support of uniform terms.

10. Mr. Jay Everson, 103 Branscome Boulevard, addressed the Board in support of uniform terms.

11. Ms. Rosanne Reddin, 4700 President's Court, addressed the Board in support of uniform terms.

12. Mr. Paul Van Riper, 161 Waterton, addressed the Board in opposition to uniform terms.

13. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board in support of uniform terms.

As no one else wished to speak, Ms. Jones closed the Public Hearing.

Mr. Hipple stated that in talking to citizens during his campaign, this issue was one that was constantly brought up. He stated that the argument against uniform terms, regarding continuity of government, does not take into account the staff. He stated that the County has great staff that is very helpful to the Board members. He stated that if the Board is not doing what the citizens feel they should be doing, the citizens should be able to vote all of the Board members out of office.

Mr. Onizuk stated that he can appreciate both sides of the argument. He stated that his position has changed over the course of the last year after talking to citizens. He stated that uniform terms are the historical precedent for James City County and the citizens of the County appear to be in favor of uniform terms. He stated that he will support uniform terms this evening as the will of the citizens that have contacted him and the ones that he spoke to during his campaign.

Mr. McGlennon stated that he finds it disturbing that staggered terms would be likened to socialism. He stated that staggered terms have not been ruled out in the Constitution and is allowed in the US Senate. He stated that there are arguments for both sides. He stated that the County has had staggered terms for many years, which is why some citizens recognize a continuity of government here in the County. He stated that he believes the real issue that concerns citizens is that staggered terms was brought up for political gain. He stated that voters see this issue as a tit-for-tat, with the political agenda shifting every time there is a political shift on the Board. He stated that one citizen recommended this issue be put out as a referendum for the citizens to vote on and that might be a good idea to solve the issue once and for all. He stated that he will be voting to maintain the status quo and does not want to send the message that the institutions may be changed to suit the political advantage.

Ms. Jones stated that one of the reasons this issues seems to be a power play to suit the political advantage is because it keeps getting repeated. She stated that the County is a growing, dynamic community and the County has experienced population growth and populations shifts. She stated that when going through the redistricting process, incumbency was not looked at as part of the decision. She stated that the redistricting process is to maintain contiguous, compact election districts, and had there not been staggered terms, then the Board would not have had to deal with the appointment process. She stated that it is extremely concerning that some citizens in the County were not allowed to vote for six years, so she will support the return to uniform terms.

Mr. Hipple made a motion to approve the ordinance.

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

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

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.

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

Ms. Jones stated that Case Nos. 4 and 5 on the agenda will be considered together and the Public Hearings were left open from the December 10, 2013, meeting.

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

2. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board in opposition to both cases.

3. Mr. Thomas G. Davis, President and CEO of Davis Media, LLC, the applicant, addressed the Board stating that he received a call from Mr. Wilson, the generator of the site plan map that was part of his original application, informing him that he was not allowed to use that site plan map. He stated that after having a conversation with Mr. Wilson, he is allowed to continue using the site plan map as the applicant, but the County needs to mark the document or make sure that it is used properly.

Ms. Jones stated that the County Attorney did weigh in on this issue and it has been addressed. She stated that the site plan map is a public document at this point.

Mr. Tom Davis stated that he does not intend to go through his entire presentation again; however, he did bring some supplemental information based on the comments that he heard during the last meeting. He stated that the County has entered into several public-private partnerships, including Go Ape which is a private for-profit business that operates on County-owned land for the purpose of providing entertainment. He stated that the most notable public-private partnership is the Williamsburg Indoor Sports Complex (WISC), which is a 38,000-square-foot complex that was placed on County-owned land. He stated that he brings these businesses up because the Board decides which public-private partnerships that it wants to enter into based on the merits of the benefits for the community. He stated that in 2006, the emergency operations personnel decided to invest in a generator for the Tide Radio to be able to stay on the air during emergency situations. He stated that it was a direct result of not being able to find a radio station that was on the air, during Hurricane Isabel, to communicate information out to the citizens of the County.

Ms. Jones asked when was the most recent time when the County has overtaken the Tide Radio in an emergency.

Mr. Davis stated the most recent tornado that nearly passed through the County several weeks ago. He stated that the Tide Radio was off the air for a brief amount of time during that weather event and if this radio tower had been in place they would not have gone off the air.

Ms. Jones stated that WYDaily News is what is heard on the Tide Radio Station, correct.

Mr. Davis stated no, the Tide Radio is a music station. There are news breaks, but it is predominantly a music station.

Ms. Jones stated that WYDaily is the source of the news breaks, correct.

Mr. Davis stated yes, but it is a music station. He asked if the Tide Radio did not use the WYDaily news breaks would this SUP then get approved.

Ms. Jones stated that this public-private partnership would be very different than Go Ape which provides general recreation for all citizens. She stated that the Tide Radio disseminates information and is part of a media group which is very different. She asked if he has any concerns over conflict of interest with the County being the landowner and them being in the business of disseminating information.

Mr. Davis asked if this question was put to Verizon or any of the other media or communications groups that have received SUPs in the County.

Ms. Jones stated that those companies provide a service. She stated that she is just trying to clarify the situation with WYDaily.

Mr. Davis again asked if this case would be approved if WYDaily was not the news source.

Ms. Jones stated that she is not saying that, just trying to clarify.

Mr. Hipple stated that he wanted to do some research on the microwave tower and some of the history regarding this case. He asked Mr. Davis to clarify the microwaves used for the benefit of the citizens.

Mr. Davis stated that the microwaves are the same that go through a person's head when they place a cellphone up to their ear. He stated that it puts off the same energy at a lower frequency as every other tower in this County. He stated that it is not new technology, that it has been here in the County for decades.

Mr. Hipple stated that he is just asking questions that citizens have brought to him. He stated that the radio station being up and running during weather events is important for the citizens.

Mr. Onizuk asked Mr. Davis to restate what other possible options are available for shared services or co-location.

Mr. Davis stated that if the County decides to allow other cellular companies to co-locate on the tower and pay the County rent, then the County may do so. He stated that once Davis Media builds the tower and gets the line of sight that they need, then the County can allow other companies to be added onto the tower.

Mr. Kennedy asked if the topography of the County site is more desirable than the topography of the site where the station currently resides.

Mr. Davis stated that the topography is similar; however, the zoning is totally prohibitive of a tower and a variance would have to be applied for. He stated that on the County site it is allowed by zoning and does not cause any issue for anyone and the County would receive rent for the tower, hence the approval from the Planning Commission.

Mr. Kennedy asked about the footprint of the tower and how big it would be.

Mr. Davis stated that the base of the tower is approximately 12 inches wide. He stated that the concrete slab would be approximately 40 square feet. He stated that the tower is a monopole, so there would be no guide wires. He stated that very few trees would have to come out to build it. He stated that the intent is for the trees to remain to shield it from view of the housing nearby.

Mr. Kennedy asked if the microwaves would be used daily or only in emergencies and if it increases the strength of the signal for the radio station.

Mr. Davis stated that it does not increase the strength of the signal, it just carries the signal the same way that the T1 line does. He stated that it will be used all the time, because there is no knowing when the T1 line will go down. He stated that the T1 phone line would remain as a backup. He stated that if the T1 line had gone down during that most recent tornado, then the Emergency Broadcast System (EBS) message would not have continued to be broadcast.

Mr. Kennedy asked if the tower is really too short to offer any other co-location.

Mr. Davis yes, it would need to be extended to really offer co-location. He stated that it is very easy to add additional height to the tower. He stated that the radio station only needs to go up to 104 feet in order to have line of sight with the transmitter.

Mr. Rogers stated that the lease does address this question and would allow the County to increase the height of the tower as long as the 104-foot spot is maintained.

Mr. Kennedy asked for Mr. Luke Vinciguerra, Planner I, to come forward to answer a few questions.

Mr. Kennedy asked if the surrounding homeowners and property owners were notified.

Mr. Vinciguerra stated that yes they were notified.

Mr. Kennedy asked if there were any concerns stated.

Mr. Vinciguerra stated that he has not been contacted by any surrounding property owners in regards to this case.

Mr. Kennedy asked if a balloon test was required.

Mr. Vinciguerra stated that to his knowledge a balloon test was not required because it is not a cellular tower; however, staff did conduct a balloon test for this case.

Mr. Kennedy asked if any complaints or concerns were filed as a result of the balloon test.

Mr. Vinciguerra stated that he has not received any.

4. Mr. Bobby Hornsby, 2 Kensington Court, addressed the Board stating that he owns the property where the radio station has its office. He stated that the LB zoning of his property does not allow a tower of this height period. He stated that there is no SUP process allowed. He stated that every opportunity was investigated to build this tower privately, but zoning does not allow it.

5. Mr. Walker Ware, 5004 River Drive, addressed the Board stating that the County does not have any definitive policy on the disposition or lease of County property.

6. Mr. Tim Stewart, 401 Hempstead Road, addressed the Board in support of the case.

7. Mr. Chris Henderson, 101 Keystone, addressed the Board raising several concerns over the utilities and backup power provided to the tower.

8. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in opposition to the case.

9. Ms. Marjorie Ponziani, 4852 Bristol Circle, addressed the Board in opposition to the case.

As no one else wished to speak, Ms. Jones closed the Public Hearing.

Mr. Kennedy stated that citizens raised some questions that Mr. Davis may be able to shed light on.

Mr. Davis stated that microwave lengths are regulated by the Federal Communications Commission (FCC), it is not the same process as an FM or AM license, but a license is required and they are regulated. He stated that he believes in these instances that he and the County would separately meter and Davis Media would be responsible for all of their utilities to the tower. He stated that there is a backup generator at the Human Services Building and it would be easier to tie into theirs and work out whatever is a reasonable amount to pay for that service.

Mr. Kennedy asked for clarification on the generator in question. He stated that the $25,000 came from the Williamsburg Community Health Foundation and the County was just a pass through.

Mr. Davis stated that is correct.

Mr. Rogers stated that is correct.

Mr. Kennedy stated that the County did not take $25,000 of taxpayer dollars and put it into this generator.

Mr. Rogers stated that is correct.

Mr. Kennedy stated that if he was to base his decision off of the content of the station and the news breaks that occur on the station, then his answer would be no. Mr. Kennedy asked is this a fair price, probably so for a relatively small tower. He stated that there is a commercial side to this, but there is a public benefit. He stated that he believes it is reasonable for the tower to be placed where it is applying to be. He stated that it is a reasonable land use, is not a public health hazard, and provides a public benefit. He stated that he agrees that the County needs to have some policies about who it leases land to and for what purpose. He stated that he can support the application this evening.

Mr. McGlennon stated that he has never heard of public-private partnerships being linked to communism like he has heard this evening. He stated that he is willing to support this application this evening, because the citizen benefit far outweighs the benefits that the applicant will receive. He stated that one of the problems that the County has repeatedly faced during emergencies is the lack of consistent communication once the power goes out. However, radios allow citizens to get that link to information on where there might be water available, where there is ice available, and how to get medical services if needed. He stated that the politics of the business should not be a factor in this case as it is a land use case.

Mr. Onizuk stated that he promised to serve the interest of the citizens as well as the businesses of this County. He stated that the businesses are the backbone of this County. He stated that he looks at this case as supporting a local business and supporting the best interests of the citizens during an emergency. He stated that the content of the radio station is not relevant to the application. He stated that he does not have any concerns over the health hazards of microwaves and he intends to support this case this evening.

Mr. Hipple stated that being in the volunteer fire department he knows that it is hard to get the word out during emergencies. He stated that perhaps he does not agree with the entire package of the application, but if this tower can save the life of one person then it is worth it.

Ms. Jones stated that she agrees with the speaker earlier as far as the process. She asked staff if this opportunity was offered to any other private business.

Mr. Powell stated no.

Ms. Jones stated that out of this case has come an excellent suggestion, that there needs to be a policy. She stated that there could have been other businesses out there that might not have known that the ability to use this property even existed. She stated that she appreciates the community service provided. She stated that content is a consideration for her because the County is authorizing the tower to be on public land. She stated that it will provide for uninterrupted service when the T1 line goes down. She stated that this is a media group and by allowing it on County property it is promoting that media group. She stated that she continues to have concerns over the conflict of interest. She stated that looking at this as just the tower, then she has been strongly supportive of towers in the community. She stated that she will support this application because there is a lease involved and a payment. She stated that she strongly supports the Board look in to a process for this in the future so that it is fair to all local businesses.

Mr. McGlennon made a motion to approve the resolution for the SUP and for the lease of the property associated with the case.

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

R E S O L U T I O N

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.

Mr. Kennedy asked for a five minute recess.

At 10:06 p.m., Ms. Jones recessed the Board for a break.

At 10:11 p.m., Ms. Jones reconvened the Board.

6. Sale of County Property Located at 225 Meadowcrest Trail-$600,000

R E S O L U T I O N

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.

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

Ms. Jones stated that Case Nos. 6 and 7 on the agenda will be considered together and the Public Hearings were left open from the December 10, 2013, meeting.

1. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in opposition to the case.

2. Mr. Chris Henderson, 101 Keystone, addressed the Board in opposition to the case.

3. Mr. Heath Richardson, 4001 Penzance Place, President of the Wellington Homeowners Association (HOA), addressed the Board in favor of the case.

4. Mr. Walker Ware, 5004 River Drive, addressed the Board requesting a map of all County-owned property that may be up for lease or purchase.

As no one else wished to speak, Ms. Jones closed the Public Hearing.

Mr. Kennedy stated that the issue of this land goes back many, many years. He stated that in the years that the County has owned the property, the County has been poor neighbors. The County has never done anything with it. He stated that he has been of the opinion of that if the County is going to sell the property that it should be put out to bids. He stated that he has been of the opinion that nothing should be done with the property at all, but he understands the plight of the homeowners out there that the property is being used for things that it should not be used for. He stated that he has tossed around ideas for working with small, local

builders, but those ideas never really went anywhere. He stated that unfortunately the days of small local builders in James City County are pretty much gone. He stated that outside gated communities, large tract homebuilders own most of the lots in the County and they are buying up more every day. He stated that he believes the $600,000 sale price is low. He stated that the neighbors out there would like to see something done with the property. He stated that at this point he feels he has to support this.

Mr. Hipple stated that he spoke to Mr. Richardson and he believes that the 2/3 vote can be reached to add these homes into the HOA. He stated that he understands the concerns of the homeowners out there and that something needs to be done with the property. He stated that out of this situation comes the realization that the County needs to look at its policies and the way it is handling the land it is stewards of. He stated that he would like to have seen this opened up more to other builders in the community, but it is too far down the road for that now. He stated that the homeowners in the neighborhood would like to see more homes out there and boost up their HOA. He stated that it is a tough situation.

Mr. Onizuk stated that the parcel is tucked in between two neighborhoods and there is no foreseeable County use for the land other than to let it be. He stated that he understands that it has been a long road to get to this point and wished there were other options available, but it does not seem possible. He stated that the development of the property would conform to the Comprehensive Plan and would complete the two developments on either side of the property. He stated that he is concerned that the County has not maintained the land over the years. As there does not seem to be any other options on the table, he stated that he would support the wishes of the Stonehouse representative and the wishes of the homeowners in those developments.

Ms. Jones stated that she would like to thank the community members that have been involved in this process. She stated that she is always supportive of taking property out of the hands of the County and putting it back on the tax rolls; however, she wants to be sensitive to the wishes of the homeowners of the neighborhoods. She stated that she would have preferred that the property be put out for bid; however, this sale will provide consistency in the development of the homes in those neighborhoods. She stated that she is supportive of this case and the HOA has worked diligently to do what needs to be done to bring these homes into the HOA.

Mr. McGlennon stated that everyone agrees that this is a difficult case. He stated that there is one issue that weighs in favor of the case and that is that the neighborhood favors the application. He stated that he is reasonably sure that if someone else could have made the County a better offer, then they would have come forward. He stated that it should also be recognized that the County did not solicit this offer for the purchase either. He stated that the land is not one that cries out for preservation and it is already developed in a sense since it has infrastructure already in place.

Mr. Kennedy stated that over a year ago he was opposed to this. He stated that the analyzing of what to do with this property is what has caused the change in opinion. He stated that there is a division between Wellington and Mirror Lakes and the property is fallow between the two. He stated that with reluctance he will support this after listening to his constituents.

Mr. Kennedy made a motion to approve the resolution for the sale of the property and the rezoning resolution.

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

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.

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.

J. BOARD CONSIDERATIONS – None

K. PUBLIC COMMENTS

1. Mr. Jay Everson, 103 Branscome Boulevard, addressed the Board continuing his comments on Lake Peleg that overflows into the yards of the even numbered homes on Branscome Boulevard.

2. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board continuing his comments on climate change and carbon emissions.

3. Ms. Rosanne Reddin, 4700 President's Court, addressed the Board continuing her comments regarding the article in the paper about Mr. Icenhour's tenure on the Board.

4. Mr. Chris Henderson, 101 Keystone, addressed the Board agreeing with the comment that the County should not be in the land development business and agreeing with the comment that the County is not very business friendly.

5. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board regarding the microwaves that will be emanated from the tower that was approved unanimously.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Powell stated that the 38th Citizens Police Academy begins on February 5 and anyone interested may visit the County website or call the Police Department at 757-253-1800 for more information. He stated that dog tags must be on County dogs by January 31. He stated that a valid Rabies Certificate is required and tags may be purchased at the Treasurer's Office or the Satellite Offices. He also stated that Christmas tree recycling ends soon; trees may be dropped off at any of the three convenience centers free of charge until January 31. He stated that Mr. Rogers would like to update the Board on an item as well.

Mr. Rogers stated that there is a potential appeal of the State Corporation Commission (SCC) decision regarding the Virginia Dominion Power transmission line. He stated that he has polled the Board and there is majority, if not unanimous, support for appealing the SCC ruling to the State Supreme Court. He stated that it would involve the decision on the zoning regarding the transmission station as well as the fact that the SCC did not take into account all of the historical impacts that the line would have. He stated that the Save the James Alliance has partnered with the County in the past on the case and are looking for County assistance in filing the appeal. He stated that there would not be an outside attorney cost and the Save the James Alliance stated that they would cover any out of pocket expenses. He stated that he is looking for the Board's consent to keep the Save the James Alliance in the appeal.

Ms. Jones made a motion to affirm to Mr. Rogers the appeal with the Save the James Alliance.

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

M. BOARD REQUESTS AND DIRECTIVES

Ms. Jones asked if any of the Board members had anything they would like to discuss before addressing the item on the agenda.

Mr. Kennedy stated that the most recent storm created a lot of debris and damage in the upper County. He has been asked by many citizens if fees can be waived at the County Convenience Centers for dropping off debris. He stated that he has also received requests about the bulk pick up fees. He stated that these storms are becoming more prevalent and the Board needs to make a decision on how it is going to handle these situations as they arise. He stated that he believes that the County should be doing these pickups after citizens are hit hard with these storms.

Mr. McGlennon stated that he can be supportive of offering some type of service in these cases, but he would have a hard time offering an exception to the current policy this evening, after the citizens in his district were not offered an exception last year. He stated that he would be open to a broader discussion on offering some type of service to the citizens after these weather events.

Mr. Powell stated that the Virginia Department of Transportation (VDOT) was out in Elmwood today, but staff was not able to confirm with VDOT before the end of the business day, how extensively they will be cleaning up out there. He stated that once he has answer from VDOT, he will let the Board know. He stated that if the Board would like the fees waived at the Convenience Centers than he would need that guidance from the Board. He stated that the fee waiver would have to be County-wide as there is no way to really limit by geographical area. He stated that he would recommend waiving fees starting this coming Saturday and running through the following Sunday, for storm debris only.

Mr. Kennedy and the other members affirmed their support of waiving fees at the Convenience Centers for storm debris for one week for non-commercial vehicles.

Mr. Powell asked if the Board desires to appoint a member to the Council for Workforce Development. He stated that the organization meets the fourth Thursday of the month at 8 a.m. in Newport News.

The Board agreed to address this issue at its January 28 meeting to allow members to check their schedules for availability.

1. Discussion of Search Process for County Administrator

Ms. Jones stated that the Board has had some discussions with each other recently and staff has already solicited the Requests for Proposals (RFPs) from outside companies. She stated that the RFPs are due back to the County by January 30. She stated that it seems to be the consensus of the members to have a meeting shortly thereafter to review the RFPs. Ms. Jones asked if Tuesday, February 4, 2014, at 4 p.m. would be agreeable with all the members. The Board voiced its agreement.

Mr. Powell stated that staff would deliver the RFPs to the Board on Friday, January 31.

Ms. Jones stated that the Board will meet and review the companies and decide which companies they would like to interview. She stated that from that point, the Board can bring in the companies it would like to interview and make its selection. Once the selection is made, the company will probably want to speak to Board members, members of the community, and other leaders in the area to get a sense of what the County is looking for in a new County Administrator. She stated that when the search gets down to the final few, she believes that it would be beneficial for the citizens to have a meet and greet, or town hall type of meeting with the finalists. She stated that it would allow the Board to see its interaction with the citizens. She did note that if that is something that the Board decides it wants to do, then the applicants need to be notified up front.

Mr. Kennedy and Mr. Hipple expressed concern that a public engagement requirement might limit the number of applicants that are received.

Mr. Onizuk agreed that having that as a requirement would exclude a lot of potentially great candidates from applying.

Mr. Kennedy stated that it is a catch-22 that public input is important, but the Board does not want to limit its potential pool of candidates either. He stated that during the last search, the Board did a good job of protecting the privacy of the applicants and believes that should be done again.

Mr. McGlennon stated that he would like this issue to be a central question for the executive search companies that the Board will be interviewing. He stated that there will be a bias with those firms to want to do this privately and the Board needs to recognize that. He stated that he has been a part of open and private search committees and does not believe that there is much difference in the pool of applicants.

Mr. Kennedy and Ms. Jones agreed that this decision is one that does not have to be made this evening.

Mr. Powell stated that a motion needs to be made to amend the Board's calendar to add the meeting on February 4.

Mr. McGlennon asked for clarification if the meeting would be open or closed since the Board would be reviewing RFPs.

Mr. Rogers stated that it is an open meeting, but the Board may go in to Closed Session. So, it does have to be an advertised meeting. He stated that he would recommend the Board go in to Closed Session.

Mr. McGlennon made a motion to amend the Board's calendar to add a meeting on February 4, 2014, at 4 p.m.

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

N. ADJOURNMENT – to 8:30 a.m. on January 25, 2014, for the Budget Retreat.

Mr. Hipple made a motion to adjourn.

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

At 11:15 p.m., Ms. Jones adjourned the Board.

_____
M. Douglas Powell
Clerk to the Board

011414bos-min

MEMORANDUM COVER

Subject: Submittal of a Secondary Street Acceptance Exception Request to the Virginia Department of Transportation (VDOT) - Columbia Drive

Action Requested: Shall the Board of Supervisors submit a request to the Virginia Department of Transportation (VDOT) to have Columbia Drive accepted for public maintenance?

Summary: The James River Commerce Center (JRCC) has been successful in attracting new businesses and jobs to James City County. The Economic Development Authority (EDA) continues to market both the JRCC and the vacant parcel own at the end of Columbia Drive to prospective clients. Recent meetings with multiple prospective buyers, and the understanding that a subdivision of the EDA-owned parcel into smaller commercial sites is not legally possible if the road remains private, have resulted in the conclusion that it is in the best long-term interest of the County and the EDA to take the necessary steps to have Columbia Drive accepted into public maintenance.

Staff recommends adoption of the attached resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☐ No ☐

Acting County Administrator

M. Douglas Powell DP

Attachments:
1. Memorandum
2. Resolution
3. Map
4. EDA Resolution

Agenda Item No.: H-2

Date: February 11, 2014

ColumbiaDrReq-cvr

AGENDA ITEM NO. H-2

M E M O R A N D U M

DATE: February 11, 2014

TO: The Board of Supervisors

FROM: Russell C. Seymour, Economic Development Director and Secretary, Economic Development Authority

SUBJECT: Submittal of a Secondary Street Acceptance Exception Request to the Virginia Department of Transportation (VDOT) - Columbia Drive

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At the December 12, 2013, meeting of the Economic Development Authority (EDA), the EDA passed the attached resolution supporting an application to the Virginia Department of Transportation (VDOT) for a Secondary Street Acceptance Exception Request for Columbia Drive.

The EDA financed the construction of Columbia Drive as part of the creation of the James River Commerce Center (JRCC). While the right-of-way has already been dedicated for public use, Columbia Drive remains a private road. The JRCC has been successful in attracting new businesses and jobs to the County and the EDA continues to market both the JRCC and the vacant parcel they own at the end of Columbia Drive to prospective clients. Recent meetings with multiple prospective buyers, and the understanding that a subdivision of the EDA-owned parcel into smaller commercial sites is not legally possible if the road remains private, have resulted in the conclusion that it is in the best long-term interest of the County and the EDA to take the necessary steps to have Columbia Drive accepted into public maintenance.

The EDA supports the submittal of a Secondary Street Acceptance Exception Request to VDOT by the Board of Supervisors with a request that Columbia Drive in the JRCC be accepted for public maintenance.

Staff recommends the Board approve the attached resolution.

Russell Seymour

Russell C. Seymour

RCS/gb
ColumbiaDrReq-mem

Attachment

RESOLUTION

SUBMITTAL OF A SECONDARY STREET ACCEPTANCE EXCEPTION REQUEST TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) - COLUMBIA DRIVE

WHEREAS, the James River Commerce Center (JRCC) was created to encourage new business growth in James City County; and

WHEREAS, JRCC has attracted new businesses and jobs to the eastern part of James City County; and

WHEREAS, Columbia Drive was constructed by the James City County Economic Development Authority (EDA) to expand the JRCC and was intended to be a public street; and

WHEREAS, the right-of-way for Columbia Drive has already been dedicated for public use, but remains a private road; and

WHEREAS, the James City County EDA owns a vacant parcel in the JRCC that is actively marketed, but the private street access makes the site less attractive to prospective buyers; and

WHEREAS, trends show that prospective buyers are more frequently looking for smaller sites and legal subdivision of the property is prohibited without access to a public street; and

WHEREAS, 24VAC30-92-60 allows for the public service requirements to be reduced for individual streets serving State or local economic development projects; and

WHEREAS, the James City County EDA resolved at its meeting on December 12, 2013, to request the James City County Board of Supervisors formally submit a Secondary Street Acceptance Exception Request to VDOT on its behalf.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests that VDOT accept Columbia Drive in the JRCC for public maintenance.

_____
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

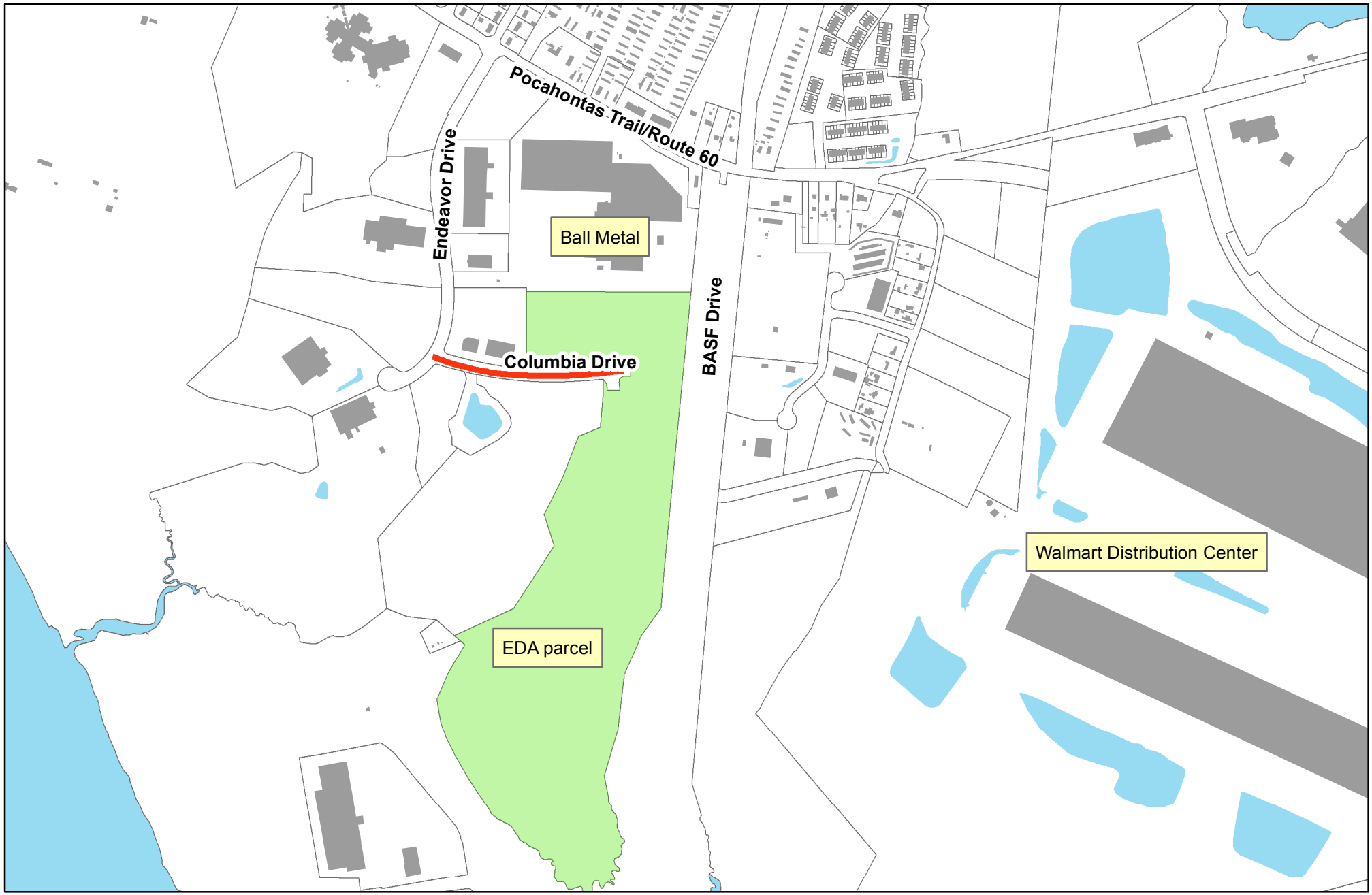
_____
M. Douglas Powell
Clerk to the Board

	AYE	NAY	ABSTAIN
KENNEDY	____	____	____
JONES	____	____	____
MCGLENNON	____	____	____
ONIZUK	____	____	____
HIPPLE	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of February, 2014.

ColumbiaDrReq-res

Location Map: Columbia Drive



N

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

1 inch = 825 feet

0 150 300 600 900 1,200 Feet

RESOLUTION

REQUEST APPLICATION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) TO ACCEPT COLUMBIA DRIVE FOR MAINTENANCE

WHEREAS, the James River Commerce Park was created to encourage new business growth in James City County; and

WHEREAS, the James River Commerce Park has attracted new businesses and jobs to the eastern part of James City County; and

WHEREAS, Columbia Drive was constructed by the James City County Economic Development Authority to expand the James River Commerce Park and was intended to be a public street; and

WHEREAS, the right of way for Columbia Drive has already been dedicated for public use, but remains a private road; and

WHEREAS, the James City County Economic Development Authority owns a vacant parcel in the James River Commerce Park that is actively marketed, but the private street access makes the site less attractive to prospective buyers; and

WHEREAS, trends show that prospective buyers are more frequently looking for smaller sites and legal subdivision of the property is prohibited without access to a public street; and

WHEREAS, 24VAC30-92-60 allows for the public service requirements be reduced for individual streets serving state or local economic development projects.

NOW, THEREFORE BE IT RESOLVED, that the Economic Development Authority of James City County, Virginia, hereby requests the Board of Supervisors submit a Secondary Street Acceptance Exception Request to the Virginia Department of Transportation and request Columbia Drive in the James River Commerce Park be accepted for public maintenance.

Paul W. Gerhardt
Chairman, Economic Development Authority

ATTEST:

Russell C. Seymour
Secretary, Economic Development Authority

Adopted by the Economic Development Authority of the County of James City, Virginia, this 12th day of December, 2013.

MEMORANDUM COVER

Subject: Conveyance of Utility Easement to Dominion Virginia Power - Fire Station 4

Action Requested: Shall the Board approve an underground utility easement and execute the Right-of-Way Agreement for Dominion Virginia Power at Fire Station 4?

Summary: In November 2013 a contract was awarded to A. R. Chesson Construction Company, Inc. to construct the new Fire Station 4. At present, the current overhead power lines are in conflict with the new building and they will need to be relocated to a new alignment where they will be installed in underground conduit (see Exhibit 1). Dominion Virginia Power has designed the power lines to be placed along the southwest edge of the site and requested the County provide an easement for their facilities and execute their standard Right-of-Way Agreement (attached).

Staff recommends approval of the attached resolution.

Fiscal Impact: Funded from the Capital Improvements Budget.

FMS Approval, if Applicable: Yes ☐ No ☐

Acting County Administrator

M. Douglas Powell DP

Attachments:
1. Memorandum
2. Resolution
3. Map
4. Right of Way Agreement

Agenda Item No.: H-3

Date: February 11, 2014

FireS4-DVPEase-cvr

AGENDA ITEM NO. H-3

M E M O R A N D U M

DATE: February 11, 2014

TO: The Board of Supervisors

FROM: Barry E. Moses, Capital Projects Coordinator

SUBJECT: Conveyance of Utility Easement to Dominion Virginia Power - Fire Station 4

As part of the approved James City County FY 2013 and 2014 budgets, a replacement fire station was planned for Fire Station 4. The Board approved the contract for construction of the new Fire Station 4 by A. R. Chesson Construction Company, Inc. in October 2013. At present, the current overhead power lines are in conflict with the new building and they will need to be relocated to a new alignment where they will be installed in underground conduit (see Exhibit 1).

Dominion Virginia Power has designed the power lines to be placed along the southwest edge of the site and requested that the County provide an easement for their facilities and execute their standard Right-of-Way Agreement (attached). The utility lines will replace the existing Fire Station 4 electrical service and carry three-phase service to the utility customers across Olde Towne Road, currently served by the existing overhead power lines. Since electrical power is essential to the current and future operation of Fire Station 4 and to the welfare of adjacent residents, staff recommends approval of the attached resolution.

Barry E. Moses

CONCUR:

John T. P. Horne

BEM/nb
FireS4-DVPEase-mem

Attachment

R E S O L U T I O N

CONVEYANCE OF UTILITY EASEMENT TO DOMINION VIRGINIA POWER –

FIRE STATION 4

WHEREAS, James City County owns property commonly known as 5312 Olde Towne Road and further identified as James City County Real Estate Tax Map Parcel No. 3240100027 (the "Property"); and

WHEREAS, the Board of Supervisors previously authorized construction of James City County Fire Station 4; and

WHEREAS, Dominion Virginia Power has requested that the County convey a utility easement across the Property and execute the Right-of-Way Agreement; and

WHEREAS, after holding a public hearing, the Board of Supervisors is of the opinion that it is in the best interests of the County and its citizens to convey the easement necessary and execute the Right-of-Way Agreement for Dominion Virginia Power.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the Acting County Administrator to execute the appropriate documents to convey the easement and Right-of-Way to Dominion Virginia Power.

_____
Mary K. Jones
Chairman, Board of Supervisors

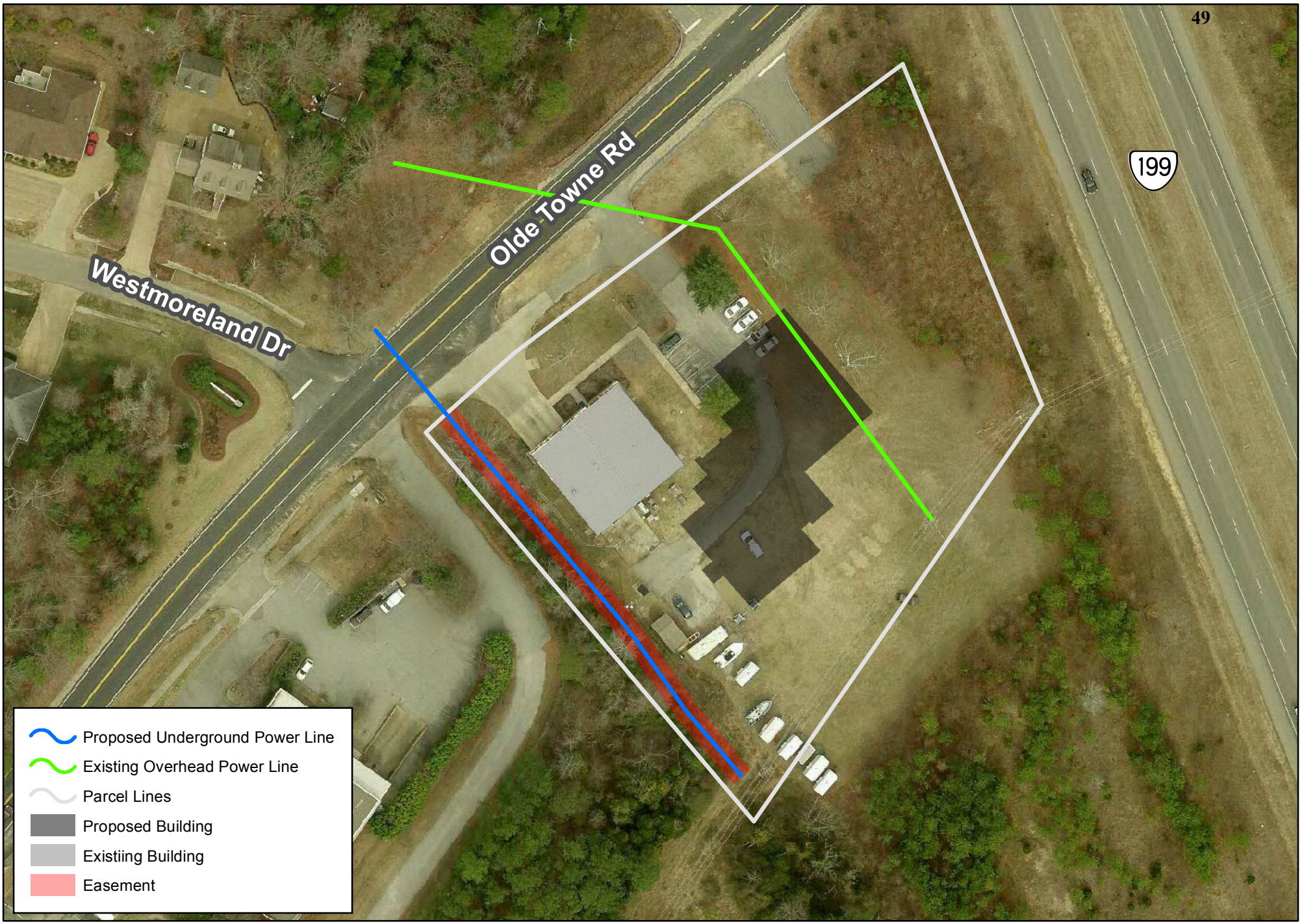
ATTEST:

_____
M. Douglas Powell
Clerk to the Board

	AYE	NAY	ABSTAIN
KENNEDY	____	____	____
JONES	____	____	____
MCGLENNON	____	____	____
ONIZUK	____	____	____
HIPPLE	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of February, 2014.

FireS4-DVPEase_res



1 inch = 80 feet

0 30 60 Feet

James City County

N

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M:\Departments\General Services\Barry\Fire_Station_4\Sta4.mxd

Dominion®

Right of Way Agreement

THIS RIGHT OF WAY AGREEMENT, is made and entered into as of this 7th day of January, 2014, by and between

James City County

("**GRANTOR**") and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation, doing business in Virginia as Dominion Virginia Power, with its principal office in Richmond, Virginia ("**GRANTEE**").

WITNESSETH:

1. That for and in consideration of the sum of One Dollar ($1.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, **GRANTOR** grants and conveys unto **GRANTEE**, its successors and assigns, the perpetual right, privilege and non-exclusive easement over, under, through, upon and across the property described herein, for the purpose of transmitting and distributing electric power by one or more circuits; for its own internal telephone and other internal communication purposes directly related to or incidental to the generation, distribution, and transmission of electricity, including the wires and facilities of any other public service company in aid of or to effectuate such internal telephone or other internal communication purposes; and for lighting purposes; including but not limited to the right:

1.1 to lay, construct, operate and maintain one or more lines of underground conduits and cables including, without limitation, one or more lighting supports and lighting fixtures as **GRANTEE** may from time to time determine, and all wires, conduits, cables, transformers, transformer enclosures, concrete pads, manholes, handholes, connection boxes, accessories and appurtenances desirable in connection therewith; the width of said non-exclusive easement shall extend fifteen (15) feet in width across the lands of **GRANTOR**; and

Initials: _____ _____ _____

This Document Prepared by Virginia Electric and Power Company and should be returned to: Dominion Virginia Power, 902 G St, Hampton, VA23661.

(Page 1 of 5 Pages)
DVPIDNo(s). 28-35-0013
Tax Map No. PIN #: 3240100027

Form No. 728493-1 (Aug 2013)
© 2014 Dominion Resources Services, Inc.

Right of Way Agreement

2. The easement granted herein shall extend across the lands of **GRANTOR** situated in James City County, Virginia, as more fully described on Plat(s) Numbered 28-35-0013 , attached to and made a part of this Right of Way Agreement; the location of the boundaries of said easement being shown in broken lines on said Plat(s), reference being made thereto for a more particular description thereof.

3. All facilities constructed hereunder shall remain the property of **GRANTEE**. **GRANTEE** shall have the right to inspect, reconstruct, remove, repair, improve, relocate on the easement, and make such changes, alterations, substitutions, additions to or extensions of its facilities as **GRANTEE** may from time to time deem advisable.

4. **GRANTEE** shall have the right to keep the easement clear of all buildings, structures, trees, roots, undergrowth and other obstructions which would interfere with its exercise of the rights granted hereunder, including, without limitation, the right to trim, top, retrim, retop, cut and keep clear any trees or brush inside and outside the boundaries of the easement that may endanger the safe and proper operation of its facilities. All trees and limbs cut by **GRANTEE** shall remain the property of **GRANTOR.**

5. For the purpose of exercising the right granted herein, **GRANTEE** shall have the right of ingress to and egress from this easement over such private roads as may now or hereafter exist on the property of **GRANTOR**. The right, however, is reserved to **GRANTOR** to shift, relocate, close or abandon such private roads at any time. If there are no public or private roads reasonably convenient to the easement, **GRANTEE** shall have such right of ingress and egress over the lands of **GRANTOR** adjacent to the easement. **GRANTEE** shall exercise such rights in such manner as shall occasion the least practicable damage and inconvenience to **GRANTOR.**

6. **GRANTEE** shall repair damage to roads, fences, or other improvements (a) inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and (b) outside the boundaries of the easement and shall repair or pay **GRANTOR**, at **GRANTEE**'s option, for other damage done to **GRANTOR**'s property inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and outside the boundaries of the easement caused by **GRANTEE** in the process of the construction, inspection, and maintenance of **GRANTEE**'s facilities, or in the exercise of its right of ingress and egress; provided **GRANTOR** gives written notice thereof to **GRANTEE** within sixty (60) days after such damage occurs.

Initials: _____ _____ _____

Form No. 728493-2 (Aug 2013)
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Right of Way Agreement

7. **GRANTOR**,its successors and assigns, may use the easement for any reasonable purpose not inconsistent with the rights hereby granted, provided such use does not interfere with **GRANTEE**'s exercise of any of its rights hereunder. **GRANTOR** shall not have the right to construct any building, structure, or other above ground obstruction on the easement; provided, however, **GRANTOR** may construct on the easement fences, landscaping (subject, however, to **GRANTEE**'s rights in Paragraph 4 of this Right of Way Agreement), paving, sidewalks, curbing, gutters, street signs, and below ground obstructions as long as said fences, landscaping, paving, sidewalks, curbing, gutters, street signs, and below ground obstructions do not interfere with **GRANTEE**'s exercise of any of its rights granted hereunder. In the event such use does interfere with **GRANTEE**'s exercise of any of its rights granted hereunder, **GRANTEE** may, in its reasonable discretion, relocate such facilities as may be practicable to a new site designated by **GRANTOR** and acceptable to **GRANTEE**. In the event any such facilities are so relocated, **GRANTOR** shall reimburse **GRANTEE** for the cost thereof and convey to **GRANTEE** an equivalent easement at the new site.

8. **GRANTEE'S** right to assign or transfer its rights, privileges and easements, as granted herein, shall be strictly limited to the assignment or transfer of such rights, privileges and easements to any business which lawfully assumes any or all of **GRANTEE'S** obligations as a public service company or such other obligations as may be related to or incidental to **GRANTEE'S** stated business purpose as a public service company; and any such business to which such rights, privileges and easements may be assigned shall be bound by all of the terms, conditions and restrictions set forth herein.

9. If there is an Exhibit A attached hereto, then the easement granted hereby shall additionally be subject to all terms and conditions contained therein provided said Exhibit A is executed by **GRANTOR** contemporaneously herewith and is recorded with and as a part of this Right of Way Agreement.

10. Whenever the context of this Right of Way Agreement so requires, the singular number shall mean the plural and the plural the singular.

Initials: _____ _____ _____

Form No. 728493-3 (Aug 2013)
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Dominion

Right of Way Agreement

11. **GRANTOR** covenants that it is seised of and has the right to convey this easement and the rights and privileges granted hereunder; that **GRANTEE** shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, rights and privileges; and that **GRANTOR** shall execute such further assurances thereof as may be reasonably required.

12. The individual executing this Right of Way Agreement on behalf of **GRANTOR** warrants that **GRANTOR** is a corporation duly organized and existing under the laws of the state hereinabove mentioned and that he or she has been duly authorized to execute this easement on behalf of said corporation.

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.

IN WITNESS WHEREOF, GRANTOR has caused its corporate name to be signed hereto by its authorized officer or agent, described below, on the date first above written.

Corporate Name: James City County

By (Signature): _____

Name: Malvern Douglas Powell

Its: Acting County Administrator

State of Virginia

City/County of James City

The foregoing instrument was acknowledged before me this _____ day of _____, _____

by Malvern Douglas Powell, Acting County Administrator
(Name of officer or agent) (Title of officer or agent)

of James City County, a(n) Virginia
(Name of corporation) (State of incorporation)

corporation, on behalf of the corporation.

_____ _____
Notary Public (Print Name) Notary Public (Signature)

Virginia Notary Reg. No. _____ My Commission Expires: _____

(Page 4 of 5 Pages)

DVPIDNo(s). 28-35-0013

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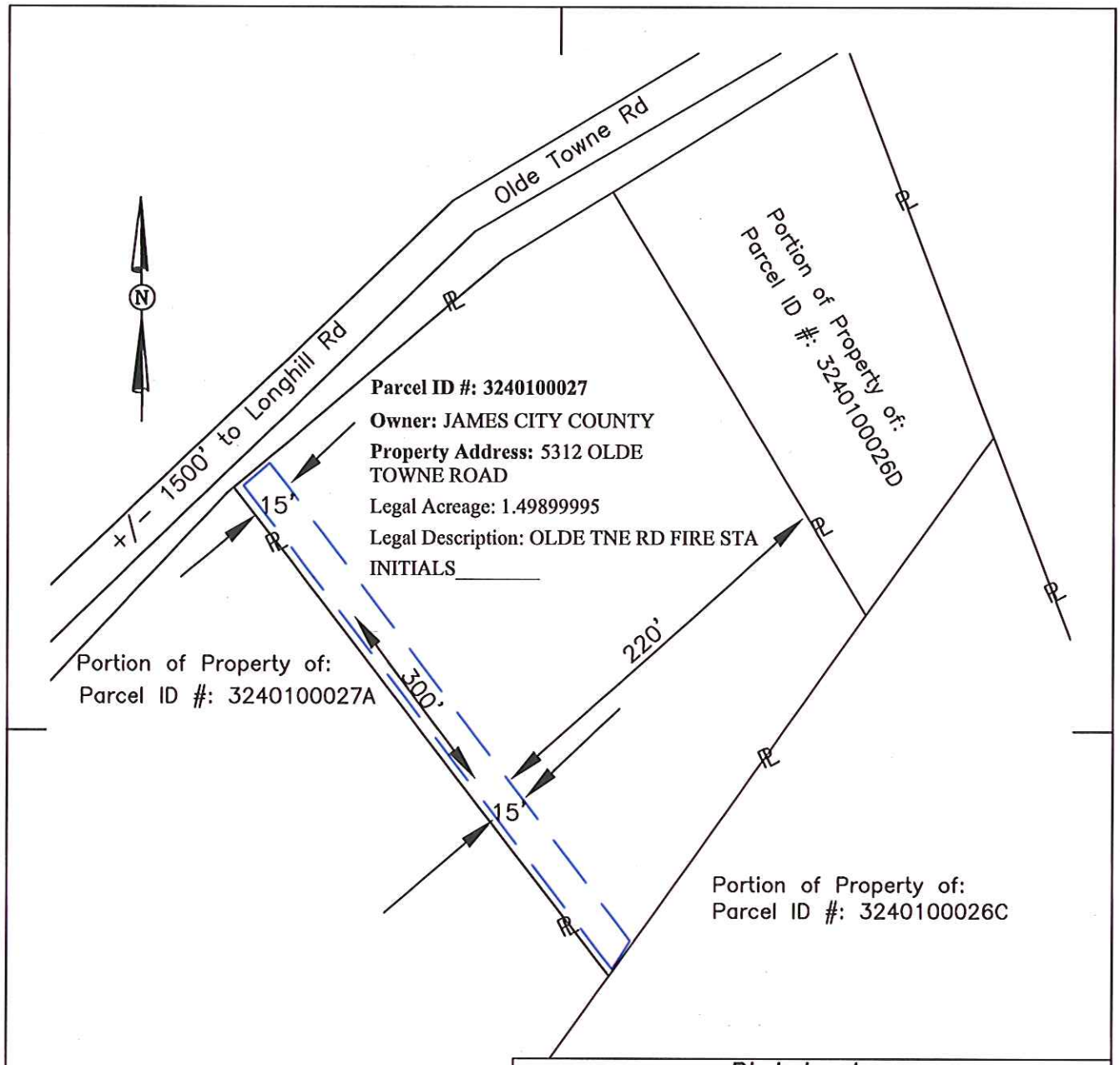


NOTE: Location of facilities as installed determine the centerline of the right of way herein granted on the property of the owner.
NOT TO SCALE

Legend

- - - - - Location of Boundary Lines of Right-of-Way 15' in Width.

— — ℄ — — Indicates Property Line is Right-of-Way Boundary NA in Width.

Plat to Accompany Right-of-Way Agreement

VIRGINIA ELECTRIC AND POWER COMPANY
doing business as
Dominion Virginia Power UG

District: Eastern		
District-Township-Borough: Jamestown	County-City: James City	State: VA
Office: Williamsburg	Plat Number: 28-35-0013	
Estimate Number: 7450439	Grid Number: M1838	
Date	By	

MEMORANDUM COVER

Subject: Appropriation of Secondary Transportation Funds-UPC 97214 Safe Routes to School – James River Elementary – $42,832

Action Requested: Shall the Board approve the resolution to appropriate $42,832 in Secondary transportation funds to the Special Projects/Grants Fund to cover deficits on the Safe Routes to School project at James River Elementary?

Summary: The Safe Routes to School Program (SRTS) program, administered through the Virginia Department of Transportation (VDOT), provides grants for infrastructure projects that will encourage and enable students to safely walk or bike to school.

James City County, in partnership with the Williamsburg-James City County Schools received a grant for enhanced crosswalks and an enhanced intersection at James River Elementary. The allocation of $126,000 was substantially less than the initial request of $216,000 which resulted in additional preliminary engineering costs to revise the scope of the project. Coupled with a requirement for construction engineering and inspection, a shortfall of $42,832 prevented the project from being advertised for bid.

Under guidance from the Board of Supervisors, County staff requested that VDOT transfer sufficient Secondary funds from two previously cancelled projects to cover the deficit. It is necessary that the Board appropriate the $42,832 to the Special Projects/Grants Fund.

These funds come from VDOT as Secondary transportation funds which are available each year to counties for use towards improving the Secondary road system.

Staff recommends approval of the attached resolution.

Fiscal Impact: Please state fiscal impact, if applicable.

FMS Approval, if Applicable: Yes ☐ No ☐

Acting County Administrator

Doug Powell DP

Attachments:
1. Memorandum
2. Resolution
3. Location Map

Agenda Item No.: H-4

Date: February 11, 2014

SafeRtetoSch-cvr

AGENDA ITEM NO. H-4

MEMORANDUM

DATE: February 11, 2014

TO: The Board of Supervisors

FROM: Alan Robertson, Facilities Manager, Williamsburg-James City County Public Schools
Paul D. Holt, Director of Planning

SUBJECT: Appropriation of Secondary Transportation Funds-UPC 97214 Safe Routes to School – James River Elementary – $42,832

The Safe Routes to School Program (SRTS) program, administered through the Virginia Department of Transportation (VDOT), provides competitive grants to facilitate the planning, development, and implementation of infrastructure projects that will encourage and enable students to safely walk or bike to school. In 2009, James City County in partnership with Williamsburg-James City County Schools applied for grants to fund projects at James River Elementary, Matoaka Elementary, and Rawls Byrd Elementary.

Of the three projects submitted, James River Elementary was selected to receive a grant. The initial cost estimate for the project totaled $216,000. Due to a decrease in overall program funding at the state level, the project received an award of $126,000. The project proposed improvements concentrated along Pocahontas Trail (Route 60) including enhanced crosswalks and an enhanced intersection which would serve to slow speeds and alert drivers to the presence of students traveling on foot or by bicycle.

During the application process, substantial work was necessarily completed on the project design. The reduced grant award required revisions to the project scope and design which incurred additional expenditures in the preliminary engineering phase. Coupled with the requirement for construction engineering and inspection, a shortfall of $42,832 prevented the project from being advertised for bid.

Under guidance from the Board of Supervisors, County staff requested that VDOT transfer sufficient Secondary funds from two previously cancelled projects to cover the deficit. It is necessary that the Board appropriate the $42,832 to the Special Projects/Grants Fund. Approval of the appropriation will allow County staff to finalize the bid and award process so the project can move into the construction phase. Due to the project cost increases, the scope off the project will continue to consist of essential safety improvements (including signal poles, pedestrian buttons and displays, signage) and improvements to the sidewalks to ensure they are ADA compliant. However, the crosswalks will now consist of standard VDOT striping instead of the originally proposed concrete pavers.

These funds come from VDOT as Secondary transportation funds which are available each year to counties for use towards improving the Secondary road system.

Staff recommends approval of the attached resolution.

Alan Robertson

Paul D. Holt

CONCUR:

Allen J. Murphy, Jr.

PDH/tlc
SafeRtetoSch-mem

Attachments:
1. Resolution
2. Location Map

RESOLUTION

APPROPRIATION OF SECONDARY TRANSPORTATION FUNDS

UPC 97214 SAFE ROUTES TO SCHOOL – JAMES RIVER ELEMENTARY – $42,832

WHEREAS, the Safe Routes to School Program provides grants to facilitate infrastructure projects that will encourage and enable students to safely walk or bike to school; and

WHEREAS, James City County received an allocation of funds from the Safe Routes to School Program for crosswalk and intersection upgrades at James River Elementary School; and

WHEREAS, additional design work and requirements for construction engineering and inspection created a funding shortfall which prevented the project from being advertised for bid; and

WHEREAS, under guidance from the Board of Supervisors, Secondary funds from two cancelled projects were transferred to cover the deficit.

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 for the purposes described above:

Revenues:

UPC 97214 Safe Routes to School James River Elementary	$42,832

Expenditure:

UPC 97214 Safe Routes to School James River Elementary	$42,832

_____
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

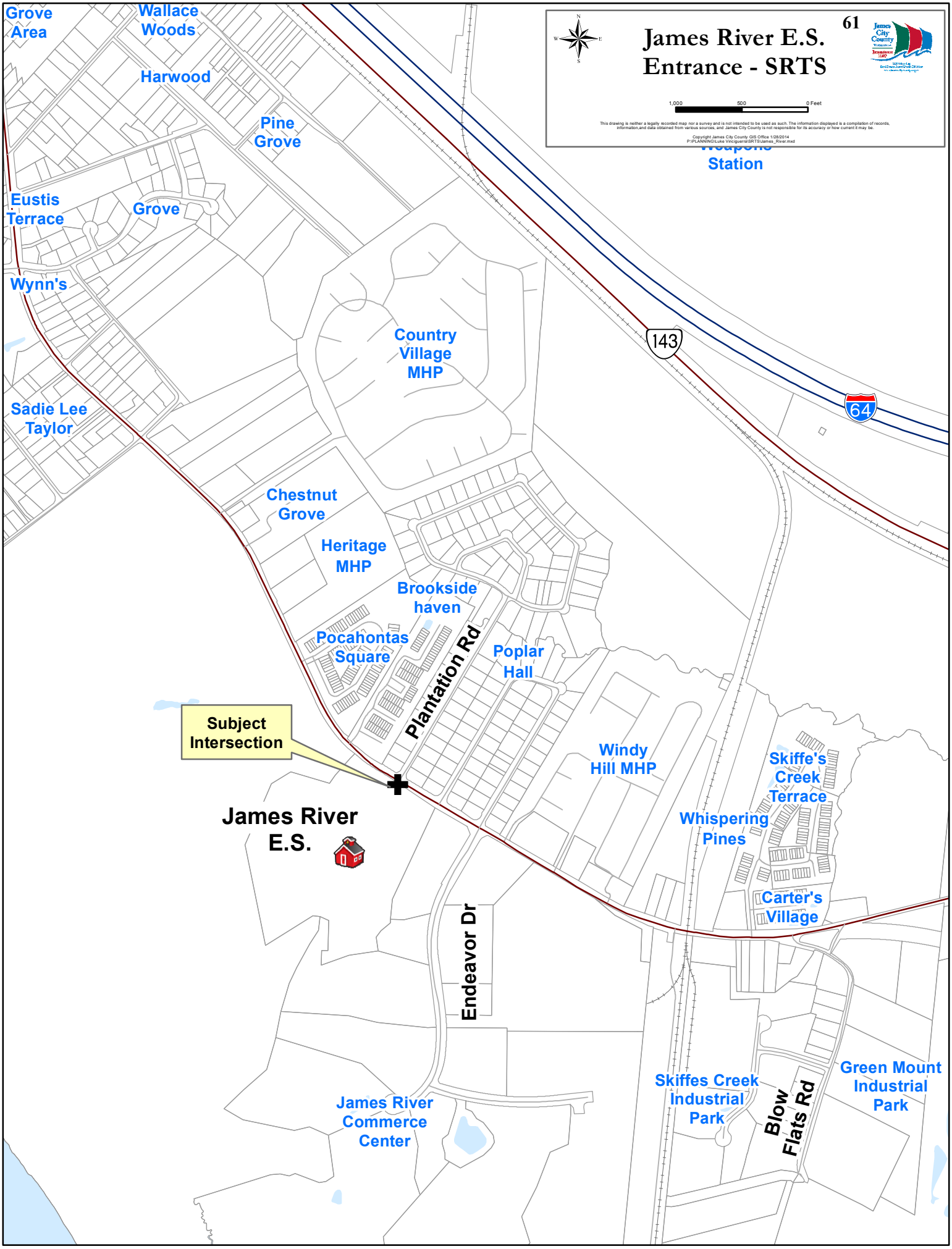
_____
M. Douglas Powell
Clerk to the Board

	AYE	NAY	ABSTAIN
KENNEDY	____	____	____
JONES	____	____	____
MCGLENNON	____	____	____
ONIZUK	____	____	____
HIPPLE	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of February, 2014.

SafeRtetoSch-res

James River E.S. Entrance - SRTS



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Copyright James City County GIS Office 1/28/2014
P:\PLANNING\Luke Vinciguerra\SRTS\James_River.mxd

MEMORANDUM COVER

Subject: Grant Award – Commonwealth Attorney – VA Domestic Violence Victim Fund – $37,981

Action Requested: Shall the Board approve the resolution that accepts the Virginia Domestic Violence Victim Fund Grant?

Summary: The Commonwealth Attorney has been awarded a $37,981 grant from the Virginia Domestic Violence Victim Fund through the State Department of Criminal Justice Services. The grant will fund the personnel costs and travel expenses of an existing position to assist in the prosecution of misdemeanors and felonies involving domestic violence, sexual abuse, stalking, and family abuse.

This grant requires no match.

Staff recommends approval of the attached resolution.

Fiscal Impact:

FMS Approval, if Applicable: Yes ☐ No ☐

Acting County Administrator

Doug Powell DP

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: H-5

Date: February 11, 2014

GA-DomViol-cvr

AGENDA ITEM NO. H-5

MEMORANDUM

DATE: February 11, 2014

TO: The Board of Supervisors

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

SUBJECT: Grant Award – Commonwealth Attorney – VA Domestic Violence Victim Fund – $37,981

The Commonwealth Attorney has been awarded a $37,981 grant from the Virginia Domestic Violence Victim Fund through the State Department of Criminal Justice Services. The State grant will fund the personnel costs and travel expenses of an existing attorney position to assist in the prosecution of misdemeanors and felonies involving domestic violence, sexual abuse, stalking, and family abuse. The Commonwealth Attorney has been successful in obtaining this grant in previous years and plans to apply for this grant in the future.

The grant requires no match.

The attached resolution appropriates these funds to the Special Projects/Grant Fund through December 31, 2014.

Staff recommends adoption of the attached resolution.

Suzanne R. Mellen

CONCUR:

John E. McDonald

SRM/tlc
GA-DomViol-mem

Attachment

R E S O L U T I O N

GRANT AWARD – COMMONWEALTH ATTORNEY –

VIRGINIA DOMESTIC VIOLENCE VICTIM FUND – $37,981

WHEREAS, the Commonwealth Attorney for the City of Williamsburg and James City County has been awarded a $37,981 grant, which is awarded annually from the Virginia Domestic Violence Victim Fund through the State Department of Criminal Justice Services; and

WHEREAS, this grant would fund the personnel costs and travel expenses of a position in the prosecution of misdemeanors and felonies involving domestic violence, sexual abuse, stalking, and family abuse through December 31, 2014; and

WHEREAS, no local match is required for this grant.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the Special Projects/Grants Fund through December 31, 2014, for the purposes described above:

Revenue:

CY 14 Virginia Domestic Violence Victim Fund	$37,981

Expenditure:

CY 14 Virginia Domestic Violence Victim Fund	$37,981

_____
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

_____
M. Douglas Powell
Clerk to the Board

	AYE	NAY	ABSTAIN
KENNEDY	____	____	____
JONES	____	____	____
MCGLENNON	____	____	____
ONIZUK	____	____	____
HIPPLE	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of February, 2014.

GA-DomViol-res

MEMORANDUM COVER

Subject: Grant Award – Commonwealth Attorney – V-STOP Grant Program Fund – $54,159

Action Requested: Shall the Board approve the resolution that accepts the State Department of Criminal Justice Services grant award?

Summary: The Commonwealth Attorney has been awarded a grant from the State Department of Criminal Justice Services V-STOP Grant Program Fund to be used for the personnel costs for the continuation of a position to advocate for victims of crimes involving domestic violence, sexual abuse, and stalking.

Staff recommends approval of the attached resolution.

Fiscal Impact:

FMS Approval, if Applicable: Yes ☐ No ☐

Acting County Administrator

Doug Powell DP

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: H-6

Date: February 11, 2014

GA-VStop14-cvr

AGENDA ITEM NO. H-6

MEMORANDUM

DATE: February 11, 2014

TO: The Board of Supervisors

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

SUBJECT: Grant Award – Commonwealth Attorney – V-STOP Grant Program Fund – $54,159

The Commonwealth Attorney has been awarded a $54,159 (Federal share $28,372; County Match $25,787) grant from the V-STOP Grant Program Fund through the State Department of Criminal Justice Services. The grant will fund the personnel costs for the continuation of a position to advocate for victims of crimes involving domestic violence, sexual abuse, and stalking. The Commonwealth Attorney has been successful in obtaining this grant for more than 10 years, and plans to apply for this grant in the future.

The attached resolution appropriates these funds to the Special Projects/Grant Fund through December 31, 2014.

Staff recommends adoption of the attached resolution.

Suzanne R. Mellen

CONCUR:

John E. McDonald

SRM/tlc
GA-VStop14-mem

Attachment

RESOLUTION

GRANT AWARD – COMMONWEALTH ATTORNEY –

V-STOP GRANT PROGRAM - $57,378

WHEREAS, the Commonwealth Attorney for the City of Williamsburg and James City County has been awarded a $54,159 grant (Federal share $28,372; County Match $25,787), which is awarded annually from the V-STOP Grant Fund through the State Department of Criminal Justice Services; and

WHEREAS, this grant would fund the personnel costs to advocate for victims of crimes involving domestic violence, sexual abuse, and stalking beginning January 1, 2014 through December 31, 2014; and

WHEREAS, this grant requires a local cash or in-kind match of $25,787, which is available in the Commonwealth Attorney's general fund account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the Special Projects/Grants Fund through December 31, 2014, for the purposes described above:

Revenues:

CY 14 V-STOP Department of Criminal Justice Services Federal Revenue (DCJS)	$28,372
CY 14 V-STOP James City County Matching Funds	$25,787
Total	$54,159

Expenditure:

CY 14 V-STOP Grant Program	$54,159

_____
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

_____
M. Douglas Powell
Clerk to the Board

	AYE	NAY	ABSTAIN
KENNEDY	____	____	____
JONES	____	____	____
MCGLENNON	____	____	____
ONIZUK	____	____	____
HIPPLE	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of February, 2014.

GA-VStop14-res

MEMORANDUM COVER

Subject: Pre-Budget Public Hearing - FY 2015 and FY 2016 County Budget

Action Requested: None

Summary: The purpose of this public hearing is to invite comments and suggestions from citizens for the upcoming County Budgets for FY 2015 and FY 2016. The comments and suggestions made at this pre-budget Public Hearing will help guide staff in preparing a budget proposal for the Board's review in April.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☒ No ☐

Acting County Administrator

Doug Powell DP

Attachment:
1. Memorandum

Agenda Item No.: I-1

Date: February 11, 2014

PreBudPH2015-16_cvr

AGENDA ITEM NO. I-1

MEMORANDUM

DATE: February 11, 2014

TO: The Board of Supervisors

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

SUBJECT: Pre-Budget Public Hearing - FY 2015 and FY 2016 Budget

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The purpose of this public hearing is to invite comments and suggestions from citizens for the upcoming two-year County Budget. The comments and suggestions made at this pre-budget Public Hearing will help guide staff in preparing a budget proposal for the Board's review in April. No Board action is requested at this time.

John E. McDonald

JEM/gb
PreBudPH2015-16_mem

MEMORANDUM COVER

Subject: Recision of February 8, 2005, Resolution and Abandonment of Certain Portions of Routes 776 and 1480 and Addition of Portions of Routes 776, 1480, and 5000 into the Secondary System of State Highways

Action Requested: Shall the Board approve a resolution to rescind its February 5, 2005, resolution and adopt new Virginia Department of Transportation (VDOT) data to correctly identify the current alignment of Routes 776, 1480, and 5000?

Summary: Attached is a resolution to rescind the Board's February 5, 2005, resolution and to abandon, add, renumber, and amend certain Virginia Department of Transportation (VDOT) data to correctly identify the current alignment of Routes 776, 1480, and 5000.

Staff recommends adoption of the attached resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☐ No ☐

Acting County Administrator

Doug Powell DP

Attachments:
1. Memorandum
2. Ordinance
3. February 5, 2005, resolution
4. VDOT Data Sheets

Agenda Item No.: I-2

Date: February 11, 2014

Route5000_cvr

AGENDA ITEM NO. I-2

M E M O R A N D U M

DATE: February 11, 2014

TO: The Board of Supervisors

FROM: Adam R. Kinsman, Deputy County Attorney

SUBJECT: Recision of February 8, 2005 Resolution and Abandonment of Certain Portions of Routes 776 and 1480 and Addition of Portions of Routes 776, 1480, and 5000 into the Secondary System of State Highways

---

On February 8, 2005, the Board adopted a resolution that requested abandonment of portions of Greenspring Plantation Drive and Powhatan Secondary and requested discontinuance of portions of Route 5. The Virginia Department of Transportation (VDOT) staff has discovered that the VDOT documents incorporated by the February 2005 resolution did not accurately reflect the roadway changes made under the Greenspring Plantation Project and by Project 5000-047-166. VDOT has requested that the Board adopt the attached resolution to rescind the February 2005 resolution and to take the following actions:

1. Abandon certain portions of Routes 776 (Greenspring Plantation Drive) and 1480 (Powhatan Secondary) from the Secondary System of State Highways;
2. Add portions of Routes 776, 1480, and 5000 (Monticello Avenue) to the Secondary System of State Highways;
3. Renumber portions of Route 776 to Route 5000; and
4. Correct roadway data for Route 5000.

Adoption of the attached resolution will not change the current configuration of Routes 776, 1480, or 5000, nor will it impose any additional liability on the County or VDOT. VDOT staff has indicated that these housekeeping changes are necessary before VDOT may proceed with a planned resurfacing of Route 5000 later this year. I recommend that the Board adopt the attached resolution.

Adam R. Kinsman

CONCUR:

Leo P. Rogers

ARK/nb
Route5000_mem

Attachment

RESOLUTION

RECISION OF FEBRUARY 8, 2005 RESOLUTION AND ABANDONMENT OF CERTAIN PORTIONS OF ROUTES 776 AND 1480 AND ADDITION OF PORTIONS OF ROUTES 776, 1480, AND 5000 INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, in order to address Virginia Department of Transportation ("VDOT") roadway changes under the Greenspring Plantation Project and Project 5000-047-166, C501, on February 8, 2005, the Board adopted the resolution entitled "Abandonments of Portions of Right-of-Way for Greensprings Plantation Drive and Powhatan Secondary and Request Discontinuance of Portions of Route 5, John Tyler Highway" (the "February 8, 2005 Resolution"); and

WHEREAS, the February 8, 2005, resolution does not accurately reflect the roadway changes made under the Greenspring Plantation Project and by Project 5000-047-166, C50 and needs to be rescinded and superseded by a correct resolution; and

WHEREAS, the correct project sketches and VDOT AM4.3 Form(s), attached and incorporated herein as part of this resolution, accurately define adjustments required in the Secondary System of State Highways as a result of the construction of the Greenspring Plantation Project and Project 5000-047-166, C501; and

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

WHEREAS, certain segments identified are ready to be accepted into the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby rescinds its February 8, 2005, resolution and adopts this resolution to supersede the February 8, 2005, resolution.

BE IT FURTHER RESOLVED that the Board hereby requests VDOT to take the necessary action to abandon those segments identified on the project sketches and attached AM4.3 Form(s) as a part of the Secondary System of State Highways, pursuant to § 33.1-155 of the *Code of Virginia*, 1950, as amended (the "Virginia Code").

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

BE IT FINALLY RESOLVED that a certified copy of this resolution be forwarded to VDOT.

_____
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

_____
Doug Powell
Deputy Clerk to the Board

	AYE	NAY	ABSTAIN
KENNEDY	____	____	____
JONES	____	____	____
MCGLENNON	____	____	____
ONIZUK	____	____	____
HIPPLE	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of February, 2014.

Route5000_res

RESOLUTION

ABANDONMENTS OF PORTIONS OF RIGHT-OF-WAY FOR GREENSPRINGS PLANTATION DRIVE AND POWHATAN SECONDARY AND REQUEST FOR DISCONTINUANCE OF A PORTION OF STATE ROUTE 5, JOHN TYLER HIGHWAY

WHEREAS, the Virginia Department of Transportation (VDOT) has provided this Board with a sketch dated March 13, 2002, revised August 7, 2003, depicting required changes in the Secondary System of State Highways, which sketch entitled "Changes in the Primary and Secondary Systems Due to Relocation, and Construction on Routes 5, 776, 1480 and 5000 the additions, discontinuances, abandonments and renumbering required as a result of Project 5000-047-166, C501," which sketch is hereby incorporated herein by reference; and

WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve as a public need.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, requests VDOT to add to the Secondary System of State Highways those portions of Route 5000, identified by the sketch as Sections 8, 9, 10, 11, 12, 13, and 14, pursuant to 33.1-229 of the Code of Virginia.

BE IT FURTHER RESOLVED that this Board requests to add to the Secondary System of State Highways those portions of Route 1480 identified by the sketch as Section 18, pursuant to 33.1-229 of the Code of Virginia.

BE IT FURTHER RESOLVED that this Board requests to add to the Secondary System of State Highways those portions of Route 776 identified by the sketch as Section 16, pursuant to 33.1-229 of the Code of Virginia.

BE IT FURTHER RESOLVED that this Board requests that VDOT discontinue from the Primary System of State Highways the portion of Route 5 identified as Section 1, pursuant to 33.1-144 of the Code of Virginia.

BE IT FURTHER RESOLVED that this Board requests that VDOT abandon from the Secondary System of State Highways the portion of Route 1480 identified as Sections 3, 4, and 5 pursuant to 33.1-155 of the Code of Virginia.

BE IT FURTHER RESOLVED that this Board requests that VDOT abandon from the Secondary System of State Highways the portion of Route 776 identified as Section 2, pursuant to 33.1-155 of the Code of Virginia.

NOW THEREFORE, BE IT FURTHER RESOLVED that this Board requests that VDOT renumber the Highways as a part of the Secondary System of State Highways those portions of Route 776 identified as Section 6 on the aforementioned sketch.

BE IT FURTHER RESOLVED that this Board orders that a certified copy of this resolution be forwarded to the Resident Engineer for VDOT.

Michael J. Brown
Chairman, Board of Supervisors

SUPERVISOR	VOTE
HARRISON	AYE
GOODSON	AYE
MCGLENNON	AYE
BRADSHAW	AYE
BROWN	AYE

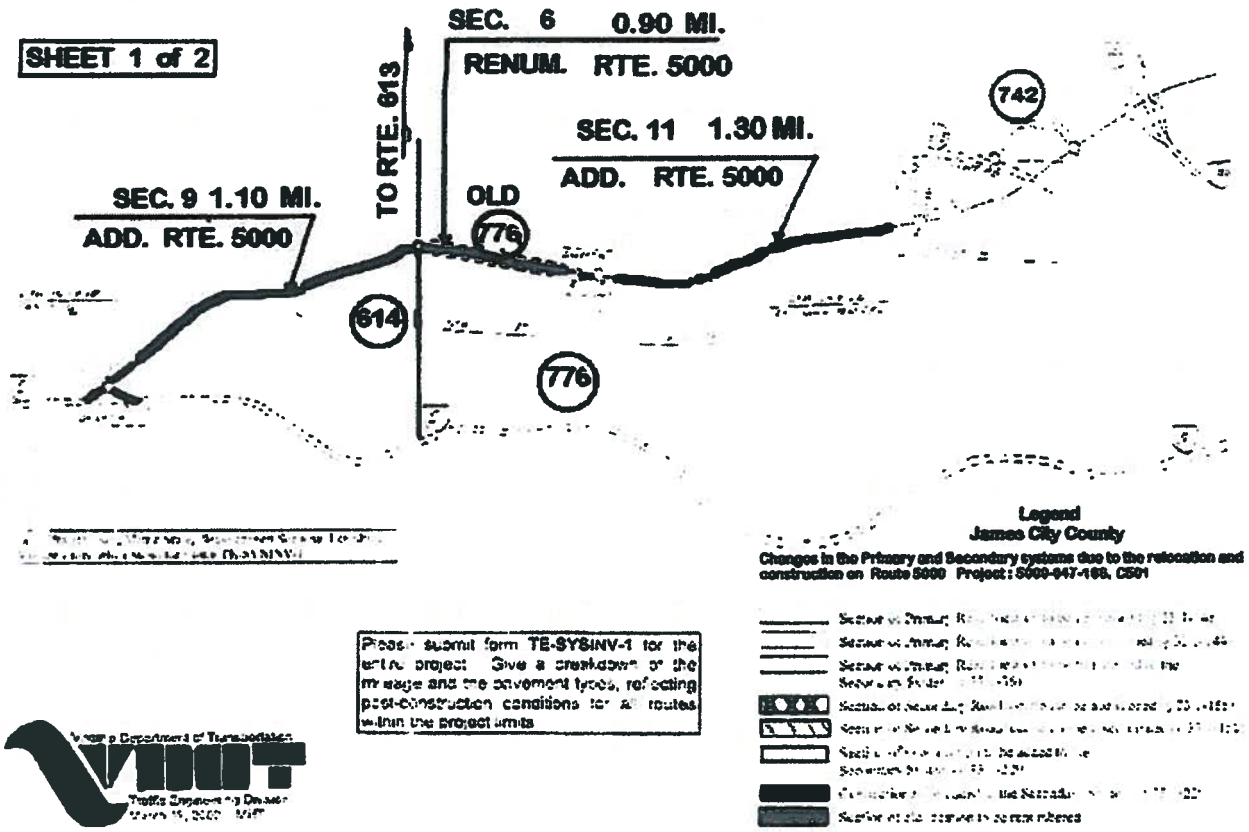
ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of February, 2005.

greensp_powh.res

SHEET 1 of 2

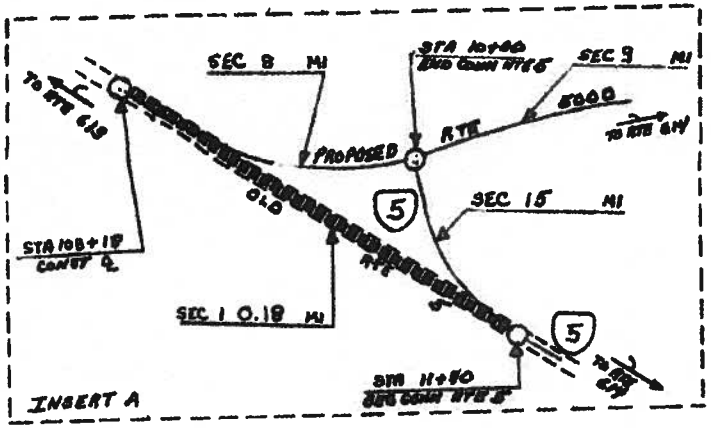


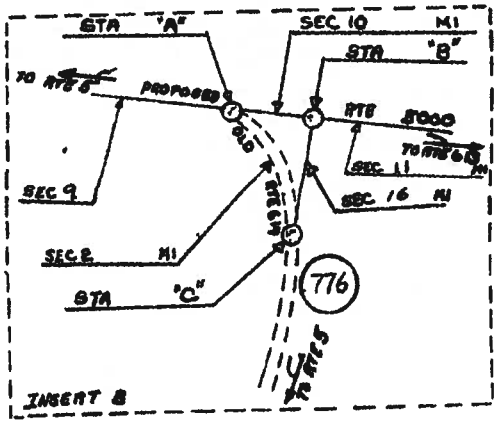
Please submit form TE-SYSINV-1 for the entire project. Give a breakdown of the mileage and the pavement types, reflecting post-construction conditions for all routes within the project limits.

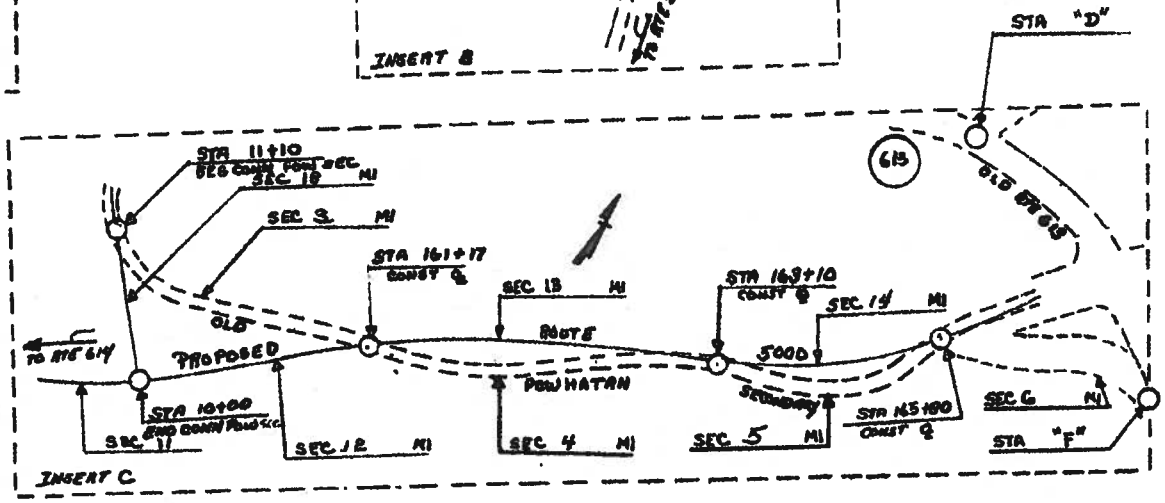
Virginia Department of Transportation

Traffic Engineering Division

SHEET 2 of 2





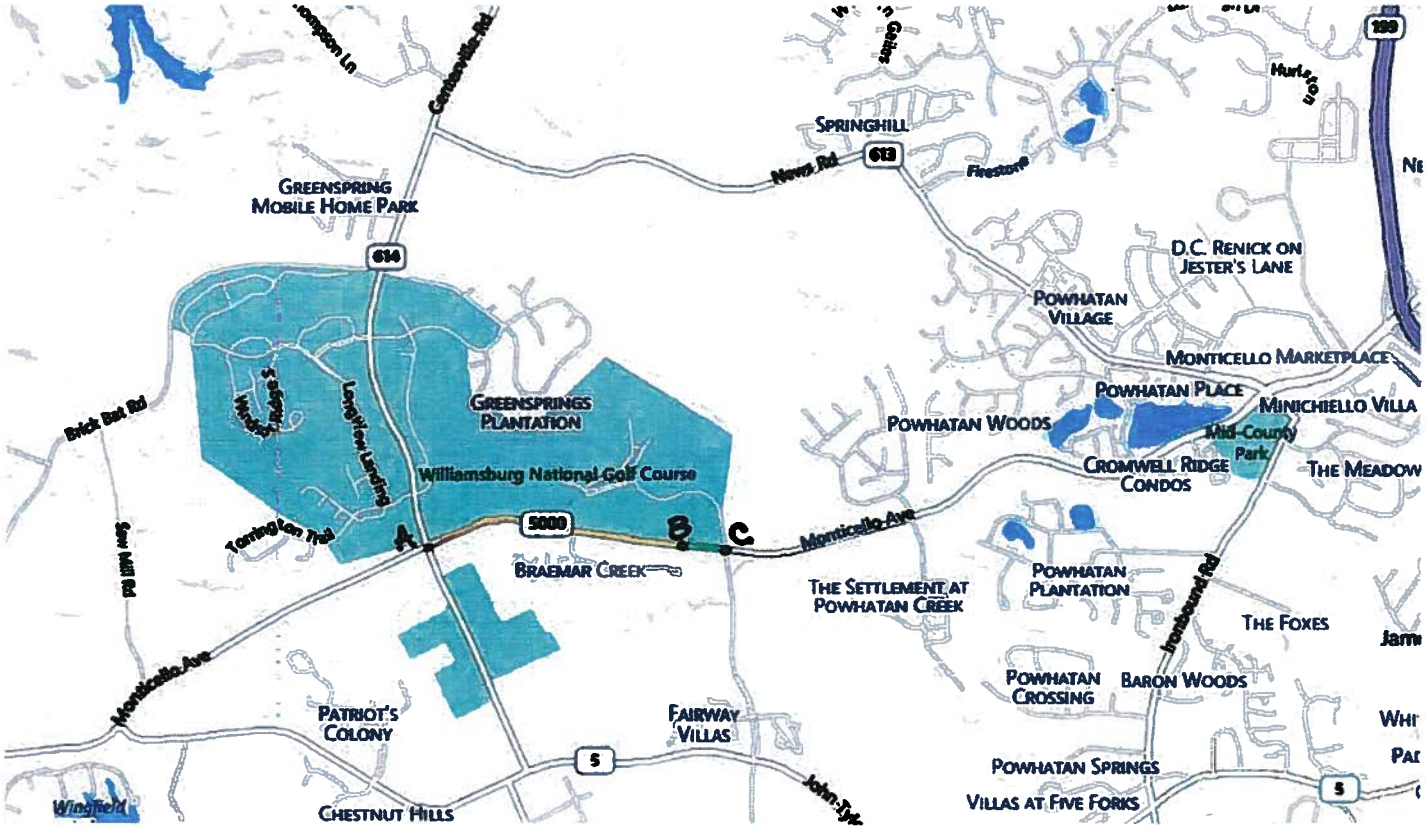


Virginia Department of Transportation
VDOT
Traffic Engineering Division
March 13, 2002 MHT
REVISED August 7, 2003

Please submit form TE-SYSINV-1 for the entire project. Give a breakdown of the mileage and the pavement types, reflecting post-construction conditions for all routes within the project limits.

Route 776 Renumber

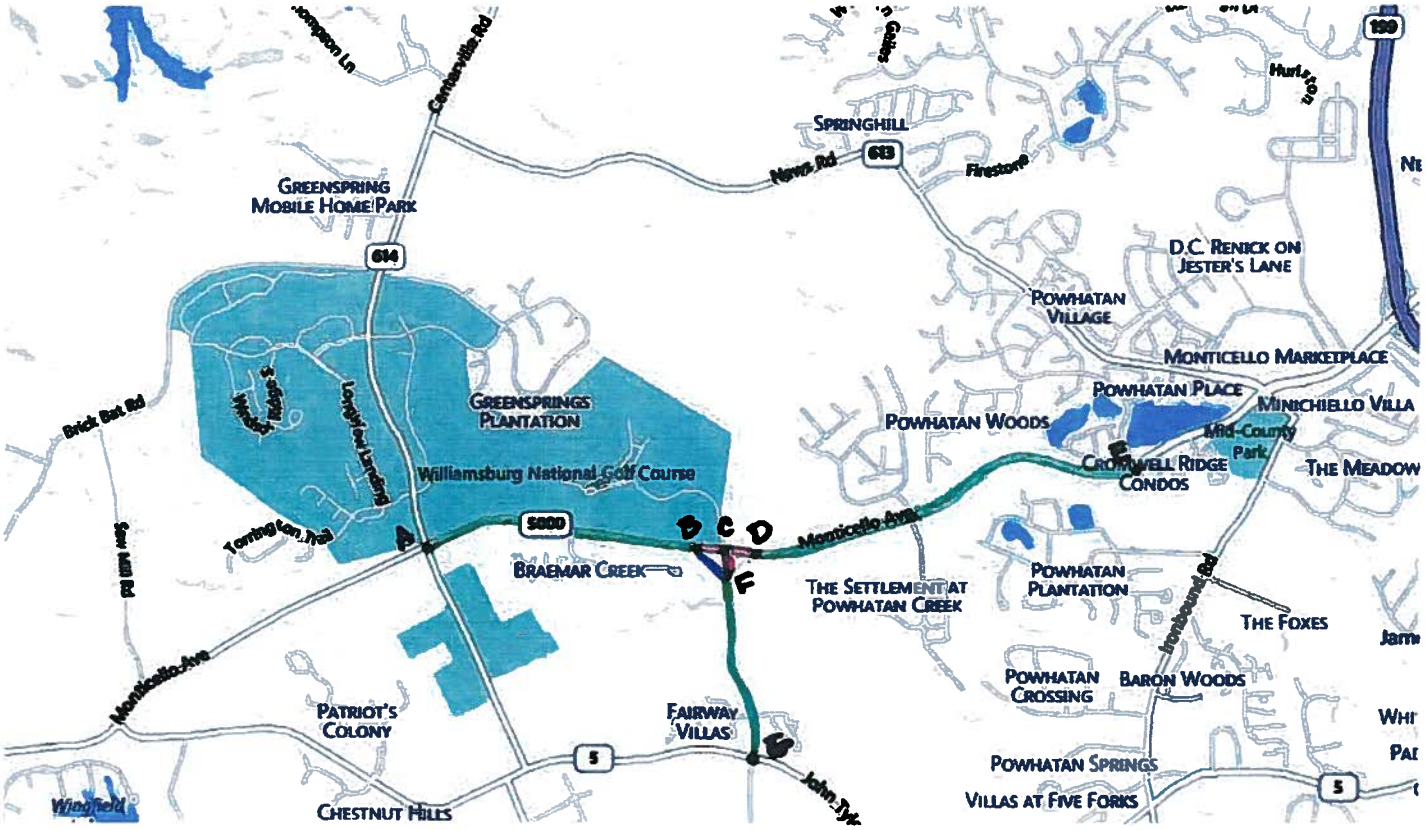
James City County



Action	From	To	Old Route	New Route	Length
Renumber	A	B	Rt 776	Rt 5000, Monticello Avenue	0.83
Data Correction	B	C	Rt 5000	Rt 5000, Monticello Avenue	0.07

Greenspring Plantation Remainder

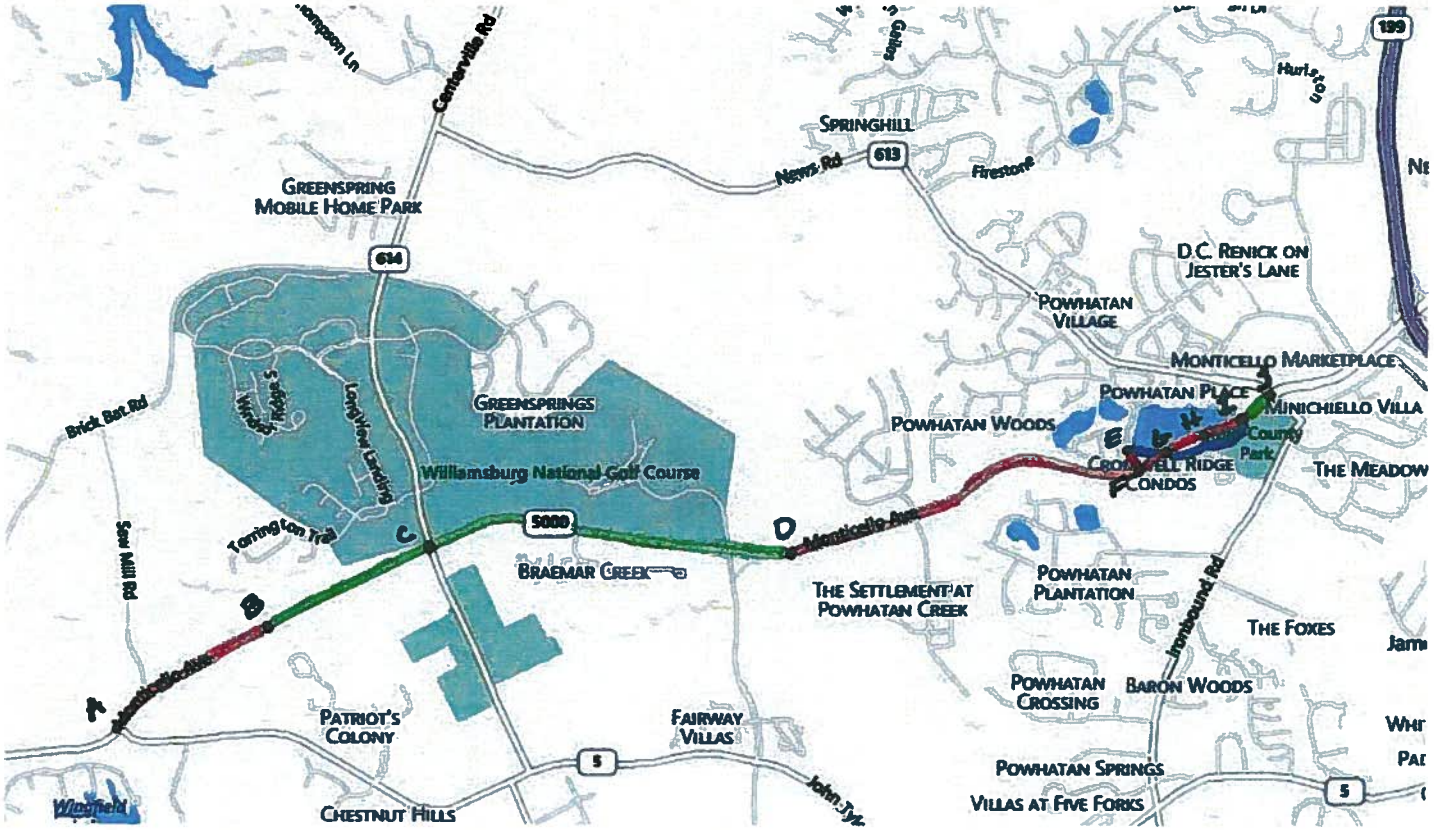
James City County



Action	From	To	Route	Length
Secondary Addition	B	C	Rt 5000, Monticello Avenue	0.07
Secondary Addition	C	D	Rt 5000, Monticello Avenue	0.25
Secondary Addition	C	F	Rt 776, Greenspring Plantation Drive	0.10
Abandon Secondary	B	F	Rt 776, Greenspring Plantation Drive	0.14

5000-047-166 C501, Revision

James City County



Action	From	To	Route	Length
Secondary Addition	A	B	Rt 5000, Monticello Avenue	0.51
Secondary Addition	D	E	Rt 5000, Monticello Avenue	0.78
Secondary Addition	F	G	Rt 5000, Monticello Avenue	0.10
Secondary Addition	G	H	Rt 5000, Monticello Avenue	0.17
Secondary Addition	H	I	Rt 5000, Monticello Avenue	0.09
Secondary Addition	E	F	Rt 1480	0.07
Abandon Secondary	E	G	Rt 1480	0.12
Abandon Secondary	G	H	Rt 1480	0.17
Abandon Secondary	H	I	Rt 1480	0.10

Area Headquarters:

For: **County of James City**

Project: **5000-047-166 C501 Revision**

Type Change to the Secondary System of State Highways: **Addition**

Type of Change: **VDOT Project**

- **State Route Number: 5000 Monticello Avenue**
  From: Int. Rt 5 & Rt 5000 (A)
  To: .51 mi E Int Rt 5 & Rt 5000 (B)
  A distance of: 0.51 miles.

Type Change to the Secondary System of State Highways: **Data Correction**

Type of Change: **VDOT Project**

- **State Route Number: 5000 Monticello Avenue**
  From: .51 mi E Int Rt 5 & Rt 5000 (B)
  To: Int Rt 5000 & Rt 614 (C)
  A distance of: 0.59 miles.

Type Change to the Secondary System of State Highways: **Data Correction**

Type of Change: **VDOT Project**

- **State Route Number: 5000 Monticello Avenue**
  From: Int Rt 5000 & Rt 614 (C)
  To: .25 mi E Int Rt 5000 & Rt 776 (D)
  A distance of: 1.15 miles.

Type Change to the Secondary System of State Highways: **Addition**

Type of Change: **VDOT Project**

- **State Route Number: 5000 Monticello Avenue**
  From: .25 mi E Int Rt 5000 & Rt 776 (D)
  To: Int New Rt 1480 & Rt 5000 (F)
  A distance of: 0.78 miles.

Type Change to the Secondary System of State Highways: **Addition**

Type of Change: **VDOT Project**

- **State Route Number: 5000 Monticello Avenue**
  From: Int New Rt 1480 & Rt 5000 (F)
  To: Int Old Rt 1480 & Rt 5000 (G)
  A distance of: 0.10 miles.

Type Change to the Secondary System of State Highways: **Addition**

Type of Change: **VDOT Project**

- **State Route Number: 5000 Monticello Avenue**
  From: Int Old Rt 1480 & Rt 5000 (G)
  To: .16 mi W Int Rt 5000 & Rt 613 (H)
  A distance of: 0.17 miles.

Type Change to the Secondary System of State Highways: **Addition**

Type of Change: **VDOT Project**

- **State Route Number: 5000 Monticello Avenue**
  From: .16 mi W Int Rt 5000 & Rt 613 (H)
  To: .07 mi W Int Rt 5000 & Rt 613 (I)
  A distance of: 0.09 miles.

Type Change to the Secondary System of State Highways: **Data Correction**

Type of Change: **VDOT Project**

- **State Route Number: 5000 Monticello Avenue**
  From: .07 mi W Int Rt 5000 & Rt 613 (I)
  To: Int Rt 5000 & Rt 613 (J)
  A distance of: 0.07 miles.

Type Change to the Secondary System of State Highways: **Abandonment**

Type of Change: **VDOT Project - Section 33.1-155**

- **State Route Number: 1480**
  From: .07 mi N Int New Rt 1480 & Rt 5000 (E)
  To: .1 mi E Int New Rt 1480 & Rt 5000 (G)
  A distance of: 0.12 miles.

Type Change to the Secondary System of State Highways: **Abandonment**

Type of Change: **VDOT Project - Section 33.1-155**

- **State Route Number: 1480**
  From: .1 mi E Int New Rt 1480 & Rt 5000 (G)
  To: .16 mi W Int Rt 5000 & Rt 613 (H)
  A distance of: 0.17 miles.

Type Change to the Secondary System of State Highways: **Abandonment**

Type of Change: **VDOT Project - Section 33.1-155**

- **State Route Number: 1480**
  From: .16 mi W Int Rt 5000 & Rt 613 (H)
  To: .07 mi W Int Rt 5000 & Rt 613 (I)
  A distance of: 0.10 miles.

Type Change to the Secondary System of State Highways: **Addition**

Type of Change: **VDOT Project**

- **State Route Number: 1480**
  From: .07 mi N Int New Rt 1480 & Rt 5000 (E)
  To: Int New Rt 1480 & Rt 5000 (F)
  A distance of: 0.07 miles.

MEMORANDUM COVER

Subject: Granting an Easement upon 3135 Forge Road Property

Action Requested: Shall the Board approve a resolution to grant an easment upon County property located at 3135 Forge Road in exchange for a quitclaim deed to an old railbed located upon the same parcel?

Summary: Attached is a resolution to permit the County Administrator to execute documents needed to grant a 13,216-square-foot easement upon County property located at 3135 Forge Road in exchange for a quitclaim deed to a 26,432-square-foot railbed located upon the same property.

Staff recommends adoption of the attached resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☐ No ☐

Acting County Administrator

M. Douglas Powell _____

Attachments:
1. Memorandum
2. Resolution
3. Plat of Easement

Agenda Item No.: I-3

Date: February 11,2014

3135ForgeRdEasmt-cvr

AGENDA ITEM NO. I-3

M E M O R A N D U M

DATE: February 11, 2014

TO: The Board of Supervisors

FROM: Adam R. Kinsman, Deputy County Attorney

SUBJECT: Granting an Easement upon 3135 Forge Road Property

While planning for the replacement of Fire Station 1, staff discovered that the ownership of a former C&O railbed adjacent to the current fire station's parking area was in question. The former railbed is also adjacent to the parcels located at 7849 Church Lane, 3121 Forge Road, and 3123 Forge Road. In an effort to avoid condemnation or lengthy litigation that would have upset the construction schedule for Fire Station 1, in 2013 the County purchased the property located at 7849 Church Lane. Following further title research of the parcel at 3121 Forge Road and discussions with the owner, Ms. Peggy Price, and her attorney, it has been agreed that the County very likely owns the portion of railbed in front of her parcel.

The County's property line is situated approximately ten feet from the front door of Ms. Price's house and a significant portion of her driveway is encroaching upon the County's property. Ms. Price has requested that the County grant her a 60-foot easement on County property to allow her to continue to use her driveway and to maintain an existing vegetative buffer between her house and the fire station. Following a discussion with the Fire Chief, there are no plans to reclaim use of the property upon which Ms. Price's driveway is situated and the existing 60-foot buffer is required by the zoning ordinance and has already been incorporated into the development plans for the expanded fire station.

In exchange for the 60-foot easement, Ms. Price has agreed to quitclaim any right she may have to the entire 120-foot-wide railbed area, which will permanently end any further questions about its ownership. Granting the easement will end any controversy about ownership of the property, will allow Ms. Price to continue to use her driveway in its current configuration, and will not hinder the plans to expand Fire Station 1. I recommend granting Ms. Price an easement over a 60-foot-wide portion of the County's property as shown on the attached exhibit in exchange for Ms. Price's quitclaim deed over the entire 120-foot railbed area.

Adam Kinsman

Adam R. Kinsman

CONCUR:

Leo P. Rogers

Leo P. Rogers

ARK/gb
3135ForgeRdEasmt-mem

Attachments

R E S O L U T I O N

GRANTING AN EASEMENT UPON 3135 FORGE ROAD PROPERTY

WHEREAS, the County owns a parcel of property located at 3135 Forge Road, further identified as James City County Real Estate Tax Parcel No. 1230100027 and commonly known as Fire Station 1 (the "County Property"); and

WHEREAS, an old 120-foot-wide C&O railbed is situated upon the southern portion of the County Property and abuts a parcel located at 3121 Forge Road (the "Price Property"); and

WHEREAS, ownership of the railbed on the County Property is unsettled and the owners of the Price Property are willing to quitclaim any ownership they may have in the railbed in exchange for a 60-foot easement on the County Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized to execute any and all documents necessary to grant a 13,216-square-foot easement on the County Property as shown on the plat of easement entitled "PLAT OF EASEMENT FOR JAMES CITY COUNTY TOANO FIRE STATION #1" dated January 8, 2014, and made by AES Consulting Engineers to the owners of the Price Property in exchange for a quitclaim deed from the owners of the Price Property, quitclaiming any and all rights to ownership of the railbed on the County Property.

_____
Mary K. Jones
Chairman, Board of Supervisors

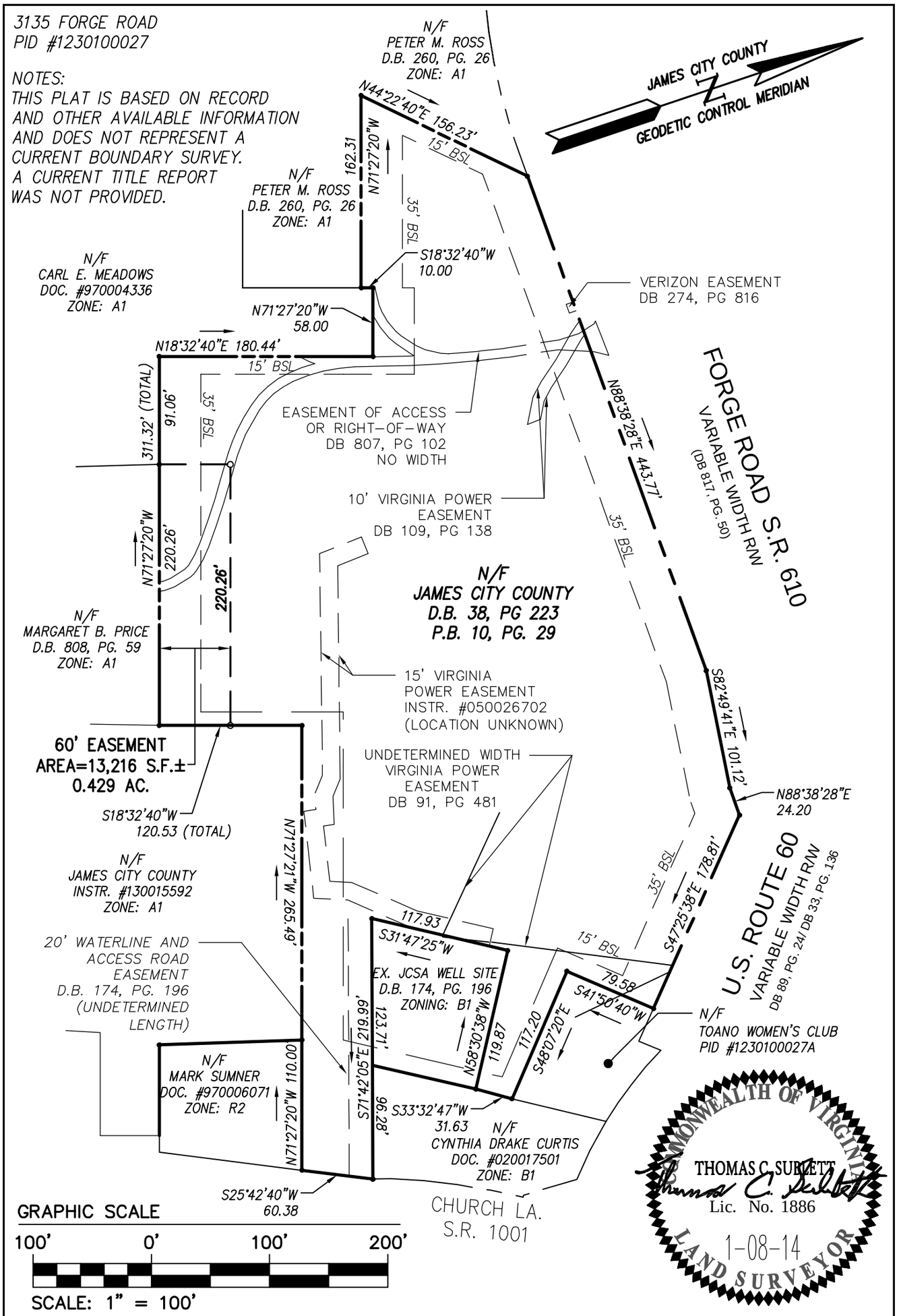
ATTEST:

_____
M. Douglas Powell
Clerk to the Board

	AYE	NAY	ABSTAIN
KENNEDY	____	____	____
JONES	____	____	____
MCGLENNON	____	____	____
ONIZUK	____	____	____
HIPPLE	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of Februray, 2014.

3135ForgeRdEasmt-res



PLAT OF EASEMENT FOR

JAMES CITY COUNTY

TOANO FIRE STATION #1

STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	TCS	Scale:	1"=100'
Project Number:	W10212-01	Date:	1/08/14

AES CONSULTING ENGINEERS
5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
Phone: (757) 253-0040
Fax: (757) 220-8994
www.aesva.com
Hampton Roads | Central Virginia | Middle Peninsula

MEMORANDUM COVER

Subject: Case No. AFD-02-86-1-2013. Croaker Agricultural and Forestal District (AFD) Addition - 420 Stonehouse Road

Action Requested: Shall the Board approve a resolution that enrolls 50 acres into the Croaker Agricultural and Forestal District (AFD)?

Summary: Mr. William Mann has applied to enroll 50 acres of land located at 420 Stonehouse Road into the Croaker AFD. Approval of this application would bring the size of the district to 1,133 acres.

On December 12, 2013, the AFD Advisory Committee recommended approval of the application by a vote of 8-0. On January 8, 2014, the Planning Commission recommended approval of the application by a vote of 6-0.

The proposed addition meets the minimum area and proximity requirements for inclusion into the AFD.

Staff recommends approval of the addition to the Croaker AFD with the conditions listed in the attached resolution, consistent with other properties in the district.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☐ No ☐

Acting County Administrator

M. Douglas Powell DP

Attachments:
1. Resolution
2. Location Map
3. Unapproved Minutes of the December 12, 2013, AFD Advisory Committee Meeting
4. Unapproved Minutes of the January 8, 2014, Planning Commission Meeting

Agenda Item No.: I-4

Date: February 11, 2014

AGENDA ITEM NO. I-4

Agricultural and Forestal District-02-86-1-2013. Croaker AFD Addition – 420 Stonehouse Road.

Staff Report for the February 11, 2014, Board of Supervisors meeting.

This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, 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 MEETINGS	**Building F Board Room: County Government Complex**
AFD Advisory Committee	December 12, 2013, 4:00 p.m.
Planning Commission	January 8, 2014, 7:00 p.m.
Board of Supervisors	February 11, 2014, 7:00 p.m.

SUMMARY FACTS

Applicant:	Mr. William Mann
Land Owners:	William and Katherine Mann
Proposal:	Addition of ±50 acres of land to the Croaker AFD
Location:	420 Stonehouse Road
Tax Map/Parcel No:	1510400003
Parcel Size:	±50 acres
Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands/Conservation Area
Primary Service Area:	Outside

STAFF RECOMMENDATION

The proposed addition meets the minimum size and proximity requirements for inclusion into the Agricultural and Forestal District (AFD). Staff recommends that the Board of Supervisors approve the addition to the Croaker AFD with the conditions listed in the attached resolution, consistent with other properties in the district.

At its December 12, 2013, meeting, the AFD Advisory Committee voted 8-0 recommending approval of the application.

Staff Contact: Luke Vinciguerra Phone: 253-6783

PLANNING COMMISSION RECOMMENDATION

On January 8, 2014, the Planning Commission voted 6-0 recommending approval of the application.

Changes Made Since the Planning Commission Meeting

None.

PROJECT DESCRIPTION

Mr. Mann has applied to enroll ±50 acres of land located at 420 Stonehouse Road into the Croaker AFD. The parcel is heavily wooded and is not actively farmed. The property contains one single-family dwelling. The applicant proposes to use the AFD as a tool for land preservation. The property would be eligible for land use valuation provided the proper documentation is provided to the Commissioner of the Revenue's office.

The Croaker AFD consists of approximately 1,083 acres located in and around the Croaker Road area. The AFD contains parcels which front on Ware Creek and Riverview Roads. The majority of the district is forested and remains rural in nature.

Surrounding Land Uses and Development

This property is located in the Woodland Farms subdivision where the primary use is single-family residential. There are no other properties in this subdivision enrolled in an AFD.

COMPREHENSIVE PLAN

The Comprehensive Plan designates this parcel as Rural Lands and Conservation Area. Land Use Action 6.1.1 of the 2009 Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

Analysis

The proposed addition meets the minimum area and proximity requirements for inclusion into the AFD. Approval of this application would bring the size of the district to 1,133 acres. This addition would be subject to the following conditions, consistent with other properties in the district:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

2. No land outside the Primary Service Area (PSA) and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.

3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

RECOMMENDATION

At its December 12, 2013, meeting, the AFD Advisory Committee voted 8-0 recommending approval of the application. On January 8, 2014, the Planning Commission voted 6-0 recommending approval of the application. Staff recommends that the Board of Supervisors approve the addition to the Croaker AFD with the conditions listed in the attached resolution.

Luke Vinciguerra

CONCUR:

Allen J. Murphy, Jr.

LV/nb
AFD02-86-1-13Croaker.doc

Attachments:
1. Resolution
2. Location Map
3. Unapproved Minutes of the December 12, 2013, AFD Advisory Committee Meeting
4. Unapproved Minutes of the January 8, 2014, Planning Commission Meeting

ORDINANCE NO. _____

CASE NO. AFD-02-86-1-2013. CROAKER AGRICULTURAL AND

FORESTAL DISTRICT (AFD) ADDITION – 420 STONEHOUSE ROAD

WHEREAS, a request has been filed (the "Application") to add ±50 acres of land owned by William and Katherine Mann located at 420 Stonehouse Road and identified as James City County Real Estate Tax Map Parcel No. 1510400003 in AFD - 02-86, the "Croaker Agricultural and Forestal District" (the "AFD"); and

WHEREAS, at its December 12, 2013, meeting, the Agricultural and Forestal District Advisory Committee voted 8-0 to recommend approval of the Application; and

WHEREAS, a public hearing was advertised and held by the Planning Commission at its January 8, 2014, meeting, pursuant to Section 15.2-4314 of the Code of Virginia, 1950, as amended (the "Virginia Code"), after which the Planning Commission voted 6-0 to recommend approval of the Application; and

WHEREAS, pursuant to Section 15.2-4214 of the Virginia Code, a public hearing was advertised and held by the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adds ±50 acres owned by William and Katherine Mann, as referenced herein, to the 1,083 acres of the Croaker AFD with the following conditions:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

2. No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.

3. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Section 15.2-4301 et. seq of the Virginia Code, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

_____
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

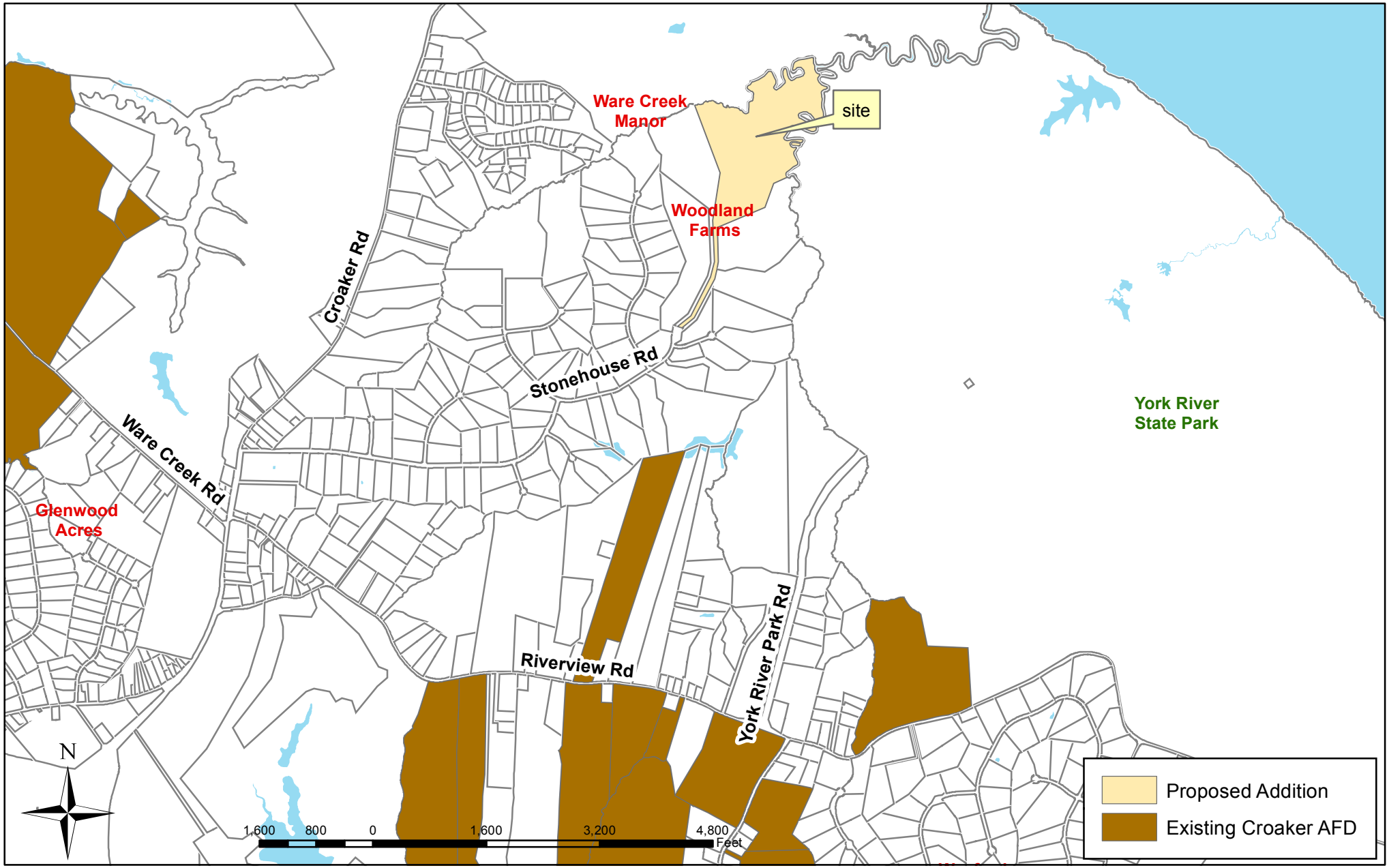
_____
M. Douglas Powell
Clerk to the Board

	AYE	NAY	ABSTAIN
KENNEDY	____	____	____
JONES	____	____	____
MCGLENNON	____	____	____
ONIZUK	____	____	____
HIPPLE	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of February, 2014.

AFD02-86-1-13Croaker-res

AFD-02-86-1-2013
Croaker AFD Addition



UNAPPROVED MINUTES OF THE AGRICULTURAL AND FORESTAL ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 12th DAY OF DECEMBER, TWO THOUSAND AND THIRTEEN, AT 4:00 P.M. AT THE HUMAN SERVICES BUILDING, 5249 OLDE TOWNE ROAD, WILLIAMSBURG, VIRGINIA.

1. Roll Call:

Members Present
Mr. Tom Hitchens
Ms. Loretta Garrett
Mr. Jim Icenhour
Mr. Payten Harcum
Mr. Carlyle Ford
Mr. Bruce Abbott
Mr. Richard Bradshaw
Ms. Martha Smith

Also Present
Mr. Luke Vinciguerra (Planning)

Absent

2. New Business:

Approval of the May 9, 2013 Meeting Minutes

Minutes were approved unanimously.

- **Croaker AFD Addition – 420 Stonehouse Road**

Mr. Luke Vinciguerra presented the staff report stating that Mr. William Mann is requesting the addition of +/- 50 acres of land zoned A-1, General Agricultural, into the Croaker Agricultural and Forestal district located at 420 Stonehouse Road. Mr. Vinciguerra noted that the property was designated Rural Lands and Conservation Area by the Comp Plan.

Mr. Richard Bradshaw stated he had no objection to the addition but, noted the property owner would not receive land use valuation on the next tax cycle. Mr. Bradshaw further stated that AFD's are only four year programs and are not a long term tool for land use preservation.

Mr. Vinciguerra responded that staff has discussed the possibility of a private deed restriction in addition to the AFD with the applicant.

Mr. Bruce Abbott asked if the applicant was aware of the County's Purchase of Development Rights (PDR) Program. Mr. Vinciguerra stated that he had not discussed the PDR program with the applicant but noted this was not a priority property for the program.

Mr. Payten Harcum questioned the development potential of the property. Mr. Vinciguerra stated with only 25 feet of road frontage, he did not see much development potential other than a family subdivision. Mr. Vinciguerra further stated there are by-right uses in the A-1 district other than residential and agricultural.

Mr. Carlyle Ford asked if this addition would open up the possibility for other nearby properties to join the Croaker AFD. Mr. Vinciguerra responded it would not, unless the property was contiguous to the property under discussion.

Mr. Bradshaw noted that the Croaker AFD is up for renewal in 2014.

On a motion by Mr. Ford, the Committee unanimously recommended the addition of the property into the Croaker AFD to the Planning Commission and Board of Supervisors.

The meeting was adjourned at 4:15 p.m.

_____ _____

Ms. Smith, Chair Luke Vinciguerra, Planner

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE EIGHTH DAY OF JANUARY, TWO-THOUSAND AND FOURTEEN, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. Case No. AFD-02-86-1-2013, Croaker AFD Addition- 420 Stonehouse Road

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 questions by the Commissioners.

Mr. Woods stated that he needed to disclose that the applicant is the executive director of an organization for which he serves on the Board of Directors. Mr. Woods further stated that he did not believe that his professional relationship with the applicant would create a conflict of interest or influence his decision.

Mr. Woods opened the Public Hearing.

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

Mr. Woods opened the floor for Planning Commission discussion.

Mr. Maddocks moved to recommend approval of the application to the Board of Supervisors.

In a roll call vote, the Commission recommended approval of the application 6-0; Mr. Drummond being absent.

MEMORANDUM COVER

Subject: Special Use Permit 0014-2013. Lightfoot Marketplace

Action Requested: Shall the Board approve this special use permit application for commercial development?

Summary: The proposed development site is the existing location of the 230,000-square-foot Williamsburg Outlet Mall. With this proposal, the Outlet Mall and surrounding parking lots would be demolished and new buildings, parking and other infrastructure would be constructed. The proposed development would include up to 136,500 square feet of commercial and office development.

On January 8, 2014, the Planning Commission recommended approval of this proposal by a vote of 6-0. Staff recommends that the Board of Supervisors approve this application with the conditions listed in the resolution.

Fiscal Impact: Positive

FMS Approval, if Applicable: Yes ☐ No ☐

Acting County Administrator

Doug Powell DP

Attachments:
1. Staff report
2. Resolution
3. Location Map
4. Planning Commission minutes
5. Application binder

Agenda Item No.: I-5

Date: February 11, 2014

Sup14-13LightfootMkt-cvr

AGENDA ITEM NO. I-5

SPECIAL USE PERMIT-0014-2013. Lightfoot Marketplace
Staff Report for the February 11, 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	**Building F Board Room; County Government Complex**
Planning Commission:	January 8, 2014, 7:00 p.m.
Board of Supervisors:	February 11, 2014, 7:00 p.m.

SUMMARY FACTS

Applicant:	Paul Gerhardt on behalf of Williamsburg Retail Investors, LLC
Land Owner:	6401 Richmond Road, LLLP
Proposal:	Commercial/office development
Location:	6401 Richmond Road
Tax Map/Parcel Nos.:	2430100038
Parcel Size:	+/-18.96 acres
Zoning:	M-1, Limited Business/Industrial District
Comprehensive Plan:	MU, Mixed Use – Lightfoot
Primary Service Area:	Inside

STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors approve this application with the conditions listed in the attached resolution. Staff finds the proposal adequately mitigates its projected impacts and is consistent with the Comprehensive Plan.

Staff Contact: Ellen Cook Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

At its January 8, 2013, meeting, the Planning Commission recommended approval, with the amendment to Condition 8 (described below), by a vote of 6-0 (Drummond absent).

Proposed Changes Made Since Planning Commission Meeting

At the Planning Commission meeting, an amendment to Condition 8 (sustainable design initiatives) was requested by the Commission and agreed to by the applicant. This amendment adds a paragraph to the condition specifying that Building 6, which had previously not be included in the condition, would also include a minimum of three initiatives from the Leadership in Energy and Environmental Design (LEED) checklist in its design.

PROJECT DESCRIPTION

The proposed development site is the existing location of the 230,000-square-foot Williamsburg Outlet Mall. With this proposal, the Outlet Mall and surrounding parking lots would be demolished and new buildings, parking, and other infrastructure would be constructed. The proposed development would include up to 136,500 square feet[1] of commercial and office development. The development site is zoned M-1, Limited Business/Industrial, District and would require a Special Use Permit (SUP) under Section 24-11 of the Zoning Ordinance due to being comprised of a building or group of buildings which exceed 10,000 square feet of floor area and which are expected to generate a total of 100 or more peak hour trips.

The binding sheet of the Master Plan indicates the location and use of six buildings. Building 1 is the proposed Harris Teeter grocery store and building 4 is the proposed Walgreens drugstore. Specific tenants have not been indicated to staff for buildings 2, 3, 5, and 6. The applicant attended Development Review Committee (DRC) meetings in June, August, and November of 2013 to present the concept layout, architectural renderings, and other information. The applicant has included many features in the proposal to address DRC comments, including consistent architectural treatment, a complete pedestrian network, and green or sustainable design elements. There are two other topics that staff would want to highlight in terms of past DRC discussion:

- Between the November DRC meeting and the Planning Commission meeting, the applicant carefully examined the utilities in the 50-foot Community Character Corridor buffer along Centerville Road. Due to the presence of Dominion Power poles and other easements, the Site Section drawing was updated to show the poles and some re-arrangement of the landscaping. The basic landscaping components are retained as shown in the site cross section that was shown to the DRC, and the applicant also prepared a Conceptual Buffer Landscape drawing (included in the binder). SUP Condition 10 specifies the landscaping components as shown to the DRC.
- Between the November DRC meeting and the Planning Commission meeting, the layout of the Marketplace Green was adjusted on the Master Plan, with the alignment of the vehicular access through the Green shifted to the south, becoming part of Street D. Staff had requested that the applicant prepare a concept that curved the access even further to the south, which staff finds to be more consistent with the previous DRC discussion, and to provide more usable space and greater traffic calming (a T-intersection). This concept is shown in attachment 2 on the sheet labeled Marketplace Green, and is specified in Condition 11. At the Planning Commission meeting, the Commission concurred with Condition 11.

PUBLIC IMPACTS

Engineering and Resource Protection

The property is situated within the Powhatan Creek and Yarmouth Creek Watersheds, and predominantly drains to the Powhatan Creek. The property has an existing detention pond at the southwest corner of the property and thereafter drains to the regional stormwater facilities located on the Warhill property. The applicant will enlarge the existing detention pond as part of bringing it up to current standards. In terms of impervious cover, the existing development is 85 percent impervious – to achieve the required redevelopment stormwater water quality credit for the property, the site needs to show a reduction in the existing impervious cover of 10 percent. In addition, as part of the required special stormwater criteria ("SSC") measures, the applicant will pursue an impervious cover reduction of an additional 10 percent. For the other required SSC measures, the applicant has included a list of potential measures on the conceptual Stormwater Master Plan such as pervious pavement or manufactured BMP systems.

Conditions:

- Condition 2. Impervious surface shall be reduced by 20 percent of existing conditions.

[1] The Master Plan shows 136,134 square feet, and staff has rounded this number up slightly to a round number for the SUP condition.

Engineering and Resource Protection Staff Comments: Staff has reviewed the Community Impact Statement and Master Plan and concurs with the approach presented, while providing information that will need to be considered at the site plan design stage.

Public Utilities

Public water service is available through a JCSA 16-inch water main located along Richmond Road. The existing services to the Outlet Mall building are provided from a private 8-inch water loop served through a master meter, and the intent is to continue to maintain a private system off the existing master meter.

Public sewer service is currently provided through a private grinder pump station that discharges via a 2-inch forcemain into the 8-inch JCSA forcemain along Centerville Road. The intent of the proposed development is to relocate the existing private sanitary lift station and discharge within the existing 2" sanitary forcemain.

Conditions:

- Condition 3. Water Conservation standards to be reviewed and approved by the James City Service Authority (JCSA).
- Condition 4. Irrigation controls – standards for the sources of water that can be used for irrigation.

Staff Comments: Staff has reviewed the Community Impact Statement and Master Plan and concurs with the approach presented, while providing information that will need to be considered at the site plan design stage.

Transportation

As already existed for the Outlet Mall, the development would have a main entrance on Richmond Road across from Lightfoot Road, and a second main entrance on Centerville Road across from Opportunity Way. There would also be a right-in, right-out entrance on Centerville Road, and a smaller entrance on Richmond Road that is shared with the adjacent hotel.

2009 County Traffic Counts:

- Richmond Road from Croaker Road to Lightfoot Road: 21,892 trips
- Richmond Road from Lightfoot Road to Centerville: 26,018 trips
- Centerville Road from Richmond Road to Ruth Lane: 10,174 trips

2035 Daily Traffic Volume Projected:

- Richmond Road from Norge Elementary to Centerville Road: 39,110 trips – this is in the category of recommended for improvement from four to six lanes (however, see Comprehensive Plan discussion below).
- Richmond Road from Centerville to Route 199: 62,307 trips – this is in the category of recommended for improvement from four to six lanes (however, see Comprehensive Plan discussion below).
- Centerville Road from Richmond Road to Jolly Pond Road: 18,784 – this is in the category of recommended for improvement from two to four lanes.

James City County Level of Service Guidance. The 2009 Comprehensive Plan states "among other issues weighed in previous development proposals, the County is generally supportive of projects that do not degrade surrounding streets and intersections below a LOS "C." In practical terms, this means that the signalized intersection providing access to the development can't cause more than 35 seconds of delay and development generated traffic does not destabilize the traffic flow on the surrounding streets." In addition, the Traffic Impact Analysis Submittal Requirements Policy (adopted June 12, 2012) states that the traffic impact analysis shall include information on the improvements necessary to achieve an overall Level of Service "C" on adjacent roadways/signalized intersections, and that the Planning Director may approve movements in certain lane groups of Level of Service (LOS) "D" in urban environments.

The traffic study prepared by the applicant analyzes existing conditions, the year 2016 (when the center is projected to be built out) under both the no-build and build conditions, as well as the year 2022. Table 1 summarizes the intersection P.M. peak hour LOS results from the traffic study.

Intersection	Existing		2016 w/o Lightfoot Marketplace (No–Build Scenario)		2016 with Lightfoot Marketplace (Build Scenario)		2022 with Lightfoot Marketplace (Build Scenario)	
	Over all LOS	Worst lane group(s) LOS	Over all LOS	Worst lane group(s) LOS	Over all LOS	Worst lane group(s) LOS	Over all LOS	Worst lane group(s) LOS
Richmond/Lightfoot /Site West Entrance	C	D	C	D	C	D	C	E (Southbound Lightfoot Rd. L/Thru)
Richmond/Centervil le/Shopping Center (gas station)	C	D	C	D	C	D	D	E (Southbound Shopping Center Entrance L/Thru)
Centerville/Opport. Way/Site South Entrance	C	D	C	D	D*	D	D	D
Richmond/Rt199 NW	C	D	B	D	B	D	B	E (Westbound Richmond Rd. L)
Richmond/Rt199 SE	C	D	C	D	B	D	C	D
Richmond/Pottery East	A	C	A	D	A	D	A	E (Eastbound Richmond Rd. L)
Richmond/Colonial Heritage/Pottery West	A	D	A	D	B	E*	B	D
Richmond/Colonial Heritage Blvd	A	F (Northbound Colonial Heritage Blvd)	C	C	C	D	B	D
Centerville/Site North Entrance	A	B	A	B	A	B	A	B

Table 1. Intersection Level of Service (P.M. Peak Hour)

With the improvements proposed by the applicant (which are noted below and listed in full in Condition 7), the traffic study shows LOS intersection results that generally meet the County's guidance for the 2016 build-out year (which is the year of staff's primary focus). There are several instances in the table above in which the projected LOS are somewhat below the County's LOS guidance (see items with a *). The first instance, the overall LOS D for the Centerville Road/Opportunity Way/Site South Entrance would require improvements that staff finds to be beyond the scope of a single project of this scale (the need for an additional through lane on Centerville Road). The second instance, which is not at an intersection immediately adjacent to the project, is the eastbound Richmond Road left-turn lane into the Pottery Entrance also shows a decrease in LOS below D in the 2016 Build versus No Build scenario.

In addition to the information about LOS for the intersections, the traffic study presents information about the arterial LOS for Richmond Road. The study indicates that the current LOS for the overall corridor in the eastbound direction is D and for corridor in the westbound direction is D. The study projects that the overall corridor LOS for both the 2016 no-build and build scenarios to be LOS D eastbound and LOS C westbound. The study further shows that certain segments of the corridor decline in LOS between the no-build and build scenarios to levels below the County's guidance (between the Pottery East Entrance and the Lightfoot Road/Site West Entrance, between the Lightfoot road/Site West Entrance and Centerville Road, and between the Route 199 NW intersection and Centerville Road); however, other segments are

projected to improve. In summary, the study projects that some segments will decline in LOS to levels below County guidance, but that other segments will improve and that overall corridor LOS is projected to be the same or improve between the existing, no-build and build scenarios.

Staff notes that future year analysis (Year 2022) shows a number of intersection and arterial LOS results that are below the County's guidance. This is not an unexpected finding: as discussed in the 2009 Comprehensive Plan and as projected in traffic studies prepared for other development along this urbanized corridor (Colonial Heritage, Pottery Factory), traffic volumes on the Richmond Road corridor are forecasted to exceed available capacity and result in decreases in functional operation in the future. Among other factors, coordinated signals on Richmond Road and an emphasis on retaining adequate thru-movement LOS as requested by Virginia Department of Transportation (VDOT), affect the levels of service for protected left-turn lanes and the side street/entrance approaches. Also, for this portion of the corridor, the proximity of the railroad crossing to the Lightfoot/Richmond Road intersection and the spacing of this intersection near the Richmond Road/Centerville Road intersection are not ideal for the functioning of the corridor. In addition to these specific considerations, staff also finds it important to note that Lightfoot Marketplace is a redevelopment project that will significantly reduce the square footage on-site and the traffic generation potential as compared with a fully leased existing building. Staff believes that the improvements proposed by the applicant adequately mitigate this project's impacts on the roadway system.

Transportation Improvements

Pedestrian, Bicycle and Transit: This proposal would provide multi-use path along Centerville Road and would retain the sidewalk along Richmond Road, in accordance with the Pedestrian Accommodations Master Plan. A bike lane on Richmond Road is specified in the SUP conditions (see Condition 4), in accordance with the Regional Bikeways Plan. With regard to the bike lane, however, there is language in the condition that acknowledges that some site constraints (right-of-way adjacent to the bank parcel, pavement section, etc.) may restrict the ability to construct the lane as a private improvement. The master plan includes a comprehensive pedestrian circulation plan within the development (see Condition 5), and a connection to the Liberty Crossing subdivision. In terms of bus service, the master plan includes a pull off point at the Marketplace Green at the center of the development, as well as retaining the existing bus stop on Richmond Road.

Road Improvements: A number of improvements have been identified for completion in the traffic study prepared by Mr. Bryant Goodloe, as well as some items that have been identified by Kimley-Horn. These improvements are detailed in full in Condition 7. Improvements include reconstruction of the major entrances/exists to the site with more turn lanes. They also include improvement of the Richmond Road/Lightfoot Road intersection by lengthening the eastbound Richmond Road left-turn lane, installation of crosswalks, modification of the traffic signal to provide flashing yellow arrows for the Richmond Road left-turn movements, and provision of a railroad pre-emption switch in the controller cabinet. At the Richmond Road/Centerville Road intersection, additional Yield markings will be added. Finally, at the Centerville Road/Opportunity Way intersection, an additional 200-foot left-turn lane with taper shall be constructed for northbound Centerville Road to provide a dual left-turn lane, and the existing traffic signal shall be modified accordingly.

Traffic Study Review Comments: The Virginia Department of Transportation has reviewed the traffic study and found it compliant with its regulations, while providing information that will need to be addressed at the site plan design stage. In addition to VDOT review, the traffic study was reviewed by the County's traffic consultant, Kimley-Horn and Associates, Inc. Kimley-Horn has stated that they concur with the analysis methodology, findings, and associated intersection and roadway improvement recommendations.

Green Building and Site Measures

On July 27, 2010, and September 11, 2012, the Board of Supervisors adopted resolutions to support the County's Green Building Design Roundtable Report dated June 2010 and to endorse Green Building Design Incentives, respectively. These documents encourage all types of development in James City County to pursue green building practices for new construction and major renovations or

expansions. The applicant has indicated that they would like to use the LEED certification program checklist to benchmark the green building measures they will put in place. Using the LEED checklist, the applicant has committed to implementing sustainable design initiatives during development of the Property and construction of buildings 1 through 5 on the Master Plan to achieve the equivalent of those credits that would be required to achieve the "Certified" level in the LEED 2009 Certification program. For up to a maximum of 10 percent of the points needed to reach the LEED "Certified" level, the Owner may request that initiatives equivalent to, but not included on the LEED checklist as credits, be pursued instead. An SUP condition addressing this approach has been included (see Condition 8).

As noted above, at the Planning Commission meeting, an amendment to this condition was requested by the Commission, and agreed to by the applicant. This amendment adds a paragraph to the condition specifying that Building 6, which had previously not be included in the condition, would also include a minimum of three initiatives from the LEED checklist in its design.

Finally, please note that the applicant has not committed to actually apply for formal LEED certification by the USGBC (United States Green Building Council). The applicant has indicated that the reason for this is to use the money that would have been spent preparing documentation to submit to the USGBC for certification (up to several hundred thousand dollars, according to the applicant) toward the measures themselves.

COMPREHENSIVE PLAN

This property is designated Mixed Use by the 2009 Comprehensive Plan and specifically part of the Lightfoot Mixed Use area. The principal suggested uses for this mixed-use area are moderate density housing, commercial developments, and office developments. Further, the commercial uses should not be developed in strip commercial fashion and should emphasize shared access and parking as well as consistent treatment for landscaping and architecture. Staff finds that commercial development in this location is consistent with the Comprehensive Plan language. Furthermore, the design proposed uses shared access and has consistent treatment of architecture, as shown in the proposed building elevations and design guidelines (see Condition 9). In keeping with language in the mixed-use development standards, the master plan provides for several focal open spaces through the development including a central marketplace green and a comprehensive pedestrian plan that includes a route through the parking lot.

In terms of Community Character, both Richmond Road and Centerville Road in this area are classified as Suburban and Urban CCCs. The master plan includes landscape buffers that will include enhanced landscaping. With the proposed SUP conditions (see Condition 10), staff finds that the master plan presents a plan along both CCCs that is a significant improvement over the existing conditions on site.

In terms of Transportation, the Comprehensive Plan language includes the following:

- *Richmond Road (Page 116):* Although future volumes indicate the potential need for widening Richmond Road, it is recommended that Richmond Road remain four lanes. Future commercial and residential development proposals along Richmond Road should concentrate in planned areas and will require careful analysis to determine the impacts such development would have on the surrounding road network. Minimizing the number of new signals and entrances and ensuring efficient signal placement and coordination is crucial. New developments should be permitted only if it is determined that the project can be served by the existing road while maintaining acceptable levels of service or if the impacts can be adequately addressed through road and signalization improvements.
- *Centerville Road (Page 117):* Presently a two-lane road, Centerville Road's future traffic conditions predict the need to widen the section from Longhill Road to Richmond Road to four lanes. The County should continue to exploit current capacity of the road by adding turn lanes. To preserve the rural character of the road, multi-use trails are recommended rather than sidewalks.

- The description of the Lightfoot Mixed Use area states that measures to mitigate traffic congestion will be critical to maintaining the economic vitality of the area and to maintaining an acceptable degree of mobility.

As stated in the analysis above, staff finds that the current proposal has adequately addressed impacts with the set of improvements that are proposed.

In terms of Economic Development, the proposal is consistent with Comprehensive Plan language supporting redevelopment in that this proposal would redevelop an existing under-used retail center. A fiscal impact analysis prepared by the applicant projects a significant positive fiscal impact.

RECOMMENDATION

Staff recommends that the Board of Supervisors approve this application with the conditions listed in the attached resolution. Staff finds the proposal adequately mitigates its projected impacts and is consistent with the Comprehensive Plan.

Ellen Cook

Ellen Cook

CONCUR:

Allen J. Murphy, Jr.

EC/gb
Sup-14-13LightfootMkt

Attachments:
1. Location Map
2. Planning Commission minutes
3. Proposal Binder (includes Master Plan oversize document)
4. Resolution

RESOLUTION

CASE NO. SUP-0014-2013. LIGHTFOOT MARKETPLACE

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 Gerhardt has applied on behalf of Williamsburg Retail Investors, LLC for an SUP to allow for the construction of commercial and office uses on approximately 19 acres zoned M-1, Limited Business/Industrial, District; and

WHEREAS, the proposed development is shown on a plan prepared by AES Consulting Engineers date stamped December 27, 2013, (the "Master Plan") and entitled "Lightfoot Marketplace Special Use Permit;" and

WHEREAS, the property is located at 6401 Richmond Road and can be further identified as James City County Real Estate Tax Map Parcel No. 2430100038 (the "Property"); and

WHEREAS, the Planning Commission, following its public hearing on January 8, 2014, voted 6-0 to recommend approval of this application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of SUP-0014-2013 as described herein with the following conditions:

1. Master plan. This Special Use Permit ("SUP") shall apply to that certain property located at 6401 Richmond Road and further identified as James City County Tax Parcel No. 2430100038 (the "Property"). The SUP shall be valid for the construction of 136,500 square feet of commercial and office uses and all improvements as shown and designated on that certain Master Plan entitled "Master Plan for Special Use Permit for Lightfoot Marketplace" December 27, 2013, and prepared by AES Consulting Engineers (the "Master Plan"). All final development plans shall be consistent with the Master Plan, but may deviate from the Master Plan if the Planning Director concludes that the development plan does not: significantly affect the general location or classification of buildings as shown on the master plan; significantly alter the distribution of recreation or open space areas on the master plan; significantly affect the road layout as shown on the master plan; or significantly alter the character of land uses or other features or conflict with any building conditions placed on the corresponding legislatively approved case associated with the master plan. If the Planning Director determines that a proposed change would deviate from the approved Master Plan, the amendment shall be submitted and approved in accordance with section 24-13. In the event the Planning Director disapproves the amendment, the applicant may appeal the decision of the Planning Director to the Development Review Committee which shall forward a recommendation to the Planning Commission.

2. Impervious cover. Impervious cover on the Property shall be reduced by at least 20% as compared to the existing conditions. Calculations shall be included on each site plan for improvements on the Property that includes the existing impervious cover, the proposed impervious cover, and the cumulative total impervious cover reduction of all plans.

3. Water conservation. The owner of the Property ("Owner") shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (the "JCSA") prior to final site plan approval. The standards shall include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-resistant native and other adopted low-water-use landscaping materials and warm-season turf where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

4. Irrigation. In the design phase, the developer and designing engineer shall take into consideration the design of stormwater systems that can be used to collect stormwater for outdoor water use for the entire development. Only surface water collected from surface water impoundments, or water taken from an underground cistern, may be used for irrigating common areas on the Property. In no circumstances shall the JCSA public water supply be used for irrigation, except as otherwise provided by this condition. If the Owner demonstrates to the satisfaction and approval of the General Manager of the JCSA through drainage area studies and irrigation water budgets that the impoundments cannot provide sufficient water for all irrigation, the General Manager of the JCSA may, in writing, approve a shallow (less than 100 feet) irrigation well to supplement the water provided by the impoundments or cisterns.

5. Richmond Road Bike Lane. In accordance with the Regional Bikeway Map, a bike lane shall be provided along the Property's Richmond Road frontage. However, this requirement may be waived by the Planning Director should the Owner demonstrate that existing pavement width or section, drainage, or other engineering constraints adjacent to Parcel No. 2430100039 would restrict the ability of the Owner to install the bike lane in a manner that would meet Virginia Department of Transportation (VDOT) requirements. Such analysis shall be submitted concurrent with the initial building site plan. If a bike lane can be installed, it shall be completed concurrent with improvements to the Richmond Road/Lightfoot Road/Shopping Center entrance intersection unless otherwise approved by the Planning Director. In the event the Planning Director disapproves the waiver, the applicant may appeal the decision of the Planning Director to the Development Review Committee which shall forward a recommendation to the Planning Commission.

6. Pedestrian Facilities. The sidewalk connections internal to the Property, the multiuse trail along Centerville Road, and the connection to the Liberty Crossing trail shall be implemented as shown on the Master Plan. Minor alterations in location that result in equivalent facilities may be approved by the Planning Director. All pedestrian facilities shall be shown as part of the initial building site plan, or shall be submitted as a separate plan concurrent with the initial building site plan. Prior to approval of such plan, the design of all pedestrian facilities shall be reviewed and approved by the

Planning Director. The pedestrian facilities shall be installed prior to issuance of Certificate of Occupancy for the initial building on the Property, unless other arrangements are approved by the Planning Director, or his designee, in writing.

7. Traffic Improvements. Prior to issuance of a Certificate of Occupancy for the initial building on the site (unless other timing is approved by the Planning Director in writing), the following improvements shall be constructed or bonded in a manner acceptable to the County Attorney:

Intersection of Richmond Road and Lightfoot Road/West Site Entrance

a. The Property's West Entrance shall have three exiting lanes (one-left, one-left-through, & one-right) and two entering lanes.
b. The existing eastbound Richmond Road left-turn lane shall be lengthened from 150 feet to 250 feet.
c. A pedestrian crosswalk and pedestrian heads shall be installed that will work concurrently with the eastbound through motion on Richmond Road. A crosswalk and pedestrian heads shall be provided across Richmond Road that will work concurrently with either the Lightfoot Marketplace phase or the Lightfoot Road phase. These crosswalk improvements across Richmond Road shall include the provision of a pedestrian refuge area in the median to accommodate pedestrian traffic and to provide an adequate crossing surface. The West Site Entrance widening improvements shall include re-striping/delineation of the pedestrian crosswalk and installation of supplemental pedestrian crosswalk signage.
d. The existing traffic signal shall be modified to provide protected-permissive movements (flashing yellow arrows) for Richmond Road left-turn movements, the pedestrian movements, and the additional lanes at Lightfoot Marketplace. The Owner shall be responsible for the purchase and installation of the necessary flashing yellow arrow traffic signal equipment as well as the retiming/updating of signal timing plans for the intersection to ensure coordination with the adjacent signalized intersections.
e. A railroad pre-emption switch shall be provided in the controller cabinet. VDOT shall be responsible for the connection of the pre-emption switch to the railroad gates and any associated permitting required as a result of the pre-emption switch.

Intersection of Richmond Road and Centerville Road

a. Add/install supplemental Yield pavement markings to increase driver awareness as a result of the dual left-turn movement occurring from westbound Richmond Road to southbound Centerville Road.

Intersection of Centerville Road, Opportunity Way and the Property's South Entrance

a. The Property's South Entrance shall have three exiting lanes (one-left, one-left-through, &one right) and two entering lanes.
b. An additional 200-foot left-turn lane with taper shall be constructed for northbound Centerville Road to provide a dual left-turn lane. In making this improvement, the existing dedicated bike lane shall be retained.
c. The existing traffic signal shall be modified to meet the lane configurations noted herein. The Owner shall be responsible for the purchase and installation of the

traffic signal equipment necessary to modify the existing traffic signal so that it can accommodate the dual left-turn movement.

d. With the widening of the Property's South Entrance, the improvements shall include the re-striping/delineation of a pedestrian crosswalk across this approach as well as installation of supplemental pedestrian crosswalk signage.

8. Sustainable Design Initiatives.

a. Sustainable design initiatives shall be implemented during development of the Property and construction of Buildings 1 through 5 on the Master Plan to achieve the equivalent of those credits that would be required to achieve the "Certified" level in the LEED 2009 Certification program. This shall include completion of all prerequisite items, except that for the Energy and Atmosphere category prerequisite number 1, the Owner may choose to pursue Energy Star designation or such other energy system verification process as is approved in advance by the Planning Director. In addition, for up to a maximum of 10 percent of the points needed to reach the LEED "Certified" level, the Owner may request that initiatives equivalent to, but not included on the LEED checklist as credits, be pursued instead. Any request for equivalent initiatives shall be submitted in writing as part of the process specified in (b) below, together with supporting documentation for review and approval by the Planning Director.

b. Application for formal LEED certification by the USGBC is at the discretion of the Owner and is not required. If formal LEED certification is not pursued, compliance with this condition shall be monitored and verified to the County by a LEED Accredited Professional engaged by the Owner. The monitoring and verification process shall include submission of the checklist for each building (Buildings 1 through 5) at the time of building permit application which shows the proposed initiatives for review by the Planning Director or his designee(s), and a meeting between the Planning Director or his designee(s) and the LEED Accredited Professional prior to Certificate of Occupancy for each building to review the initiatives which have been completed and develop a timeline for any items which are outstanding.

c. The Owner, in coordination with the Planning Director, will examine the feasibility of including sustainable design initiatives in Building 6 on the Master Plan. Prior to the issuance of a building permit for Building 6, the Owner and/or tenant will identify and select a minimum of three initiatives from the LEED 2009 Certification Program checklist (above and beyond those otherwise required by the latest edition of the Virginia Energy Conservation Code). Such initiatives shall be approved by the Planning Director. Verification that the initiatives have been completed shall be submitted prior to issuance of a permanent Certificate of Occupancy unless otherwise agreed in writing by the Planning Director.

d. In the event the Planning Director disapproves the other energy system verification process or the equivalent initiatives as specified in (a) above, or the three initiatives for Building 6 as specified in (c) above, the applicant may appeal the decision of the Planning Director to the Development Review Committee which shall forward a recommendation to the Planning Commission.

9. Architectural Review.

   a. Prior to issuance of a building permit for each building shown on the Master Plan, the Planning Director, or his designee, shall review and approve the final building elevations and architectural design for such building. The final building elevations shall specifically include the view of the building for all sides visible from Centerville or Richmond Road. Buildings shall be substantially consistent, with only minor changes, with the Lightfoot Marketplace Design Guidelines dated December 27, 2013, and the architectural elevations titled "Lightfoot Marketplace – Architectural Renderings" dated November 8, 2013, and December 23, 2013, prepared by Bonstra Haresign Architects and submitted with this SUP application. Determination of substantial architectural consistency shall be determined by the Planning Director or his designee. In the event the Planning Director disapproves the waiver, the applicant may appeal the decision of the Planning Director to the DRC which shall forward a recommendation to the Planning Commission.
   b. For Buildings 4 and 6, the front façade shall face Richmond Road. For Building 5, the main building entrance doors may face the traffic circle or internal to the site, but the façade facing Richmond Road shall still have architectural detailing sufficient to be viewed as a front façade, including fenestration, as determined by the Planning Director.

10. Site Landscaping.

   a. The Community Character Corridor buffers along Richmond Road and Centerville Road shall each be an average of 50 feet in width, exclusive of easements. The buffers shall contain enhanced landscaping in accordance with the County's Enhanced Landscaping Policy as adopted April 9, 2013. For the portion of the buffer along Centerville Road between the site south entrance and the boundary with the bank parcel, the buffer shall contain the following elements: (i) minimum of two rows of deciduous shade trees (ii) evergreen and ornamental understory and (iii) 3-foot to 4-foot evergreen hedgerow. It is not the intent of this condition to prevent the planting of the understory trees or hedgerow shrubs with the utility easement as may be otherwise permitted.
   b. Street trees shall be provided along Richmond Road and Centerville Road, and along the internal streets (Streets A- D) in substantial compliance with the guideline for street trees contained in the Streetscape Guidelines Policy.
   c. Landscaping shall be provided in the entrance medians at Centerville and Richmond Road, at the Marketplace Green, at the Street D focal point, and at the Entry Greenspace/Roundabout in substantial compliance with the guidelines for entrances and common areas contained in the Streetscape Guidelines Policy.
   d. Landscaping designed to screen the rear façade of the Harris Teeter building and the BMP from Centerville Road shall be installed as specified in Section 24-100 of the Zoning Ordinance.
   e. The landscaping detailed in a – d of this condition shall be shown as part of the initial building site plan, or shall be submitted as a separate plan concurrent with the initial building site plan. Such landscaping, including the number and spacing of trees per 10(a), shall be reviewed and approved by the Planning Director or his designee for consistency with this condition. In the event the Planning Director disapproves a component of the landscape plan, the applicant may appeal the decision of the Planning Director to the Development Review Committee which shall forward a recommendation to the Planning Commission. The landscaping

shown on the approved landscape plan(s) shall be installed prior to issuance of Certificate of Occupancy for the initial building on the Property, unless other arrangements are approved by the Planning Director, or his designee, in writing.

11. Marketplace Green. The layout of the Marketplace Green shall be generally in accordance with the "Marketplace Green Alternative 2" design as depicted on the document entitled "Marketplace Green Lightfoot Marketplace Special Use Permit" prepared by AES Consulting Engineers and dated December 18, 2013, as determined by the Planning Director.

12. Entrance Modification. Prior to final site plan approval for the initial site plan for the Property, Owner shall submit documentation demonstrating that permission to modify the entrance to James City County Tax Parcel No. 2430100063 has been obtained and that a shared access easement or other appropriate legal document is in place that allows access from 2430100063 to the signalized intersection.

13. Signage. Entrance signage located at the Property's three entrances as shown on the Master Plan shall be externally illuminated monument style signs, not to exceed eight feet in height. The base of the signs shall be brick or shall use materials similar in type and color with the site architecture. The design of the signs shall be approved by the Planning Director for consistency with this condition.

14. Screening of Site Features. Dumpsters and cart corrals which are adjacent to buildings shall be screened by an enclosure composed of masonry, closed cell PVC, prefinished metal or cementitious panels, in detail and colors to blend with adjacent building materials. Where present, such features shall be shown on the site plan for the adjacent building, and shall be reviewed and approved by the Planning Director for consistency with this condition.

15. Richmond Road Median Landscaping. All existing landscaping in the Richmond Road median shall be preserved or replaced with like species. For any site plan that includes the improvements to the Richmond Road/Lightfoot Road/Shopping Center entrance intersection, the existing landscaping shall be shown, together with any plans for relocating or replacing plant material. The plans for relocating or replacing the plant material shall be approved by the Planning Director prior to final site plan approval for the plan specified above. Should VDOT object to preserving or replacing existing landscaping in the median, a re-location/replanting plan shall be approved by the Planning Director and VDOT prior to final site plan approval for the plan specified above.

16. Internal Traffic Signage Plan. The Owner shall include along with the materials submitted for the initial site plan review process an internal signage plan indicating the location of internal traffic signs and the orientation of vehicular flow within the Property. The internal signage plan shall be reviewed and approved by the Planning Director, or his designee, prior to final approval of the initial site plan for the Property. Thereafter, the internal signage plan may be amended with review and approval by the Planning Director, or his designee.

17. Shared Maintenance of Site Improvements. Prior to final site plan approval for Building 1 as shown on the Master Plan, Owner shall submit documentation demonstrating that all shared site improvements (including, but not limited to, utilities,

stormwater facilities, landscaping, roads and parking lots, and lighting) are subject to appropriate shared maintenance agreements ensuring that the site improvements will be maintained continuously. Compliance with this condition as to the existence of such shared maintenance documentation shall be subject to review and approval of the County Attorney or his designee.

18. Commencement of Construction: If construction has not commenced on this project within 48 months from the issuance of an SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.

19. 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:

_____
M. Douglas Powell
Clerk to the Board

	AYE	NAY	ABSTAIN
KENNEDY	____	____	____
JONES	____	____	____
MCGLENNON	____	____	____
ONIZUK	____	____	____
HIPPLE	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of February, 2014.

Sup14-13LightfootMkt-res

JCC-SUP-0014-2013
Lightfoot Marketplace

January 8, 2014 Unapproved Planning Commission Minutes:

SUP-00014-2013, Lightfoot Marketplace

Ms. Ellen Cook, Senior Planner, addressed the Planning Commission giving a summary of the staff report included in the Agenda Packet.

Mr. Woods opened the floor to questions from the Commissioners.

Ms. Bledsoe inquired why VDOT had not given final acceptance of the traffic study.

Ms. Cook stated that VDOT had reviewed and issued comments on an earlier version of the study. Ms. Cook further stated that the study was revised and resubmitted and that the time frame of receiving the revised study had not allowed VDOT the opportunity to complete the final review.

Ms. Bledsoe inquired if significant changes were anticipated.

Ms. Cook stated that no major changes were anticipated.

Mr. Woods noted that some conditions in the staff report identify who is responsible for effecting the improvement and other conditions do not. Mr. Woods inquired whether there was someone identified as responsible for the traffic improvements and whether agreements were in place that there is funding available to make the improvements in conjunction with the development of the project.

Ms. Cook stated that the owner had committed to all of the transportation improvements save for the railroad pre-emption switch.

Mr. Woods opened the Public Hearing.

Mr. Paul Gerhardt, Kaufman and Canoles, PC, and Mr. Tom Tingle, Guernsey Tingle Architects, Inc., addressed the Planning Commission on behalf of the applicant, providing an overview of the site plan, landscaping, traffic improvements, architecture and fiscal impact.

Mr. Woods inquired if the Commissioners had any questions for the applicant's representatives.

Mr. Krapf inquired what how much of the projected sales revenue would be new revenue as opposed to existing revenue that is currently being spent elsewhere in the area.

Mr. Gerhardt stated that the fiscal analysis did include that breakdown and he would provide those figures to the Commission.

Mr. O'Connor inquired how many jobs would be created by the proposed development.

Mr. Gerhardt responded that the figure included in the application packet was approximately 300 jobs.

Mr. O'Connor inquired whether the Williamsburg Area Transit Authority (WATA) had committed to the bus stop shown in the proposed site plan.

Mr. Gerhardt stated that WATA already has a bus stop at the site and that the applicant hopes WATA will agree to the location.

Mr. O'Connor inquired whether a bus shelter was included in the proposal.

Mr. Gerhardt stated that if WATA wants a shelter, then one will be constructed.

Mr. Krapf asked for confirmation that the utilities will be underground once they enter the site.

Mr. Gerhardt confirmed that new utilities will be underground.

Mr. Krapf noted that the SUP conditions stipulate that five of the buildings shown on the site have sustainable design elements and follow the LEED certification criteria. Mr. Krapf further stated that he has concerns regarding the sixth building. Mr. Krapf stated that he would like to include the following as sub paragraph D under condition 8 in the SUP conditions:

> "The applicant, in coordination with the Planning Director, will examine the feasibility of including sustainable design initiatives in Building Six on the master plan. Prior to the issuance of a building permit for Building Six, the applicant and/or tenant will identify and select a minimum of three elements from the LEED 2009 Certification Program Checklist which are above and beyond the elements required in the latest edition of the Virginia Energy Conservation Code. Such elements must be approved by the Planning Director and shall be implemented I Building Six in accordance with paragraph B above."

Mr. Tingle stated without knowing the tenant for Building Six, it would have been necessary to reduce the level of sustainable building initiatives for the remainder of the site. In order to keep the bar higher, it seemed better to separate out Building Six.

Mr. Gerhardt stated that the applicant did not have an issue with the stipulation; however, the exact language would require some review.

Mr. Krapf noted that fine tuning the language would be acceptable; the intent was to have staff and the applicant and/or tenant review the proposal for building six and develop three sustainable design initiatives that exceed the minimum requirements so that all six buildings have sustainable design elements.

Mr. Gerhardt stated that the applicant would be agreeable.

Mr. O'Connor inquired whether the design guidelines would apply to Building Six.

Mr. Tingle stated that building six would fall under the same design guidelines as the other five buildings.

Mr. Basic inquired about the status of the sidewalk and drainage improvements along the Centerville Road Community Character Corridor.

Mr. Gerhardt stated that the applicant intended to look at options during the site plan process. Mr. Gerhardt noted that much would depend on what VDOT would allow. Mr. Gerhardt stated that the applicant was interested in making the area more visually pleasing if it can be done in a cost effective manner.

Mr. Basic stated that the aesthetics are an important detail which deserves more attention.

Mr. Gerhardt stated that the concern has been communicated to the applicant. Mr. Gerhardt further stated that the applicant is very interested in making improvements to the sidewalk.

Mr. Basic stated that he hoped that the aesthetically pleasing details developed for the site would not be degraded by the utilities.

Mr. Tingle stated that this was an area of concern and focus for the applicant as well. Mr. Tingle noted that these concerns would be reviewed during both the site plan and the building permit process.

Mr. O'Connor inquired whether the Commission needed to make a decision or recommendation about the alternatives for Road D.

Mr. Holt stated that staff recommends alternative number 2 unless the Commission would like to recommend something different.

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

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

Ms. Bledsoe stated that she appreciated the efforts of the applicant to develop a proposal that encompassed all the DRC recommendations and commended the applicant for their efforts. Ms. Bledsoe further stated that she believed the proposal would be a benefit to the community.

Mr. Basic stated that he appreciated the applicant's efforts to address the aesthetics of the Centerville Road Community Character Corridor. Mr. Basic further stated that he would support the application.

Mr. O'Connor stated that the road improvements associated with the development would provide a significant benefit to the community. Mr. O'Connor further stated that he appreciated that this is a redevelopment proposal which would improve the character of the area.

Mr. Maddocks stated that he believe the proposed development would be a vast improvement over what currently exists. Mr. Maddocks further stated that he supports the project.

Mr. Krapf stated that he appreciated all of the applicant's efforts in developing the project.

Mr. Woods stated that he appreciated that this project repurposed and improved the existing site.

Mr. Maddocks moved to recommend approval to the Board of Supervisors with the conditions as stated in the staff report.

In a roll call vote, the Commission recommended approval of the application 6-0; Mr. Drummond being absent.