

# **A G E N D A**

## **JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**June 24, 2014**

**7:00 P.M.**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE -**

**E. PRESENTATIONS**

1. 2014 Historical Preservation Awards – **pg.1**
2. CSX Shipment of Bakken Crude Oil

**F. PUBLIC COMMENT**

**G. BOARD REQUESTS AND DIRECTIVES**

**H. CONSENT CALENDAR**

1. Minutes –
  - a. June 10, 2014, Regular Meeting – **pg. 5**
2. Appropriation of Transfer from Williamsburg-James City County (WJCC) and Contract Award – Shelter Generator, Abram Frink Jr. Community Center and James River Elementary School – **pg. 21**
3. Establishment of a Petty Cash Fund – **pg. 25**
4. Local Governing Body Concurrence with School Division Electing to Pay the Virginia Retirement System (VRS) Board-Certified Rate – **pg. 27**

**I. PUBLIC HEARING**

1. Ordinance to Amend and Reordain Chapter 13, Motor Vehicles and Traffic, Article I, In General, Section 13-7, Adoption of State Law; and Article II, Driving Automobiles, Etc. While Intoxicated or Under the Influence of Any Drug, Section 13-28, Adoption of State Law, Generally – **pg. 37**

**J. BOARD CONSIDERATION**

1. Case No. ZO-0001-2014. Initiation of a Zoning Ordinance Amendment to Consider the Keeping of Chickens in R-2, General Residential, and R-3, Residential Redevelopment Zoned Areas of the County – **pg. 41**

**K. PUBLIC COMMENT**

**L. REPORTS OF THE COUNTY ADMINISTRATOR**

**M. BOARD REQUESTS AND DIRECTIVES**

**N. CLOSED SESSION**

1. Consideration of a Personnel Matter, the Appointment of Individuals to County Boards and/or Commissions Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
  - a. Colonial Group Home Commission
  - b. Board of Building Adjustments and Appeals
  - c. Williamsburg Area Arts Commission
  - d. Economic Development Authority
  - e. Historical Commission
  - f. Stormwater Program Advisory Commission
2. Consideration of a Personnel Matter, the Discussion of Candidates for the County Administrator, Pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia

**O. ADJOURNMENT – until 7 p.m. July 8, 2014, for the Regular Meeting**

062414bos-age

## M E M O R A N D U M

DATE: June 24, 2014

TO: The Board of Supervisors

FROM: Leanne Pollock, Staff Liaison to the Historical Commission

SUBJECT: 2014 Historical Preservation Awards

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The Historical Commission was established to preserve, protect, and promote the historical heritage of James City County. In accomplishing this effort, the Historical Commission presents Historical Preservation Awards to individuals, groups, or organizations that have made a significant contribution to the preservation of historic resources in the County.

After soliciting nominations on a rolling basis throughout the year, the Historical Commission selected three recipients of the 2014 Historical Preservation Awards at its May 15, 2014, Commission meeting. The award recipients are as follows:

- Troop 103, Boy Scouts of America
- Mr. Richard Costello
- The Colonial Williamsburg Foundation and Preservation Virginia

Their accomplishments are outlined in the attached resolutions. The Commission is proud to honor their invaluable contributions to the County's historic legacy.

Mr. Lafayette Jones, Chairman of the Historical Commission, will present the awards.

  
\_\_\_\_\_  
Leanne Pollock

LP/gb  
2014HisPreAwd-mem

### Attachments

1. Preservation Award, Troop 103, Boy Scouts of America
2. Preservation Award, Mr. Richard Costello
3. Preservation Award, The Colonial Williamsburg Foundation and Preservation Virginia



2014 HISTORICAL PRESERVATION AWARD -

TROOP 103, BOY SCOUTS OF AMERICA

WHEREAS, Troop 103, Boy Scouts of America, has worked diligently for the past ten years to preserve and protect the local history of James City County at Church on the Main near Jamestown; and

WHEREAS, these scouts and scout leaders recaptured the Church on the Main archaeological site from being a dumping ground and helped create a park for which they continue to provide upkeep through volunteer service projects; and

WHEREAS, annually, Troop 103 celebrates Andy's Earth Day in mid-April at the Church on the Main site, which raises public awareness about the importance of this historical resource and its natural surroundings; and

WHEREAS, Troop 103 blazed the original trail leading to the Church on the Main site, which made it accessible to the public and is now known as the County's 3.4-mile Greensprings Trail; and

WHEREAS, in 2014, Troop 103 is celebrating its 90th year of serving the James City County area in countless unheralded ways and continued stewardship of the Church on the Main site.

NOW, THEREFORE, BE IT RESOLVED by the Historical Commission of James City County that the Commission presents to Troop 103, Boy Scouts of America the:

**2014**

**Historical Preservation Award**

BE IT FURTHER RESOLVED that this resolution be recorded in the minutes of the Historical Commission to be preserved in perpetuity and that a copy of this resolution be presented to Troop 103, Boy Scouts of America.

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Lafayette Jones  
Chairman, Historical Commission

ATTEST:

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Leanne Pollock  
Liaison to the Historical Commission

Adopted by the Historical Commission of James City County, Virginia, this 24th day of June 2014.



2014 HISTORICAL PRESERVATION AWARD -

MR. RICHARD COSTELLO

WHEREAS, Mr. Richard Costello has worked diligently to preserve and protect the local history of James City County by his work on the Norge Train Depot; and

WHEREAS, Mr. Costello, as president of AES Consulting Engineers, volunteered the resources of his local firm to provide important services to ensure the success of the Norge Train Depot relocation and rehabilitation project; and

WHEREAS, services provided included designing site plans, surveying the site, construction stakeout, designing utilities, and developing a landscaping plan; and

WHEREAS, the in-kind contribution of these services made it possible to obtain matching grant funding to complete the restoration project; and

WHEREAS, the official opening of the Norge Train Depot on May 10, 2013, as a public museum and meeting room would not have been possible without the contributions of Mr. Costello and the staff of AES Consulting Engineers.

NOW, THEREFORE, BE IT RESOLVED by the Historical Commission of James City County that the Commission presents to Mr. Richard Costello the:

**2014  
Historical Preservation Award**

BE IT FURTHER RESOLVED that this resolution be recorded in the minutes of the Historical Commission to be preserved in perpetuity and that a copy of this resolution be presented to Mr. Richard Costello.

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Lafayette Jones  
Chairman, Historical Commission

ATTEST:

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Leanne Pollock  
Liaison to the Historical Commission

Adopted by the Historical Commission of James City County, Virginia, this 24th day of June 2014.

2014HisPreAwd-Costello-res



2014 HISTORICAL PRESERVATION AWARD -

THE COLONIAL WILLIAMSBURG FOUNDATION AND PRESERVATION VIRGINIA

WHEREAS, the Colonial Williamsburg Foundation and Preservation Virginia recognized, after joint-consultations and careful examinations, that the iconic 17th-century Jamestown Church Tower was in overall critical condition; and

WHEREAS, the Jamestown Church Tower is the only original surviving aboveground structure from the James Fort colony; and

WHEREAS, the Colonial Williamsburg Foundation and Preservation Virginia, especially Dr. James Horn, Dr. William Kelso, Mr. Matthew Webster, and Mr. Andrew Zellers-Frederick, quickly mounted a fundraising and conservation project in 2013, which enabled stabilization of the Jamestown Church Tower's upper portions to be completed; and

WHEREAS, additional funding was secured for stabilization of the Tower's lower section with work scheduled for mid-2014 and planning and fundraising efforts have also commenced for the final portion of the project; and

WHEREAS, following the completion of recent work, the Jamestown Church Tower is in sufficient stabilized condition to downgrade its critical condition status; and

WHEREAS, thanks to the partnership and expeditious work of the Colonial Williamsburg Foundation and Preservation Virginia, the Jamestown Church Tower will be able to stand for another several centuries to benefit visitors to this region and the residents of James City County.

NOW, THEREFORE, BE IT RESOLVED by the Historical Commission of James City County that the Commission presents to the Colonial Williamsburg Foundation and Preservation Virginia the:

**2014  
Historical Preservation Award**

BE IT FURTHER RESOLVED that this resolution be recorded in the minutes of the Historical Commission to be preserved in perpetuity and that a copy of this resolution be presented to the Colonial Williamsburg Foundation and Preservation Virginia.

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Lafayette Jones  
Chairman, Historical Commission

ATTEST:

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Leanne Pollock  
Liaison to the Historical Commission

Adopted by the Historical Commission of James City County, Virginia, this 24th day of June 2014.

2014HisPreAwd-CWF-res

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF JUNE 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  
Kevin D. Onizuk, Jamestown District  
John J. McGlennon, Roberts District

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

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE** – Michael and Meagn Williams, students at Lafayette High School and residents of the Jamestown District, led the Board and citizens in the Pledge of Allegiance.

**E. PRESENTATION** - None

**F. PUBLIC COMMENTS**

1. Mr. Michael McGurk, 117 Jefferson's Hundred, addressed the Board regarding County policies for rezoning applications.

2. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding the sale of County-owned property.

3. Mr. John Niland, 503 River Bluffs, addressed the Board regarding Common Interest Communities.

4. Mr. Nate Walker, 101 Locust Place, addressed the Board regarding the Comprehensive Plan meeting held recently.

5. Ms. Betty Walker, 101 Locust Place, addressed the Board regarding climate change.

6. Mr. Lenny Berl, 105 William Richmond, addressed the Board regarding the Master Declaration of the Kingsmill residential community.

7. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding the sale of County-owned property.

8. Mr. Howard Ware, 46 Whittaker's Mill Road, addressed the Board regarding the rights of residents in planned communities.

## **G. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon made a motion to accept a reimbursement grant of \$149,678.46 from the Office of Farmland Preservation, Virginia Department of Agriculture and Consumer Services.

Ms. Jones stated she felt as though enough tax payer dollars had been spent to pay landowners to not develop their lands. She stated that she could not support a motion to accept this grant.

Mr. Onizuk stated this grant is to reimburse funds that had already been spent during the fiscal year 2014. The Purchase of Development Rights (PDR) program, which may not be popular with members of the Board, is very popular with constituents. He stated that he would support the grant.

Ms. Jones stated she was pro-environment; however, she feels as though it is wrong to spend taxpayer dollars to purchase development rights when there are still citizens who are going through tough financial times.

Mr. Onizuk stated he did agree with not spending any further funds on PDR projects. He did not have a problem accepting funds to reimburse funds that had already been spent.

Mr. McGlennon stated if James City County did not accept the grant the funds would be diverted to another jurisdiction that had perhaps not spent as much of its own money on PDR projects.

Mr. Kennedy stated according to the latest citizen survey the citizens do support PDR projects. He stated that these properties still generate property taxes. He stated that he did support accepting the grant.

Mr. Hipple stated that he believed in preserving lands, but was torn on the issue of this grant. He stated that his concern was that the source of this grant was money paid to the State by the taxpayers. He stated that he would like to see what the citizens have to say about the PDR program and then move forward. He stated that if James City County did not accept these funds they would go somewhere else in the State. He would support this motion because it was reimbursing the County for funds already spent.

Mr. Onizuk stated that he understood that these funds did come from taxpayers, the same way that other grants that are accepted do. The County accepts grants for law enforcement and other reasons and whether it is State or Federal funds it is ultimately the taxpayer's money. With that being the case though, this grant does not require that the County spend any more money on PDR projects at this time. This is simply a reimbursement for funds that have already been spent.

Mr. McGlennon reiterated his motion to approve acceptance of the Reimbursement Grant Award – Purchase of Development Rights Program - \$149,678.46.

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



## **RESOLUTION**

### **REIMBURSEMENT GRANT AWARD –**

#### **PURCHASE OF DEVELOPMENT RIGHTS PROGRAM – \$149,678.46**

WHEREAS, the James City County Purchase of Development Rights (PDR) Program has been awarded State matching funds in the amount of \$149,678.46 from the Office of Farmland Preservation, Virginia Department of Agriculture and Consumer Services (VDACS), pursuant to the *Code of Virginia*, § 3.2-201; and

WHEREAS, in order to accept the funds, the County must enter into an Intergovernmental Agreement (IGA) with VDACS which outlines the responsibilities of VDACS and the County with respect to the FY 2014 State matching funds; and

WHEREAS, the IGA also provides for extension of the County's use of FY 2012 funding until June 30, 2014.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the Acting County Administrator and the County Attorney to sign all necessary documents to execute the Intergovernmental Agreement and any other necessary documents for the award of the state matching funds from VDACS.

## **H. CONSENT CALENDAR**

Mr. Kennedy made a motion to approve the Consent Calendar.

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. May 27, 2014, Work Session
  - b. May 27, 2014, Regular Meeting
2. Dedication of Streets within White Hall Subdivision, Section I

## **RESOLUTION**

### **DEDICATION OF STREETS WITHIN THE WHITE HALL SUBDIVISION, SECTION I**

WHEREAS, the streets described on the attached AM-4.3, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Residency Administrator for the Virginia Department of Transportation (VDOT) advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of VDOT; and

WHEREAS, the County and VDOT entered into an agreement on July 1, 1994, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests VDOT to add the streets described in the attached Additions Form AM-4.3 to the secondary system of State highways, pursuant to § 33.1-229 of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED the Board guarantees a clear and unrestricted right-of-way, as described and any necessary easements for cuts, fills, and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Residency Administrator for VDOT.

3. Senior Center Appropriation

**RESOLUTION**

**SENIOR CENTER APPROPRIATION**

WHEREAS, funds had been originally programmed in the FY 15 budget for the Historic Triangle Senior Center, a local nonprofit organization; and

WHEREAS, the Historic Triangle Senior Center has now dissolved and those funds were placed in a contingency account until staff could develop a plan to incorporate those services and programs into the Parks and Recreation Department; and

WHEREAS, that plan has now been completed and staff is prepared to assume the responsibility and implementation of senior programs on July 1, 2014.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the transfer of \$20,950 from the contingency account to the FY 15 Department of Parks and Recreation's budget; and

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the addition of \$17,050 to the FY 15 Department of Parks and Recreation revenue account for the fees that will be collected for the senior programs.

4. Contract Award – Fire Station 1 – \$5,600,000

**RESOLUTION**

**CONTRACT AWARD – FIRE STATION 1 – \$5,600,000**

WHEREAS, funds are available from the Capital Improvements Project (CIP) accounts; and

WHEREAS, three bids were considered for award and A.R. Chesson Construction Company, Inc. was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract in the amount of \$5,600,000 for the Fire Station 1 to A.R. Chesson Construction Company, Inc.

BE IT FURTHER RESOLVED that the Fire Station 1 project budget be reimbursed by \$225,000 generated from a portion of the expected proceeds from the sale of the residential property at 7849 Church Lane and designated as Fire Station 1 project contingency in the Capital Budget.

## **I. PUBLIC HEARINGS**

### **1. Case Nos. Z-0003-2013/MP-0001-2013. Rezoning and Master Plan Amendment for Kingsmill, Land Bay 8**

Mr. Jose Riberio, Planner III, stated that Mr. Vernon Geddy, attorney for the applicant, had requested that the application be deferred until a Board meeting in July and that staff supported this request.

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

Ms. Jones stated that there would be no action on this case this evening.

Mr. McGlennon stated that there would be an additional Public Hearing in the future on this matter as well.

1. Mr. Michael McGurk, 117 Jefferson's Hundred, addressed the Board in opposition to the case.
2. Mr. Howard Ware, 46 Whittaker's Mill Road, addressed the Board in opposition to the case.
3. Mr. Lenny Berl, 105 William Richmond, addressed the Board in opposition to the case.
4. Mr. John Niland, 503 River Bluffs, addressed the Board in opposition to the case.
5. Mr. Andrew Lloyd-Williams, 120 Captaine Graves, addressed the Board in opposition to the case.

As no one else wished to speak, Ms. Jones stated that the Public Hearing would be continued until the July 8, 2014, regular meeting.

### **2. Case No. ZO-0007-2013. Chicken Keeping in Residentially Zoned Areas of the County**

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

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

1. Mr. Eric Danuser, 4091 South Riverside Drive, addressed the Board in support of the case.
2. Mr. Joseph Swanenburg, 3026 The Point Drive, addressed the Board in support of the case.

3. Ms. Barbara Scherer, 114 King William Drive, addressed the Board in support of the case.
4. Ms. Joyce Felix, 115 King William Drive, addressed the Board in support of the case.
5. Mr. Brandon Waltrip, 3448A Chickahominy Road, addressed the Board in support of the case.
6. Ms. Carol Bartram, 102 Pageland Drive, Yorktown, VA, addressed the Board in support of the case.

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

Mr. Hipple stated that he kept chickens at his residence. There has been a great deal of time and effort put into getting this issue to the Board, between citizens, staff, and the Planning Commission. He stated that there are certain areas of the County in which residents cannot have chickens even though their homes are rather remote and rural. The differences in the community from planned communities to rural areas is what helps makes this a great community to live in. He stated he would support the ordinance and a change to include R2 and R3 zoning areas as well.

Mr. Kennedy stated that the reason the issue has gotten to this point is because there were complaints received from citizens regarding neighbors keeping chickens in their backyards. He asked Mr. Allen Murphy, Director of Development Management, to come forward. He asked Mr. Murphy if there was any active pursuit of people keeping chickens in the County in currently unauthorized areas.

Mr. Murphy stated that enforcement was only on a complaint basis.

Mr. Kennedy asked the number of staff in zoning enforcement.

Mr. Murphy stated that there are four staff members in zoning enforcement.

Mr. Kennedy asked if the proposed ordinance would create more work for staff.

Mr. Murphy stated that it would.

Mr. Kennedy stated that he did support the discussion about this case. He is concerned about the butchering of chickens in the backyard in residential areas. He stated that he is concerned that if it begins with chickens then where will it end. He stated that he has concerns about the enforcement of the numbers of hens allowed and about the cost in terms of staff hours. He stated that he is also concerned about expanding this case out to other residentially zoned areas of the County. He stated that his final concern is that this was not supported by the Planning Commission.

Mr. Onizuk stated that he is in favor of individual property rights, so long as what an individual does on their own property does not adversely affect other property owners. The case would not over rule any Homeowners Association (HOA) Restrictive Covenants. He stated that he is in favor of the ordinance in the way that it is written. He would not support expansion of the ordinance to other residential areas within the Public Service Area (PSA).

Mr. McGlennon stated that he has several concerns about this case. One of the primary concerns is that there are already people throughout the County that are violating the current zoning regulations. There will be people who will be left out of the new ordinance if adopted who may or may not comply with the new

ordinance. Another concern is that this ordinance starts with allowing chickens in residential areas, but where will it end. In his own communication with the constituents he stated that there is not overwhelming support for this ordinance.

Mr. Hipple stated that a number of individuals that he had been in touch with, who happened to be in violation, did not realize they were in violation to begin with. Some of the regulations in the County were created solely for the purpose of keeping certain individuals from doing certain things. Regardless if it is a chicken or something else there will be a few people who do not do the right thing. He stated that there is a problem when government creates regulation to address people who create a problem rather than the majority that are doing the right thing.

Mr. Kennedy stated that in contrast to Mr. Hipple's comments that regulation should not be made to react to a small number of people. He stated that the Board went to the State legislature to do exactly that when it came to wolf hybrid dogs.

Mr. Hipple stated that he did not feel as though it was fair to compare a wolf hybrid dog to a chicken.

Mr. Kennedy explained that it was not about one being worse than the other it was a comment about regulation because a small group of individuals. It was a singular owner that led to the current regulations about wolf hybrid dogs.

Mr. Onizuk stated that there are two very different types of home buyers; one in favor of an HOA, the other that does not want an HOA. He does not have an issue supporting the ordinance so long as that there is adequate enforcement.

Ms. Jones stated that she did support the ordinance and would like to see the ordinance expanded to the R2 and R3 zoning districts. She would like to see a change in the wording of the ordinance to include the wording "no commercial dispatching." The ordinance would not overrule any existing HOA rules and regulations. She stated that her primary concern is the individual property rights of the homeowners. She stated that she would support an initiating resolution to expand the current ordinance to include R2 and R3 zoning districts.

Mr. Rogers asked if there was an amendment that the Board would like to make.

Mr. Onizuk stated that he would be more supportive of the ordinance as written and not allowing dispatching of the chickens.

Mr. Hipple stated he did not foresee people going close to their neighbor's fence line to dispatch a chicken.

Mr. Kennedy stated that some of the lots in the R1 district are not that large. He asked if the other localities in the area allow dispatching.

Mr. White stated that none of the surrounding localities ordinances contain a provision allowing the dispatching of chickens.

Mr. Rogers asked if a motion to adopt the ordinance with the change to the wording to state that "Commercial harvesting is not permitted" was what was being asked for by the Board.

Mr. Kennedy stated that if the County is going to allow the residential harvesting of chicken then they are ceasing to be a pet. He asked Mr. Rogers what are the current restrictions for animals other than chickens in the community.

Mr. Rogers stated that the current regulations differentiate between kept animals and wild animals.

Mr. Kennedy stated that he felt as though this case would open the door to a wide variety of future problems with different types of animals.

Mr. Hipple made a motion to adopt the resolution with the change in language, last line in section (a), to state: "Commercial harvesting of chickens is not permitted."

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

Ms. Jones made a motion to direct staff to draft an initiating resolution to expand the ordinance to include the R2 and R3 zoning districts.

Mr. Onizuk stated that he is not supportive of expanding to other zoning districts within the Primary Service Area. He stated that if this direction is going to be given to the Planning Commission, then he would urge caution.

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

At 9:35 p.m., Ms. Jones recessed the Board for a brief break.

At 9:47 p.m., Ms. Jones reconvened the Board.

### 3. Case No. SUP-0003-2014. Amerigas Propane Tank Installation

Mr. Luke Vinciguerra, 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.

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

Mr. McGlennon made a motion to approve the resolution included in the Agenda Packet.

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. SUP 0003-2014. AMERIGAS PROPANE TANK INSTALLATION

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. Martin Munson of Amerigas Propane has requested an amendment to the existing SUP (SUP-26-84) to allow for the installation of an additional 30,000-gallon propane tank at an existing storage facility in Hankins Industrial Park located at 124 Industrial Boulevard, zoned M-2 (General Industrial) and further identified as James City County Tax Map Parcel No. 1240100013C; and

WHEREAS, the Planning Commission, following its public hearing on May 7, 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 Land Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0003-2014 as described herein with the following conditions:

1. Use: This SUP shall be valid for propane storage, distribution or sale and accessory uses as shown on the Master Plan titled "Amerigas Propane Exhibit" dated April 22, 2014. Development of the property shall occur in general accordance with the Master Plan as determined by the Planning Director. Any outdoor operation or storage including the installation of propane tanks, shall be contained in the area designated "Outdoor Operation and Storage Area."
2. Site Plan: A site plan shall be required for this project and for the installation of any future propane tanks. The location and capacity of propane tanks shall be approved by the Fire Marshal and the Building Safety and Permits Director or their designees before site plan approval. Final approval of the initial site plan shall be obtained within 24 months of 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.

4. Case No. SUP-0002-2014. HRSD Microwave Tower, 300 Ron Springs Drive

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

Mr. McGlennon asked about the opportunity for co-location on the tower and if there has been any interest in doing so.

Ms. Pollock stated that there is the potential for co-location, but would defer to the Applicant for further information regarding possible co-locators.

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

1. Mr. Ray King, Attorney representing the Applicant, addressed the Board giving a brief summary of the application. He noted that Mr. Tim Dennis, from Milestone Communications, and Mr. Dave Cooley, an engineer with Hampton Roads Sanitation District (HRSD), were in attendance as well to answer any technical questions. He stated that the importance of this tower would allow HRSD to remotely control the system, especially during storm events.

Mr. McGlennon asked about the geographic range of possible cellular co-locators on the tower.

2. Mr. Tim Dennis, Milestone Communications, Reston, Virginia, addressed the Board stating that co-location is possible. He stated that there are five active cellular carriers in this market, and to date, only Verizon has evaluated the site and is not interested in co-locating at this time. He stated that they will continue to market the tower as a possible co-location site to the other carriers in the market.

Mr. McGlennon asked if co-locator's antennas would be internally or externally mounted.

Mr. Dennis stated that due to the dense tree buffer, co-locators would have to be externally mounted.

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

Mr. McGlennon made a motion to approve the resolution included in the Agenda Packet.

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. SUP-0002-2014. HRSD MICROWAVE TOWER – 300 RON SPRINGS DRIVE**

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. Stephen Romine has applied for an SUP to allow construction of a 134-foot microwave tower (the "Project") on property located at 300 Ron Springs Road (the "Property"); and

WHEREAS, the proposed Project is depicted on the plan prepared by NB+C Engineering Services, LLC, dated January 22, 2014, revised March 13, 2014, and entitled "Williamsburg Treatment Plant" (the "Master Plan"); and

WHEREAS, the proposed Project is located in its entirety on property zoned PL, Public Lands, further identified as James City County Real Estate Tax Map Parcel No. 5820100003; and

WHEREAS, the Board of Supervisors issued SUP-0023-1987, HRSD Treatment Plant Expansion and SUP-0017-1995, HRSD Ron Springs Drive Influent Force Main for the existing facilities on the Property, which conditions are not replaced by this SUP and will still remain in effect on the Property; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0002-2014; and

WHEREAS, the Planning Commission, following its public hearing on May 7, 2014, voted 6-0 to recommend approval of application No. SUP-0002-2014.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, does hereby approve Application No. SUP-0002-2014, as described herein, pursuant to the following conditions:



1. Master Plan and Use: This SUP shall be valid for the installation of a microwave tower at a total height of 134 feet, including all appurtenances, on the Property as shown on the Master Plan.
2. Enclosure: Should a future provider collocate on the tower and determine that equipment needs to be enclosed by fencing, the fencing shall be vinyl-coated and shall be dark green or black in color. Any fencing shall be reviewed and approved by the Planning Director prior to final site plan approval.
3. Tower Color: Any tower shall have a finish that is grey in color as approved by the Planning Director. Any alternative color used, including but not limited to a camouflage wrap, shall be approved by the Planning Director, or his designee, prior to final site plan approval.
4. Lighting: Lighting, beacons, and other similar devices shall be prohibited on the Project unless required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA). When required by the FCC or FAA, a red beacon light or lights of low-medium intensity shall be used rather than a white strobe light. Should the regulations and requirements of this subsection conflict with any regulation or requirement by the FCC or FAA, then the regulations of the FCC and FAA shall govern. At the time of site plan review, a copy of the FAA and/or FCC findings shall be provided to the County.
5. Commencement. A final building inspection shall be obtained within 24 months from the date of the issuance of this SUP, or this SUP shall be void.
6. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Ms. Jones acknowledged the Planning Commission Representative, Mr. Heath Richardson, in attendance this evening.

5. Case No. ZO-0008-2013. Accessory Apartments

Ms. Jennifer Van Dyke, Planner I, addressed the Board giving a summary of the memorandum and ordinance changes included in the Agenda Packet.

Mr. McGlennon questioned the motivation of the Planning Commission to direct staff to begin looking into these ordinance changes.

Ms. Van Dyke stated that it was her understanding that certain members of the Planning Commission were looking to serve members of the aging community and that this might provide options for the aging members of the community.

Mr. McGlennon noted that in the attached materials, three different scenarios are presented that vary differently. One would be an accessory apartment for aging parents, one would be an accessory apartment for a caregiver to live outside of the home, but in close proximity, and one would be as a revenue stream from the rental of an accessory apartment. He questioned the criteria for deciding which scenario would be allowed considering that all of the detached accessory apartments would require a Special Use Permit (SUP).

Ms. Van Dyke stated that she does not believe that the objectives were that thought out. She noted that there was a greater level of comfort, by the Policy Committee, by having the detached apartments go through the legislative process of an SUP. She stated that she cannot respond specifically to the motivations of the Planning Commission members.

Mr. McGlennon stated that he is concerned that this could be an option for revenue enhancement that could significantly impact the character of neighborhoods in the community. He stated that he would like to know more about the principles that the ordinance change is hoped to accomplish.

Ms. Jones asked if Mr. McGlennon would like a deferral of the case.

Mr. McGlennon stated that he believes the Board would benefit from more discussion on the matter, not just a deferral. He stated that he would like to see a Work Session discussion on the matter to better understand the intended objectives.

Mr. Kennedy stated that these options have been previously discussed. He stated that he shares the concerns voiced by Mr. McGlennon. He stated that he would like to see the Board be able to do something for aging parents or caregivers, but how does one limit it to just those circumstances.

Ms. Jones stated that she would be fine with adding it to a Work Session agenda.

Mr. McGlennon stated that he would suggest including the concept at the next Neighborhood Leaders Forum to get the reaction of the neighborhoods to the proposed changes as well.

Ms. Jones asked if the Public Hearing should be left open.

Mr. Rogers stated that the Public Hearing must be left open to a date certain. If the Board does not have a specific date in mind, then it would be best to close the Public Hearing after any comments.

Mr. Richardson stated that he agreed with the assessment of the Board and the various scenarios. He stated that the Planning Commission did not focus on the rationale behind the ordinance, rather the changes to the ordinance itself, but that it can be reevaluated.

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

1. Mr. Steven Sharp, 2305 Montgomerie Arch, addressed the Board in support of the ordinance changes.

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

Mr. Powell stated that he would get back to the Board, but believes that this item can be added to the Work Session Agenda in July.

6. Application for New James City County Enterprise Zone Designation

Mr. Telly Tucker, Assistant Director of Economic Development, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Mr. Kennedy noted that these zones have been very fruitful for the County over the past several years.

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

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

Mr. McGlennon made a motion to approve the amended resolution provided at 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).

## **RESOLUTION**

### **APPLICATION FOR NEW JAMES CITY COUNTY ENTERPRISE ZONE DESIGNATION**

WHEREAS, the Commonwealth of Virginia has developed an Enterprise Zone Program, which offers incentives to encourage economic development projects that result in private investment and job creation; and

WHEREAS, the Virginia Department of Housing and Community Development (DHCD) is accepting applications for the 2015 designation round of new Enterprise Zones; and

WHEREAS, the Board of Supervisors of James City County, Virginia, strongly supports the application for an Enterprise Zone Designation to the Virginia DHCD; and

WHEREAS, James City County desires to apply for a new Enterprise Zone designation to continue the success of its existing zone, which has been in place since 1996 and expires in 2015.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the Acting County Administrator to submit all information needed to apply for an Enterprise Zone designation and meet other program administrative reporting requirements.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County authorizes the Acting County Administrator of James City County to act as Program Administrator for the Enterprise Zone.

**J. BOARD CONSIDERATION - None**

**K. PUBLIC COMMENTS**

1. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding the visit of the Secretary of the Interior and the PDR Grant.

Ms. Jones stated that she was not aware of the visit of the Secretary of the Interior until the day before. To her knowledge no one from staff was present during the visit.

Mr. Powell stated that County staff was not made aware of the visit either.

Ms. Jones asked for a follow up to be done with Mr. Swanenburg regarding clarification of the PDR Reimbursement Grant.

Mr. McGlennon stated that if his question is regarding the dates of the fiscal year, then it would cover July 1, 2013, through June 30, 2014, PDR expenditures.

## **L. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Powell stated that on June 13 at 10:30 a.m., Officers from James City County Police Department and Deputies from the York-Poquoson Sheriff's Office will come together at Shorty's Diner at 627 Merrimac Trail in an informal, neutral space to discuss community issues, build relationships, and drink coffee. For more information about the event on June 13, please contact MPO Kelly Cross at 757-603-6023.

Mr. Powell stated that the Abram Frink Jr. Community Center (AFCC, formerly James River) will be closed June 13-September 1 for maintenance. The Center closure is part of the overall HVAC maintenance plan for James River Elementary School. AFCC patrons can use their passes at the James City County Recreation Center (JCCRC) on Longhill Road during this closure period during specific hours. Use of the JCCRC is available to AFCC patrons during normal AFCC operation hours, Monday-Thursdays, 4-9 p.m. and Fridays 4-8 p.m. For more information, please call 757-259-4200.

Mr. Powell stated that James City County residents are invited to attend the next Neighborhood Leaders Forum (NLF) on June 17 at 6:30 p.m. at the James City County Recreation Center, 5301 Longhill Road. The NLF is a series of education and dialogue sessions for neighborhood representatives. The June meeting will include an update by County Police, a presentation about the 2035 Comprehensive Plan process, a networking break in which participants can meet and greet with other neighborhood representatives and a Q&A session with County staff. For more information about the NLF or to RSVP, please contact Latara Branch, Civic Engagement Coordinator, at 757-259-4986.

Mr. Powell stated that On Sunday, June 15, more than 900 athletes will participate in the Revolution 3 (REV3) Williamsburg Triathlon. Portions of roads throughout James City County will be temporarily closed to accommodate the 56-mile cycling course and 13-mile running course of the race. Motorists should expect delays between 7 a.m. and 1 p.m. on all of Centerville Road and on the following: Greensprings Road, John Tyler Highway, Jolly Pond Road, Opportunity Way, Little Creek Dam Road, Forge Road, Diascund Road, and Richmond Road (in Toano and Lanexa). Cranston's Mill Pond Road will be closed for the duration of the event. Police will direct traffic during the race to help keep participants and motorists moving as efficiently as possible. Motorists should also note that there will be bicyclists traveling on these roadways throughout the day even while traffic is flowing and should use extreme caution.

## **M. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon stated as part of the HVAC work being done at James River Elementary, the generator is being installed as well. He stated that he attended a panel discussion sponsored by Senator Mark Warner regarding the shale bracken crude oil being transported by railways through the County. He stated that there was a lot of discussion regarding the safety of the compartments used to transport those materials. He stated that his understanding is that representatives met with County staff recently to discuss the requirements for Fire/EMS equipment when dealing with these chemicals.

Mr. Kennedy requested a briefing on the topic from staff.

Mr. Powell stated that staff would schedule a presentation for the next Board meeting.

1. Consideration of a Personnel Matter, the Appointment of Individuals to County Boards and/or Commissions Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
  - a. Community Action Agency Board of Directors – Staff Member
  - b. WATA Board of Directors – Staff Members

Mr. McGlennon made a motion to appoint Ms. Heather Poulsen to the Community Action Agency to fill a vacated term that will expire on September 25, 2017; appoint Mr. Allen Murphy to fill a vacancy on the Williamsburg Area Transit Authority (WATA) Board of Directors that will expire on June 30, 2017; and appoint Mr. Doug Powell to a new term on the WATA Board of Directors that will expire on June 30, 2018.

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

**N. ADJOURNMENT** – until 7 p.m. on June 24, 2014, for the Regular Meeting

Mr. Onizuk 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 10:23 p.m., Ms. Jones adjourned the Board.

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M. Douglas Powell  
Clerk to the Board

061014bos-min



**M E M O R A N D U M**

DATE: June 24, 2014

TO: The Board of Supervisors

FROM: William T. Luton, Fire Chief

SUBJECT: Appropriation of Transfer from WJCC and Contract Award – Shelter Generator, Abram Frink Jr. Community Center and James River Elementary School

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The James City County Fire Department Emergency Management Division was previously awarded a Hazard Mitigation Grant Program (HMGP) grant in the amount of \$98,000 to purchase and install a shelter generator at the Abram Frink Jr. Community Center (then known as the James River Community Center). The Board appropriated the grant on July 23, 2013.

The Abram Frink Jr. Community Center and James River Elementary School are co-located and share certain physical plant and electrical systems. During initial stages of the generator project, County and Williamsburg-James City County Public Schools (WJCC) staff determined that the shared systems may require changes to the project scope.

The County subsequently hired an electrical engineer to study the electrical systems, size the generator, and validate/identify alternate site locations for the generator. The report provided two options: Option 1 to power the community center only and Option 2 to power both the community center and elementary school.

WJCC and County staff together elected to pursue Option 2 and WJCC agreed to contribute up to \$250,000 to purchase a generator able to power both facilities and all systems held in common. On February 18, 2014, the Williamsburg-James City County School Board transferred \$250,000 to the project. This transfer includes both City and County funds.

Appropriation of the transferred funds will increase the total project budget to \$348,000.

The contract discussed below is the only purchase under this project anticipated to exceed the threshold requiring Board approval. The remainder of the budget is for other purchases required to complete the project.

Any budgeted funds remaining after successful installation of the generator will be available, with the Board's approval, for other capital projects.

Staff has determined the most efficient procurement method for purchase of the generator, automatic transfer switch, and fuel tank is to use a cooperative purchasing contract issued by the National Joint Powers Alliance (NJPA) to Carter Machinery Company. NJPA contracts are competitively solicited and awarded in compliance with the Virginia Public Procurement Act. James City County is an NJPA member able to access this cooperative contract.

Cooperative procurement action is authorized by Chapter 1, Section 5 of the James City County Purchasing Policy and the Virginia Public Procurement Act. By participating in the cooperative procurement action, staff believes the County will increase efficiency, reduce administrative expenses, and benefit from an accelerated delivery process.


NJPA is a public agency that serves as a member-focused cooperative for over 50,000 member agencies nationally. NJPA offers a multitude of cooperative contracted products, equipment and service solutions to education and government entities.

Pricing of \$166,326.07 for the purchase of the generator, automatic transfer switch and fuel tank is based upon National Joint Powers Alliance (NJPA) Contract No. 080613-CAT with Carter Machinery Company. The technical specifications are in accordance with the recommendation of the electrical engineer.

Work under this contract will be coordinated with the replacement of the HVAC system and other work at James River Elementary School this summer. Both projects will need to be completed before the shelter is fully operational.

This generator will provide a local shelter alternative with emergency power capabilities at the southern end of the County and provide backup power for the school during non-emergency power outages.

Staff recommends adoption of the attached resolution to appropriate funds in the amount of \$250,000 and authorize a contract award to Carter Machinery Company in the amount of \$166,326.07 for a generator, automatic transfer switch and fuel tank for James River Elementary School and the Abram Frink Jr. Community Center.

  
William T. Luton

WTL/nb  
CA-Generator\_mem

Attachment



## RESOLUTION

### APPROPRIATION OF TRANSFER FROM WILLIAMSBURG-JAMES CITY COUNTY (WJCC)

### AND CONTRACT AWARD – SHELTER GENERATOR, ABRAM FRINK JR.

### COMMUNITY CENTER AND JAMES RIVER ELEMENTARY SCHOOL

WHEREAS, the James City County Fire Department Emergency Management Division was previously awarded a Hazard Mitigation Grant Program (HMGP) grant in the amount of \$98,000 to purchase and install a shelter generator at the Abram Frink Jr. Community Center and the Board appropriated the grant on July 23, 2013; and

WHEREAS, the Abram Frink Jr. Community Center and James River Elementary School share a physical plant and electrical systems; and

WHEREAS, Williamsburg-James City County (WJCC) Public Schools and the County have identified the opportunity to re-size the generator to both provide a local shelter alternative with emergency power capabilities at the southern end of the County and provide backup power for the school during non-emergency power outages; and

WHEREAS, the WJCC School Board transferred \$250,000 to the project on February 18, 2014; and

WHEREAS, cooperative procurement action is authorized by Chapter 1, Section 5 of the James City County Purchasing Policy and the Virginia Public Procurement Act, and the National Joint Powers Alliance (NJPA) issued a cooperative purchasing contract to Carter Machinery Company that was competitively solicited and awarded; and

WHEREAS, County staff determined equipment available under this contract meet the required technical specifications and negotiated a price of \$166,326.07 for purchase of a generator, automatic transfer switch, and fuel tank.

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

Revenue:

Transfer from WJCC	<u>\$250,000</u>
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Expenditure:

HMGP Grant – Shelter Generator	<u>\$250,000</u>
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BE IT FURTHER RESOLVED that the Board of Supervisors hereby authorizes the issuance of a contract to Carter Machinery Company for a generator, automatic transfer switch, and fuel tank in the amount of \$166,326.07.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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M. Douglas Powell  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of June, 2014.

CA-Generator-res

**M E M O R A N D U M**

DATE: June 24, 2014

TO: The Board of Supervisors


FROM: John H. Carnifax, Jr., Director of Parks and Recreation

SUBJECT: Establishment of a Petty Cash Fund

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In order to stay consistent with existing cash management procedures and policies, it is necessary for the Department of Parks and Recreation to establish a \$300 petty cash fund to be used at special events. This fund will improve customer service by providing staff with the necessary resources to handle all fee collection practices in an efficient and effective manner.

Attached is a resolution authorizing the establishment of a \$300 petty cash fund to be used by staff when collecting fees at special events. Staff recommends approval of the attached resolution.

  
\_\_\_\_\_  
John H. Carnifax, Jr.

JHC/nb  
PettyCash-mem

Attachment

## RESOLUTION

### ESTABLISHMENT OF A PETTY CASH FUND

WHEREAS, the Department of Parks and Recreation continues to explore all opportunities to generate revenue through users fees; and

WHEREAS, it is necessary to accept cash and provide change to the users at special events that require an admission or parking fee; and

WHEREAS, this collection of fees and cash management process must be consistent with James City County adopted policies and procedures.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the Treasurer to establish a \$300 petty cash fund to be used by County staff at special events sponsored by the Parks and Recreation Department.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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M. Douglas Powell  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of June, 2014.

PettyCash-res

## M E M O R A N D U M

DATE: June 24, 2014

TO: The Board of Supervisors

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

SUBJECT: Local Governing Body Concurrence with School Division Electing to Pay the Virginia Retirement System (VRS) Board-Certified Rate

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The Board of Supervisors must choose whether to endorse the Williamsburg-James City County (WJCC) School Board Resolution to pay the Virginia Retirement System (VRS) Employer Certified Rate by the VRS Board for the Non-Professional Account for Fiscal Years 2015 and 2016 of 7.22 percent of covered payroll.

### **BACKGROUND**

All School Divisions have two VRS Accounts, one for professional staff, including teachers, and one for non-professional staff. The professional staff account is a statewide pool with one rate for all School Divisions which is set by the General Assembly. There are almost 1,400 active members in the WJCC professional staff account. The non-professional staff account, by contrast, is actuarially established separately for each School Division, in the same way as James City County government's account is separate from that of other local governments. It is also the smaller of the two School Division VRS accounts made up of about 200 active members who work in areas such as transportation, custodial, and food service.

Similar to the way James City County had to choose which VRS Employer Contribution Rate to pay, the WJCC School Board also has to choose its Employer Contribution Rate effective July 1, 2012, selecting from one of two options:

- 7.22 percent - The VRS Board of Trustees Certified Rate for Fiscal Years 2015 and 2016; or
- 6.56 percent - An Alternate Rate which is the higher of the current rate certified by the VRS Board for FY 2012 or 80 percent of the VRS Board-Certified Rate for Fiscal Years 2015 and 2016

At its June 17 meeting, the School Board elected to pay the VRS Board-Certified Rate. Its resolution adopting this rate is attached.

According to the School Board Agenda Item, the 7.22 percent Certified Rate was selected because the Alternate Rate would:

- Reduce contributions to the WJCC employer account and the investment earnings they would have generated, which lowers the assets available for benefits.
- Result in a lower funded ratio when the next Actuarial Valuation is performed and, thus, a higher calculated contribution rate at that time.

The Certified Rate will cost \$41,000 more than the Alternate Rate. The WJCC adopted budget reflects payment at the Certified Rate of 7.22 percent.

**SPECIAL CIRCUMSTANCE**

The School Board must approve the employer contribution rate no later than July 1, 2014.

**RECOMMENDATION**

Staff recommends adoption of the attached resolution concurring with the WJCC School Board Resolution to pay the VRS Employer Certified Rate by the VRS Board for the Non-Professional Account for Fiscal Years 2015 and 2016 of 7.22 percent of covered payroll.

The Board of Supervisors recently adopted the Certified Rate for the County VRS account for similar reasons cited by the School Division above.

  
James A. Peterson II

JAP/nb  
VRS-2014RatePay-mem

Attachment

## **RESOLUTION**

### **LOCAL GOVERNING BODY CONCURRENCE WITH SCHOOL DIVISION**

#### **ELECTING TO PAY THE VIRGINIA RETIREMENT SYSTEM (VRS)**

#### **BOARD-CERTIFIED RATE**

WHEREAS, the Williamsburg-James City County (WJCC) School Board has elected to pay the Employer Contribution Rate certified by the Virginia Retirement System (VRS) Board of Trustees for its Non-Professional Account; and

WHEREAS, in accordance with the 2014 Appropriation Act Item 468 (H), the local governing body must concur with the local public school division's election of the VRS-Certified Employer Contribution Rate; and

WHEREAS, the Board of Supervisors concurs with the WJCC School Board's election to pay the Certified Employer Contribution Rate; and

WHEREAS, the WJCC adopted budget reflects payment at the rate of 7.22 percent.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, (55147) hereby acknowledges that the Williamsburg-James City County School Division has made the election for its contribution rate to be based on the Employer Contribution Rates certified by the VRS Board of Trustees pursuant to Virginia Code §51.1-145(1) resulting from the June 30, 2013, actuarial value of assets and liabilities (the "Certified Rate").

BE IT FURTHER RESOLVED that James City County (55147) does hereby certify to the VRS Board of Trustees that it concurs with the election of the Williamsburg-James City County School Division to pay the Certified Rate, as required by Item 468(H) of the 2014 Appropriations Act.

BE IT FURTHER RESOLVED that the officers of James City County (55147) are hereby authorized and directed in the name of James City County to execute any required contract to carry out the provisions of this resolution. In execution of any such contract which may be required, the seal of James City County, as appropriate, shall be affixed and attested by the Clerk.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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M. Douglas Powell  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of June, 2014.

VRS-2014RatePay-res



**WILLIAMSBURG-JAMES CITY COUNTY  
SCHOOL BOARD**

R-- \_\_\_\_\_

At the regular meeting of the Williamsburg-James City County School Board in the Boardroom in Building F at the County Government complex on the 17<sup>th</sup> day of June 2014.

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School Board:  
Ms. Heather Cordasco  
Ms. Elise Emanuel  
Mr. Joseph Fuentes  
Mr. Jim Kelly  
Ms. Ruth Larson  
Mr. James Nickols  
Dr. Oscar Prater

Vote:

---

Motion was made by \_\_\_\_\_, which carried \_\_\_\_\_, to adopt the following resolution:

**Employer Contribution Rates for Counties, Cities,  
Towns, School Divisions and Other Political Subdivisions**

(In accordance with the 2014 Appropriation Act Item 468(H))

BE IT RESOLVED, that the Williamsburg-James City County Schools 55802 does hereby acknowledge that its contribution rates effective July 1, 2014 shall be based on the higher of a) the contribution rate in effect for FY 2014, or b) eighty percent of the results of the June 30, 2013 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2015-16 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(1) resulting from the June 30, 2013 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that the Williamsburg-James City County Schools 55802 does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2014:

**(Check only one box)**

☒ The Certified Rate of 7.22%      ☐ The Alternate Rate of 6.56%; and

BE IT ALSO RESOLVED, that the Williamsburg-James City County Schools 55802 does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

NOW, THEREFORE, the officers of Williamsburg-James City County Schools 55802 are hereby authorized and directed in the name of the Williamsburg-James City County Schools to carry out the provisions of this resolution, and said officers of the Williamsburg-James City County Schools are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by Williamsburg-James City County Schools for this purpose.

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Governing Body/School Division Chairman

**CERTIFICATE**

I, \_\_\_\_\_, Clerk of the Williamsburg-James City County Schools, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Williamsburg-James City County Schools held at \_\_\_\_\_, Virginia at \_\_\_\_\_ o'clock on \_\_\_\_\_, 2014. Given under my hand seal of the Williamsburg-James City County Schools this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

---

Clerk

**TOPIC:**

Resolution to certify the WJCC non-professional employer retirement contribution rate to the Virginia Retirement System (VRS) effective July 1, 2014.

**BACKGROUND:**

Language in Virginia's 2013 Appropriations Act, Item 468(H) allows for school boards to elect/certify the employer retirement contribution rate effective July 1, 2014, selecting from one of two options:

- 7.22% - The rate certified by the VRS Board of Trustees for the 2015-2016 biennium; or
- 6.56% - An alternate rate which is the higher of the current rate certified by the VRS Board for FY2012 or 80 percent of the VRS Board-certified rate for FY 2015-2016.

The WJCC adopted budget reflects payment at the certified rate of 7.22%.

WJCC's local governing bodies must concur with the selection of the certified rate by signing resolutions certifying their concurrence.

**RATIONALE:**

The certified rate was selected because the alternate rate would:

- Reduce contributions to the WJCC employer account and the investment earnings they would have generated, which lowers the assets available for benefits.
- Result in a lower funded ratio when the next Actuarial Valuation is performed and, thus, a higher calculated contribution rate at that time.

**SPECIAL CIRCUMSTANCE**

The School Board must approve the employer contribution rate option no later than July 1, 2014.

**COST:**

The certified rate will cost \$41,000 more than the alternate rate. The higher rate and cost is included in the FY2015 Adopted Budget.

**ALTERNATIVES:**

1. Approve the WJCC employer retirement contribution rate at the VRS-certified rate of 7.22%.
2. Approve the WJCC employer retirement contribution rate at the alternate rate of 6.56%.

**SUPERINTENDENT'S RECOMMENDATION:**

The Superintendent recommends that the School Board approve the WJCC employer retirement contribution rate at the VRS-certified rate of 7.22%.

**DATA SOURCE:**

Terry S. Stone, Chief Financial Officer  
Jon T. Andre, Senior Director for Human Resources

## SAMPLE RESOLUTION FOR THE JCC BOARD OF SUPERVISORS AND WILLIAMSBURG CITY COUNCIL

Motion was made by , which carried, to adopt the following resolution:

### Local Governing Body Concurrence with School Division Electing to Pay the VRS Board-Certified Rate

(In accordance with the 2014 Appropriation Act Item 468(H))

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BE IT RESOLVED, that the \_\_\_\_\_ [Locality Name] [employer code] does hereby acknowledge that the Williamsburg-James City County School Division has made the election for its contribution rate to be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(1) resulting from the June 30, 2013 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that the \_\_\_\_\_ [Locality Name] [employer code] does hereby certify to the Virginia Retirement System Board of Trustees that it concurs with the election of the Williamsburg-James City County School Division to pay the Certified Rate, as required by Item 468(H) of the 2014 Appropriation Act; and

NOW, THEREFORE, the officers of \_\_\_\_\_ [Locality Name] [employer code] are hereby authorized and directed in the name of the \_\_\_\_\_ [Locality Name] to execute any required contract to carry out the provisions of this resolution. In execution of any such contract which may be required, the seal of the \_\_\_\_\_ [Locality Name], as appropriate, shall be affixed and attested by the Clerk.

\_\_\_\_\_  
Locality Board Chairman

### CERTIFICATE

I, \_\_\_\_\_, Clerk of the \_\_\_\_\_ [Locality Name], certify that the foregoing is a true and correct copy of a resolution passed by the \_\_\_\_\_ [Locality Name] and ratified by the \_\_\_\_\_ [Locality Name] at a lawfully organized meeting of the \_\_\_\_\_, [Locality Name] held at \_\_\_\_\_, Virginia at \_\_\_\_\_ o'clock on \_\_\_\_\_, 2014. Given under my hand and seal of the \_\_\_\_\_ [Locality Name] this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Clerk



**MEMORANDUM**

DATE: June 4, 2014

TO: The Board of Supervisors

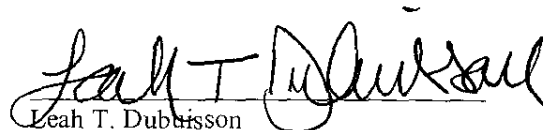
FROM: Leah T. Dubuisson, County Attorney Law Clerk  
Leo P. Rogers, County Attorney

SUBJECT: Ordinance to Amend and Reordain Chapter 13, Motor Vehicles and Traffic, Article I, In General, Section 13-7, Adoption of State Law; and Article II, Driving Automobiles, Etc. While Intoxicated or Under the Influence of Any Drug, Section 13-28, Adoption of State Law, Generally

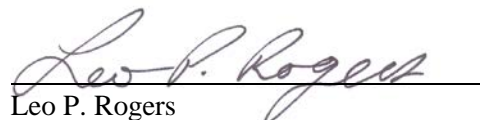
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The attached ordinance incorporates, by reference in the James City County Code ("County Code"), the 2014 amendments made by the General Assembly to the Driving Under the Influence ("D.U.I.") and traffic laws. County police officers are charging traffic offenders under the County Code, which must be updated to reflect the General Assembly's changes that become effective on July 1, 2014. It is necessary that the County Code be amended in order to comply with the changes to State law.

The County Attorney's office recommends adoption of the attached ordinance.

  
Leah T. Dubuisson

CONCUR:

  
Leo P. Rogers

LTD/nb  
DUIOrdAmend-mem

Attachment

## ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, ARTICLE I, IN GENERAL, SECTION 13-7, ADOPTION OF STATE LAW; AND ARTICLE II, DRIVING AUTOMOBILES, ETC., WHILE INTOXICATED OR UNDER THE INFLUENCE OF ANY DRUG, SECTION 13-28, ADOPTION OF STATE LAW, GENERALLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Motor Vehicles and Traffic, is hereby amended and reordained by amending Section 13-7, Adoption of state law; and Section 13-28, Adoption of state law, generally.

## Chapter 13. Motor Vehicles and Traffic

## Article I. In General

**Sec. 13-7. Adoption of state law.**

(a) Pursuant to the authority of section 46.2-1313 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the state contained in title 46.2 of the Code of Virginia, as amended, and in force on July 1, ~~2013~~ 2014, except those provisions and requirements the violation of which constitutes a felony, and those provisions and requirements which by their very nature can have no application to or within the county, are hereby adopted and incorporated in this chapter by reference and made applicable within the county. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any provision of title 46.2 of the Code of Virginia which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the



penalty imposed for a similar offense under title 46.2 of the Code of Virginia.

(b) It is the intent of the board of supervisors that all future amendments to sections of the Code of Virginia incorporated by reference in the provisions of this article be included in this article automatically upon their effective date, without formal amendment of this article by the board of supervisors.

**State law reference** - Authority to adopt state law on the subject, Code of Va., § 46.2-1313.

## **Article II. Driving Automobiles, Etc., While Intoxicated or Under the Influence of any Drug**

### **Sec. 13-28. Adoption of state law, generally.**

Article 9 (section 16.1-278 et seq.) of chapter 11 of title 16.1 and article 2 (section 18.2-266 et seq.) of chapter 7 of title 18.2, Code of Virginia, as amended and in force July 1, ~~2013~~ **2014**, are hereby adopted and made a part of this chapter as fully as though set out at length herein. It shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any section of the Code of Virginia as adopted by this section.

**State law reference** - Authority to adopt state law on the subject, Code of Va., § 46.2-1313.

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Mary K. Jones  
Chairman, Board of Supervisors

## VOTES

ATTEST:

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M. Doug Powell  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of June,  
2014.

DUIOrdAmend-ord

MEMORANDUM

DATE: June 24, 2014

TO: The Board of Supervisors

FROM: W. Scott Whyte, Senior Landscape Planner II

SUBJECT: Case No. ZO-0001-2014. Initiation of a Zoning Ordinance Amendment to Consider the Keeping of Chickens in R-2, General Residential, and R-3, Residential Redevelopment Zoned Areas of the County

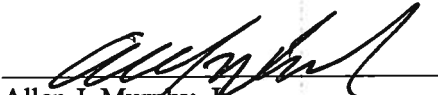
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On June 10, 2014, the Board of Supervisors adopted an ordinance to allow chicken keeping in areas zoned R-1, Limited Residential and requested that the Planning Commission explore expanding the ordinance to include chicken keeping in both the R-2, General Residential and R-3, Residential Redevelopment Districts.

Staff recommends the Board of Supervisors adopt the attached resolution to initiate consideration of this amendment to the Zoning Ordinance and to refer this matter to the Policy Committee.

  
W. Scott Whyte

CONCUR:

  
Allen J. Murphy, Jr.

WSW/nb  
ZO-1-14ChickR2R3-mem

Attachment

## RESOLUTION

CASE NO. ZO-0001-2014. INITIATION OF A ZONING ORDINANCE AMENDMENT TO  
CONSIDER THE KEEPING OF CHICKENS IN R-2, GENERAL RESIDENTIAL, AND R-3,  
RESIDENTIAL REDEVELOPMENT ZONED AREAS OF THE COUNTY AND  
THE SPECIAL REGULATIONS RELATED THERETO

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate review of the Zoning Ordinance and amending the language of Article II Special Regulations, by adding provisions and procedures relating to the raising of chickens in residential areas of James City County, and amending the language of Article V, Districts to add the keeping of chickens as a matter of right in the R-2, General Residential, and/or the R-3, Residential Redevelopment zoning districts.

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

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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M. Douglas Powell  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of June, 2014.

ZO-1-14ChickR2R3-res