

**A G E N D A**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**March 24, 2015**  
**6:30 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

1. Pledge Leaders - members of Team Xplosion, a Neighborhood Basketball League, and residents of the Jamestown District

**E. PRESENTATIONS**

**F. PUBLIC COMMENT - Until 7 p.m.**

**G. CONSENT CALENDAR**

1. Minutes - January 27, 2015, Joint Work Session with Planning Commission
2. Minutes - February 21, 2015, Budget Work Session
3. Reaccreditation Police Department

**H. PUBLIC HEARING(S)**

1. An Ordinance to Amend Chapter 14, Outdoor Gatherings

**I. BOARD CONSIDERATION(S)**

**J. BOARD REQUESTS AND DIRECTIVES**

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

1. County Administrator's Report

**L. PUBLIC COMMENT**

**M. CLOSED SESSION**

**N. ADJOURNMENT**

1. Adjourn until 6:30 p.m. on April 14, 2015 for the Regular Meeting

**AGENDA ITEM NO. D.1.**

**ITEM SUMMARY**

DATE: 3/24/2015

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Secretary to the Board

SUBJECT: Pledge Leaders - members of Team Xplosion, a Neighborhood Basketball League, and residents of the Jamestown District

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**ATTACHMENTS:**

	Description	Type
☐	Pledge Form	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	3/17/2015 - 3:52 PM



Parks and Recreation

Pledge of Allegiance  
James City County Board of Supervisors Meetings

Student's Name: Tommy Neville (Coach)

Male Female Marcus Banks (Coach)

Name Pronunciation Tip:

School and Grade: Team Xplosion - NBL

Address:

Phone:

Parents:

Siblings:

Voting District (Please check one):

Berkeley \_\_\_\_\_ Jamestown  Powhatan \_\_\_\_\_ Roberts \_\_\_\_\_ Stonehouse \_\_\_\_\_

Student's Interest:

Sports:

Clubs:

Awards/Recognitions:

Programs / Activities / Projects child participates in offered through James City County:

BASKETBALL, FOOTBALL, BAND, COMMUNITY SERVICES

This is the standardized form for submitting pledge information. Please do not send information in any other format. Thank You.

Please return completed form (s) to Angie Sims, Volunteer & Resource Coordinator by email [angie.sims@jamescitycountyva.gov](mailto:angie.sims@jamescitycountyva.gov), fax 757-259-5420 or mail to: Angie Sims, James City County Parks & Recreation, 5300 Palmer Lane, Suite 1A, Williamsburg, VA 23188.

PLAYERS  
Trent Neville - 15 / LHS  
Tyler Neville - 14 / Hornsby  
Andrew Mcurdy - 13 / Queens Lake  
Marcus Banks - 13 / Toano  
Chase Pively - 14 / Hornsby  
Caleb Massie - 14 / Hornsby

**AGENDA ITEM NO. G.1.**

**ITEM SUMMARY**

DATE: 3/24/2015  
TO: The Board of Supervisors  
FROM: Teresa J. Fellows, Secretary to the Board  
SUBJECT: Minutes - January 27, 2015, Joint Work Session with Planning Commission

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**ATTACHMENTS:**

	Description	Type
📎	012715bosws-mins	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	3/10/2015 - 10:52 AM

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**WORK SESSION**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**January 27, 2015**  
**4:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

Mr. Hill called the roll for the Board of Supervisors. All Board members were present.

Mr. Hipple welcomed the members of the Planning Commission.

Mr. Rich Krapf, Chair of the Planning Commission, called the Planning Commission to order for the purpose of a Joint Meeting with the Board of Supervisors.

Mr. Paul Holt, Director of Planning and Secretary to the Commission, called the roll for the Planning Commission. All Commissioners were present except for Ms. Robin Bledsoe.

Mr. Holt welcomed Ms. Liz Friel, representative of the Community Participation Team.

**C. BOARD DISCUSSIONS**

1. Joint Board of Supervisors and Planning Commission Work Session – Update on the 2009 Comprehensive Plan Review, Toward 2035: Leading the Way

Ms. Tammy Rosario, Principal Planner, addressed the Board and Commissioners giving a summary of the proposed changes to the transportation section of the Comprehensive Plan. She noted that the Virginia Department of Transportation's (VDOT) review of the transportation section of the Comprehensive Plan is ongoing. The formal review for compliance with State Code will come later on in the update process.

As there were no questions regarding transportation, Ms. Rosario moved on to giving a summary of proposed changes to the Land Use Map.

Mr. McGlennon asked for more information on the Rural Economy Support designation that is proposed.

Mr. Krapf stated that he will be covering this proposed designation when discussing Land Use Application 02 and he can explain more details at that time.

Ms. Jones stated that she does not support adding another land use designation to the Comprehensive Plan. She questioned the re-titling of the Park, Public, or Semi Public Open Space Designation to Open Space or Recreation.

Ms. Rosario stated that this change was made to allow more flexibility in the use of those specific lands. For example, the Carter's Grove property would not normally be characterized as publicly owned; however, with its easement noted, it would remain in that designation.

Ms. Jones asked for more information on this change.

Ms. Leanne Pollock, Planner III, stated that the more generalized title of Open Space or Recreation would cover recreation, cultural or historical resources, open space that are buffers to historic sites, sensitive areas, natural heritage resources, and open space for general recreation or enjoyment. She read the draft language for the new description of the designation.

Mr. Onizuk clarified that the only real change in this designation is that by changing the name and removing the word public, it allows for different ownership statuses within this designation.

Ms. Pollock concurred.

As there were no other questions regarding these categories, Ms. Rosario stated that the final category that the Planning Commission Working Group addressed were the Land Use Applications themselves. Earlier this year, staff sent out notifications and advertised the Land Use designation change process. Applications from landowners were accepted until April 30, 2014. Staff received a total of nine applications from landowners, one of which was subsequently withdrawn (LU-0008-2014). Staff also initiated two sets of changes which are of a housekeeping nature. Information about the applications was presented to the public at the Community Workshops in June and the public was invited to provide comments at the meeting and through other means after the meeting. Adjacent property owners were notified of the applications and invited to attend the meetings and/or contact staff for more information.

Mr. Krapf stated that over a series of four meetings, they received presentations from staff, applicants, and comments from interested citizens on each case and discussed follow-up information on individual cases and broader issues such as the Department of Environmental Quality (DEQ) permitting situation on the BASF application, and deliberated about the proposed designations. He stated that the Commission pulled five cases for discussion this evening, as they have the broadest implications on the Land Use Map; however, the Commission is prepared to discuss all of the cases if necessary.

Mr. Tim O'Connor addressed the Board giving a summary of Land Use Application LU-0001-2014 that was included in the Agenda Packet. On December 18, 2014, the Planning Commission Working Group recommended the three properties (7809, 7819, and 7901 Croaker Road) to the west of Point O'Woods Road on the north side of Croaker Road be designated Mixed Use, with a specific description of Neighborhood Commercial uses. They also recommended having language included that would require a shared entrance with adjoining properties and a buffer adjacent to the residential neighborhood to the rear of the new Mixed Use properties.

Mr. McGlennon asked about the timeline for the widening of Croaker Road to four

lanes.

Mr. Holt stated that the timeline has not been firmed up as there is no funding for the expansion. Until then, the project is essentially on hold indefinitely.

Mr. Hipple clarified that the PCWG is recommending this change with the conditions noted in the language.

Mr. O'Connor confirmed.

Mr. Kennedy asked where the Commission would envision the egress and ingress being on those three parcels.

Mr. Holt stated that the commercial access would just depend on the Master Plan for that particular property.

Mr. Kennedy stated that the Rose Lane intersection is a very tight intersection. Mr. O'Connor concurred and stated that the Rose Lane intersection would be too tight for commercial access according to VDOT's guidelines.

Mr. Kennedy stated that the widening of Croaker Road has been on the books for many years and that we are no closer to funding it now than we were many years ago.

Ms. Rosario clarified that there is funding on the books for several iterations of preliminary engineering to be completed for the project.

Mr. McGlennon stated that he supports staff's recommendation to keep the parcels at the current designation as he does not see any improvements happening to Croaker Road in near future.

Ms. Jones stated that she supports the change recommended by the PCWG.

Mr. Krapf stated that the next case to be highlighted is LU-0002-2014 and he gave an overview of the application that was included in the Agenda Packet. Staff recommends denial of a change in land use designation to Mixed Use. However, staff would recommend approval of a designation change to a newly created "Rural Economy Support" (RES) designation. As part of a change in designation to RES, staff recommends expanding the Primary Service Area (PSA) to include the entire parcel. He stated that lands designated as RES are intended to provide a connection between the Rural Lands areas and centers of development in the PSA, serving as an approximate mid-point in the expected intensity of development between the two. Areas with this designation should be at an appropriate location to serve rural economic development or traditional agricultural/forestry uses, and should have access to appropriate infrastructure (collector or arterial road access, water/sewer). The primary recommended uses for this designation include agricultural and forestry uses (innovative or traditional), and commercial or light industrial uses that relate to the agricultural/forestry/rural use that is on the site (or on adjacent rural lands). Examples in this latter category could include wineries, restaurants, limited-scale food and beverage processing, limited scale agricultural product storage/distribution, outdoor or nature-based activities, and equestrian uses. Such uses should

be more limited in scale or impact than uses that should more appropriately be located in an industrial/light industrial park. Residential uses are only recommended as a secondary use. Staff recommends approval of a change to a new RES Designation and inclusion of the property in the PSA. The PCWG recommended deferral of this application until the Department of Environmental Quality (DEQ) water permit negotiations are finalized.

Mr. Hipple asked about the landowners feelings on the recommendations. Mr. Krapf stated that the landowner would prefer to have an Economic Opportunities (EO) designation over the RES designation.

Mr. Hipple asked if this designation was the best use of the current infrastructure in that area of the County.

Mr. Krapf stated that this is a strategic location in the County, which is why the RES designation calls for access to infrastructure like roads. The thought being that with the kinds of support activities that the RES designation calls for, like wineries or restaurants, there is the need for customers to get to the site, but also for products to be able to be trucked out.

Mr. Onizuk stated that he is supportive of the recommendation of the PCWG, but he is also cognizant of the EO for that portion of the County.

As there were no other questions regarding this case, Mr. Krapf stated that Mr. John Wright would address the next case.

Mr. Wright gave the Board an overview of LU-0003-2014 stating that Colonial Heritage requested a Land Use Designation change to incorporate the area of the 50-lot rural cluster into the PSA. Staff recommends denial of the change in Land Use designation to Low Density Residential and against bringing this property inside the PSA. The PCWG recommended approval of the request to bring approximately 220 acres inside the PSA and to designate the property Low Density Residential. Mr. Wright explained some of the rationale for the decision of the PCWG as outlined in the case materials.

Mr. Kennedy asked why bring the full 220-acre parcel into the PSA when the applicant is only asking for the 50-lot cluster to be included.

Mr. Purse, Zoning Administrator, stated that the 50 lots approved as part of the Special Use Permit in 2004 encompasses the 220 acres. If the applicant clusters those 50 lots, then there would be acreage left over that could be added on to Colonial Heritage property.

Mr. Kennedy asked if there is anything to prevent the applicant from clustering those 50 lots.

Mr. Purse stated that the applicant would have to file an application and go through the legislative process to make that change.

Mr. Kennedy asked if there was discussion with the applicant about limiting it to the 50 lots that are already approved.

Mr. Wright stated yes there was.

Mr. Holt stated that it was conveyed to the applicant that should a future legislative action be brought forward that the Planning Commission would remember that the expectation was given that it would only include these 50 lots. He stated that staff and the Board would be relying on the institutional knowledge of expectations given if this case is approved.

Mr. Hipple clarified that making this change in the designation would only allow the already approved 50 lots.

Mr. Allen Murphy, Director of Development Management, stated no, the PCWG is recommending this change on the understanding with the applicant that it only includes 50 lots, but there is nothing binding that would prevent the applicant from coming back through the legislative process for more development.

Mr. Purse stated that the current Master Plan for Colonial Heritage limits them to 50 lots on those 220 acres.

Mr. McGlennon stated that there is nothing binding on the applicant other than what has already been approved. Future development or future owners could come back for more development.

Mr. Hipple questioned the conservation area.

Mr. Purse stated that the conservation easement has not yet been dedicated; the trigger for the dedication is the ground disturbance for those 50 lots.

Mr. Hipple asked if the conservation easement would be under the control of the County or under the control of the neighborhood.

Mr. Purse stated that he cannot speak to that at this time; he would have to go back and review the proffers concerning the conservation easement.

Mr. Kennedy, Mr. Hipple, and Mr. Onizuk voiced their concerns about extending the PSA for these lots. If it is just the 50 lots, it is not as concerning, but with the potential for increased development in the future, by future legislative action, it is very concerning.

As there were no further questions or discussion, Mr. Krapf stated that the next case to be highlighted is LU-0006-2014.

Mr. Heath Richardson gave an overview of the case materials included in the Agenda Packet. He stated that staff recommends approval of changing the designation for the area south of the interchange (Tax Map IDs 0440100012, 0440100013, 0440100014, 0440100015 and approximately 131-acre portion of 0430100017) from Rural Lands and Mixed Use to Economic Opportunity. As a part of this action, staff recommends approval of bringing the approximately 131-acre portion of 0430100017 inside the PSA. Staff does not recommend approval of changing the designation for the area north of the interchange (Tax Map IDs 0440100002, 0440100003, 0440100008, 0440100009, and approximately 52-acre portion of 0430100017) from Mixed Use and Low Density Residential to Community Commercial.

However, staff does recommend retaining the Mixed Use designation on Tax Map IDs 0440100008 and 0440100009, and changing the designation of 0440100002, 0440100003, and a portion of 0430100017 from Low Density Residential to Mixed Use. The PCWG voted 8-0 to recommend approval of a change of the land use designation for a portion of the properties north of the interstate from Low Density Residential to Mixed Use, and provided guidance for specific Mixed Use language. In addition, the PCWG voted 7-1 to recommend approval of the applicant's request of a change in land use designation for the properties south of the interstate from Rural Lands and Mixed Use to Economic Opportunity, and provided guidance for specific Economic Opportunity language. As part of this motion, the PCWG deferred expansion of the PSA for the property at 9400 Barnes Road pending discussions between JCSA and the Virginia DEQ.

Mr. Kennedy stated that he notified the Board several months back that he met with members of the Hazelwood family regarding this property. He also has spoken with Mr. Russell Seymour, Director of the Office of Economic Development, who is very excited about this change and the proximity to Stonehouse Industrial Park which is mostly built out. He stated that he is generally supportive of this change, but he is not overly fond of the Mixed Use designation.

Ms. Jones agreed with Mr. Kennedy. The potential for economic development would be significant for growing the tax base. She appreciates the PCWG's deliberation considering the PSA pending the discussions between the JCSA and the DEQ. She stated that she would be supportive of including this in the PSA as part of the application.

Mr. Kennedy asked for clarification on the rationale for the Mixed Use designation.

Ms. Ellen Cooke, Planner III, stated that the Mixed Use designation carries with it the idea that the development is knit together and works together. The applicant envisions commercial uses on these properties to support employees and residents of the Stonehouse area. Staff believes that uses envisioned by the applicant under a Community Commercial designation could largely be accomplished under the Mixed Use designation with the language as proposed. The Mixed Use designation would retain a connection between this area and the larger Stonehouse Mixed Use area, which its commercial uses would likely largely serve, while also allowing for specific language more tailored to this site.

Mr. Hipple asked if Upper County Park was inside the PSA. He questioned if the PSA could be run through the park so that the park could have use of County water and sewer and perhaps upgraded later on.

Ms. Cooke stated that this application was part of the review process in 2003 and that was question was raised then as well. Staff spoke with Parks and Recreation at that time, and they did not request that that change be made to the park. She stated that during this process, the questioned had not been raised, so Planning staff has not asked Parks and Recreation about it. She stated that staff can have that conversation if the Board desires.

Mr. Hipple stated yes, even if the park is not upgraded for 20 years; at least that option would be there.

As there was no other discussion, Mr. Krapf stated that the final case that will be highlighted is LU-0009-2014.

Mr. Christopher Basic gave an overview of the case materials included in the Agenda Packet for LU-0009-2014. Staff recommended denial of the application for a variety of reasons including incompatibility with surrounding land uses, a removal of nearly 30% of the land in the County currently zoned for industrial uses, concerns cited in the letter from the Director of Civil Engineering at Joint Base Langley-Eustis, continued remediation efforts which are not yet complete, increased traffic on Pocahontas Trail, and the fact that the Virginia Dominion Transmission Line may bisect the property. The applicant has cited several reasons for the change in designation, including that the property has been marketed as industrial property for almost 20 years with little to no interest, the property has scenic views of the river that could be destroyed by an industrial use, and a Mixed Use resort could generate a significant increase in tax revenue. The PCWG was divided in its recommendation for approval as evidenced by its vote of 4-3. The PCWG worked to develop a specific description of the BASF Mixed Use Area that is detailed in the case materials.

Mr. McGlennon referenced a recent letter from Joint Base Langley-Eustis which expressed their concerns regarding a resort or vacation property on the BASF site, so close to the Base where they run considerable night training operations.

Mr. Hill stated that the letter was forwarded to the Board and subsequently to the Planning Commission earlier today.

Mr. McGlennon stated that the letter from today implies more reason to not approve the application. He stated that he believes there are better uses for the property, and he does not know why there has been an issue in marketing the property, but he is hesitant to take such a large piece of property out of the available industrial zoned land in the County. Industrial growth in the County is something that the County is looking for, so inhibiting the places that industrial operations can go in the County is counter-intuitive.

Ms. Jones asked for clarification on the proposed route of the Virginia Dominion Transmission Line.

Ms. Pollock stated that the preferred route that is currently being evaluated by the Army Corps of Engineers would cut right across the BASF property and would follow the BASF entrance road to Route 60. She stated that the final route of the transmission line is still very much up in the air due to ongoing litigation.

Mr. Kennedy asked what considerations were given to traffic along Route 60 if this change is approved.

Ms. Pollock stated that traffic concerns are one of the reasons that staff recommended denial of this case. Pocahontas Trail is expected to operate at an "F" by 2035, and the Skiffes Creek Connector road project is not fully funded. Staff believes that a resort or timeshare

facility with retail or some type of attraction might actually interfere with the current industrial operations going on in that area.

Mr. Hill clarified that the County should receive a ruling from the Virginia Supreme Court regarding the County's appeal of the Virginia Dominion Transmission Line by the end of February.

Mr. Onizuk stated that he understands the concerns of Joint Base Langley-Eustis and they are a major employer for this area. He believes that the Board needs to be very cognizant of those concerns. He stated that he is not completely against the change, but believes the Board should proceed with caution.

Mr. Hipple stated that the small road that leads back to that property is what is preventing it from being developed. If that road was improved, it would benefit the entire Grove area. Regardless of what is done with the property, the road condition will continue to be an issue.

Mr. Basic agreed with Mr. Hipple.

Ms. Pollock stated that staff looked at trip generations for different types of traffic impacts. Based on those models, the resort or vacation type of development produced the most traffic trips.

Mr. Hipple asked Mr. Hill about the 50/50 split for road projects and asked if that was something that could be looked into as we go through the Budget process. He stated that he is looking at the community down there in Grove more so than the piece of property.

Mr. Hill stated that going through the budget process, the recommendation is going to be that \$5 million be put aside each year for five years to give the County some matching funds to get some of these road projects accomplished. He stated that currently the way VDOT is running, the County is going to have to start putting money into road projects if you want to see them get done. Unfortunately for the County, there is no money set aside for roads.

Ms. Jones stated that Route 60 might be a consideration for the Hampton Roads Transportation Accountability Commission (HRTAC) as it does affect more than just our community. HRTAC seems to be funding projects that are traffic mitigation projects and Route 60 might be able to fit into that category. She stated that she supports the recommendation of the PCWG for this property. She appreciates the concerns of Joint Base Langley-Eustis and she is very supportive of their operations, but at the same time, BASF is a private property owner and their concerns should be considered as well. She believes that if manufacturing was a viable option done there, then she believes that would be more activity going on down there.

Mr. McGlennon stated that the Grove area and this end of the County is one of the major industrial centers in the County and on the peninsula. It is an area that has attracted industrial operations and is well suited for it, and to remove such a large portion of land would be detrimental. Putting in resorts or timeshares would also require large changes to the infrastructure down there which could work against the industrial operations already there.

Mr. George Drummond stated that this property has been sitting vacant for 25 years, and if someone was interested in the property for industrial use, then it would have happened already. He questioned how many acres are available in the Greenmount Industrial Park. He stated the infrastructure is already there in the Greenmount area. He stated that the Grove area is the most neglected area of the County. Changing the designation of this property could revitalize the Grove area. He stated that it would have more positives than negatives for the County.

Mr. Kennedy stated that he has many concerns including traffic. He stated the remediation on the property has factored in to the property sitting vacant.

Ms. Pollock stated that DEQ has cleared certain portions of the property for land disturbance. There are other areas that are still being evaluated by DEQ, and two portions of the property will continue to be closed to land disturbance for long-term remediation.

Mr. Krapf asked if there were any questions regarding the other Land Use applications that were not highlighted.

Mr. McGlennon asked to discuss the Xanterra property, stating that there continues to be public comment about it.

Ms. Pollock stated that Xanterra Kingsmill came forward with a Land Use Application for a change in designation for the three parcels listed in the LU-0007-2014 Case Materials included in the Agenda Packet. The applicant requested that these three parcels be changed to Low Density Residential. Staff recommended a hybrid alternative that would change 8515 Pocahontas Trail to Low Density Residential, change 101 Busch Serve Road to the revised Open Space or Recreation Designation, and leave 8581 Pocahontas Trail as Limited Industrial. The PCWG concurred with staff's recommendation.

Mr. McGlennon requested that there be reevaluation of Open Space within the properties.

As there were no other questions, Mr. Krapf stated that if there were no major concerns by the Board at this point, the PCWG and the Planning Commission will proceed onward with making these edits. He stated that he has noted the questions and concerns of the Board.

Ms. Rosario stated that the process will continue and the Comprehensive Plan update will go before the PCWG for a final vote. The documents will be forwarded on to VDOT for its review of the transportation section. The Planning Commission will then make a final recommendation and then the update will come before the Board. She stated that there appears to be some discussions still to be had, but nothing that needs to be significantly changed.

Mr. Hipple thanked the Planning Commission and PCWG for all their hard work on this process.

Mr. Richardson made a motion to adjourn the Planning Commission.

The motion passed with a unanimous voice vote with Ms. Bledsoe being absent.

At 5:45 p.m., Mr. Krapf adjourned the Planning Commission.

**D. CLOSED SESSION**

A motion to enter a Closed Session was made by Kevin Onizuk and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple.

At 5:46 p.m. the Board entered Closed Session for a personnel matter, the appointment of individuals to County Boards/Commissions, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia.

At 5:55 p.m. the Board reentered Open Session.

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

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

Mr. Kennedy made a motion to appoint Mr. Heath Richardson to a new term as the Stonehouse Representative to the Planning Commission.

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

Mr. Onizuk made a motion to recommend Mr. Michael Berry to the Circuit Court Judge for appointment to the Board of Equalization, to appoint Mr. Stephen Mooreland and Ms. Katherine Preston to the Historic Triangle Bicycle Advisory Committee, and to appoint Ms. Ashley Goodroe to the Clean County Commission.

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

**E. ADJOURNMENT**

1. Adjourn until Regular Meeting at 6:30 p.m.

A motion to Adjourn was made by Kevin Onizuk and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple.

At 5:58 p.m., Mr. Hipple adjourned the Board.

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Bryan J. Hill  
Clerk to the Board

012715ws-min

**AGENDA ITEM NO. G.2.**

**ITEM SUMMARY**

DATE: 3/24/2015  
TO: The Board of Supervisors  
FROM: Teresa J. Fellows, Secretary to the Board  
SUBJECT: Minutes - February 21, 2015, Budget Work Session

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**ATTACHMENTS:**

	Description	Type
☐	Feb. 21, 2015 Retreat Minutes	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	3/16/2015 - 9:40 AM

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**BUDGET WORK SESSION**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**February 21, 2015**  
**8:30 AM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

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

Bryan J. Hill, County Administrator  
Adam R. Kinsman, Interim County Attorney

Suzanne R. Mellen, Director of Financial and Management Services  
M. Doug Powell, General Manager, James City Service Authority  
Russell C. Seymour, Director of Economic Development  
Bradley J. Rinehimer, Chief of Police  
Allen J. Murphy, Jr., Director of Development Management

**C. BOARD DISCUSSIONS**

1. Recap of January 31st Meeting

Chairman Hipple opened the meeting and asked Bryan Hill to begin his presentation. Mr. Hill summarized the information shared in the previous worksession. He indicated that the County will be working with VDOT and Busch Gardens to improve the aesthetics of the corridors in the County. He reviewed the previous meeting and noted 10 questions asked by the Board at the previous worksession and indicated that staff would be here to answer those questions during the presentation today.

He noted that the end of the presentation will include a penny calculator to allow the Board to see what additional funding would be needed for new initiatives. He would like to have the Board to give him and staff direction at the end of this meeting to allow him to begin preparing the budget on Monday.

2. Questions Posed by the Board

Mr. Hill introduced Mr. Powell to brief the Board of JCSA issues. Mr. Powell gave the Board an update on the two bills in the General Assembly

that will establish a groundwater study group. These bills are beneficial to the JCSA and are anticipated to pass the General Assembly. Mr. Powell then updated the Board on the ongoing groundwater withdrawal permit negotiations with the Virginia Department of Environmental Quality. Mr. Powell answered the Board's questions regarding regional water costs and other issues raised at the Board's previous worksession. Staff continues to recommend approval of the proposed JCSA rate increases.

Mr. McGlennon asked whether Newport News Waterworks can meet their contractual requirements for delivering water to the JCSA, given the ongoing groundwater permit issues. Mr. Powell said that it appears that they can. Mr. McGlennon asked Mr. Powell to update the Board about the status of the program by which the JCSA offers rebates for replacing old appliances with water-saving ones.

Mr. Kennedy stated that this Board and previous Boards have done everything they can to find new water for the County, but that these efforts have not proven fruitful. Mr. Kennedy asked about the status of private wells drawing from the same aquifer. Mr. Powell stated that this was under discussion with the DEQ but that these wells are not subject to the currently proposed reductions.

Mr. Hipple asked why the DEQ is targeting our area. Mr. Powell explained that the aquifers in our area are the ones that are having a difficult time recharging. The reason that the DEQ is targeting JCSA and West Point is because this is the area where the aquifer is having the most difficult time recharging. Mr. Hipple asked about the financial health of the JCSA. Mr. Powell stated that there are not reserves sufficient to fund necessary future capital investments. The JCSA's reserves are being reduced daily. Growth paid for the expansion, but as the system ages there are infrastructure costs that are exceeding growth. The public hearing on the rate structure changes will be on April 19. Ms. Jones asked for the full rate study to be placed on the website.

### 3. 5 Strategic Initiatives

Mr. Horne summarized the stormwater permit issues facing the County and the proposed changes to the program. Mr. Onizuk asked whether we are getting pollution credits for the actions that we are taking now. Mr. Horne stated that we are confident that we will get credit for these programs, but that we will not be able to apply for credit for a few years. Mr. Horne explained what other stormwater utilities in the area are charging residents and businesses for stormwater improvements. He summarized what the potential costs would be to meet the County's requirements.

Mr. Onizuk asked what would change if we invested an additional \$1.9 million each year. Mr. Horne stated that the Neighborhood Drainage Program would be reinstated and there would be an increase in water quality in neighborhood creeks. He clarified that this would include citizen education as well as physical improvements. Neighborhoods would also receive more assistance from the County in maintaining their BMPs. Mr. Onizuk asked if what we are doing now will meet the minimum MS4 requirements. Mr. Horne said that it is not likely that we will. Ms. Jones asked whether the DEQ could be asked to look at the quality that we have already achieved

to see if that would be taken into account and whether this could potentially reduce our necessary improvements.

Mr. Kennedy asked what goals we are trying to attain and what we are trying to accomplish. He stated that James City County is a leader in the Commonwealth with what we have done. He asked if we get credit for what we have already done and whether we would be better off outsourcing this function or joining with other localities to create a regional effort. Ms. Jones stated that we should focus on health and safety issues. If there is a problem on private property, they should handle them as best as they can. We should be clear with the citizens as to what improvement projects will be done with taxpayer dollars and should focus on health and safety issues.

The Board generally discussed the use and application of fertilizer on residential lawns and the promotion of turf management programs. Mr. Hill stated that what staff is trying to do is get ahead of the curve and to be proactive so that we are not in a difficult situation five years from now. He said that we have been doing great with the \$2 million we are spending, but we now have a state mandate to improve even further. The Board generally discussed the various stormwater requirements and the staff proposals. Mr. McGlennon clarified that this proposal will not necessarily increase staff because the physical improvement work is outsourced to the private sector. He asked how do we want to pay for these necessary improvements -- through the tax rate or directly to those that create the runoff.

Ms. Jones supported spending money through the general fund by finding savings. She stated that it is her opinion that the citizens are not interested in a stormwater tax. Mr. Onizuk asked if the greenspace purchases be used for stormwater credits. Mr. Horne answered that the current state and federal regulations do not permit the county to get credit for previous purchases. Mr. McGlennon asked if greenspace funds could be used to purchase increased stream buffers or to purchase buffers where there are none. Mr. Horne stated that staff is looking into whether this will result in additional credit.

Mr. Hipple asked Mr. Horne what would happen if we do absolutely nothing. Mr. Horne stated that it will put us in a bad position, but that we don't know with absolute certainty. Mr. Hipple stated that if the cost comes from the general fund, we could utilize existing staff to assist with the program. A utility would necessarily need additional staff to monitor the program and calculate the costs. He does not want to see this grow into a department larger than it needs to be; after a period of five years or so, the initial setup effort will be complete and fewer staff will be needed.

Mr. Hill asked the Board to make a decision on the larger policy issue: whether or not the Board desires to move forward on the existing stormwater problems and regulations. Ms. Jones and Messrs. Kennedy, Hipple, and Onizuk stated that they support use of general fund dollars to take care of stormwater problems. Mr. Onizuk suggested waiting to moving forward with major improvements until our TMDL plan is approved by the State.

At 10:05 a.m., Mr. Hipple recessed the Board for a brief break at the request of Mr. McGlennon.

At 10:10 a.m., Mr. Hipple reconvened the Board.

Mr. Hill summarized the status of the education issues, including the proposed fourth middle school and the future operational costs of the schools. Mr. Hill informed the Board that he will be looking at parcels for future development of the schools so that the County does not overpay for school sites in the future. Mr. Onizuk noted that the schools have revised their enrollment figures down and asked if this affects the need for a school now. Mr. Hill said that the fourth middle is needed based upon current enrollment and that revised figures may affect the need for a fifth middle school. Ms. Jones stated that it is important that we do not overbuild and that we site multiple schools on a single parcel. Mr. McGlennon noted that the city is growing faster than the County right now and that may affect the funding formula. He asked that we consider the accessibility of any school location. Mr. Kennedy is concerned that the City's transient occupants in hotels are not accounted for in the funding formula and asked that this be addressed in future negotiations.

Ms. Jones asked whether taxes from the new development at Settler's Market shopping center will make up the difference. Mr. Kennedy stated that the money is simply coming from another location because there is no corresponding increase in the County population. Mr. Onizuk stated that we need to be certain that our costs are shared equitably with the City.

Mr. Hill reminded the Board that his plan is to be more proactive in planning for all needs, including schools. Mr. Hill also explained that the Mounts Bay site is being considered for a school and that he is planning to consolidate the County offices into a single site.

Mr. Hill introduced Mr. Seymour to address the County's economic development issues. Mr. Seymour summarized the challenges, successes, and needs of economic development in the County. Ms. Jones agreed that we need to maximize development on parcels zoned for businesses and to ensure that property zoned Economic Development are within the Primary Service Area to allow for development. Mr. Onizuk agreed that we should consider expanding the PSA to include these economic development areas. Mr. Kennedy would like to see the Office of Economic Development prepare a list of areas that are key for business development. He is concerned that the EO zone would include residential and retail, which are not as desirable as manufacturing and industry. Mr. McGlennon stated that he did not support the EO zone because it included a residential component. Ms. Jones clarified that the EO zone was limited to 15% of the land area that could be used for residential housing. She advocated review of the district in this comprehensive plan to ensure that it is good for the County.

Mr. McGlennon noted that all of these proposals will require resources from the government that we do not currently have. Mr. Kennedy noted that the Hazelwood farm looks like a good area for economic development. Mr. Hill stated that roads are the key to unlocking unused properties in the County and asked whether the Board is willing to move these parcels into the PSA if necessary. He stated that staff will be bringing these issues before the Board in the near future.

Mr. Hill discussed the tourism slides with the Board and stated that he views tourism as separate from the traditional economic development department. He informed the Board that staff is moving forward to promote events that are located in James City County and that those will be focused in the Jamestown area. Mr. Hill stated that he is going to reconfigure staff to create a tourism coordinator without having to hire a new staff member.

4. Penny Calculator

Mr. Hill introduced Ms. Sue Mellen to discuss the financial questions. She summarized the historic tax rates in the County and outlined what the County's reserve target should be. Ms. Mellen also discussed how the residential real estate tax assessments have dropped every year since FY2010. She stated that an equalized tax rate would be \$0.85 and displayed an interactive penny calculator that shows how much of a tax increase would be required to accomplish the Board's goals.

Mr. Hill stated that based upon the things that the County appears to need, the additional tax needed would be an additional 8.2 cents. Mr. Kennedy stated that the County does not utilize all of its options regarding fees and utility costs and has chosen instead to fund everything from the general fund. Mr. Hill asked for the Board's guidance moving forward. Mr. Kennedy asked what Mr. Hill's plan is if the Board does not approve any increase. Mr. Hill stated that he is likely to reduce recreational spending and will need to cut from existing departments, excepting public safety. Nonessential services will be cut and there will be no building maintenance.

Mr. Onizuk said that it is time to start thinking about the future and that now is not the time to worry about pennies, because it may cost dollars later. Decreasing services will result in a decrease in the quality of life. If we do not have the demand for people to come here, we are going to lose real estate assessments and we will no longer be a premiere community. He further stated that the bond rating is of the utmost importance and that if we do not do something now, it will be a bigger burden later. It is necessary to be fiscally responsible, but we must also be cautious to not lose those things that make the County special.

At 11:12 a.m., Mr. Hipple recessed the Board for a brief break.

At 11:19 a.m., Mr. Hipple reconvened the Board.

5. Board Considerations and Guidance

Mr. Hill asked the Board for its guidance as to the issues brought before it today; specifically, which, if any, of the proposed increases the Board is willing to accept. His desire is to present the Board with a budget at its next session that is very close to the final product.

Mr. Hipple asked for discussion from the Board.

Mr. Kennedy stated that he has heard that economic development should pay the way. He asked how long it would take for such a facility to open.

Mr. Hill answered that it may take 3-4 years.

Mr. Kennedy stated that this is not soon enough to pull us out of our current predicament and that our current options are limited and that we can only look at taxes and/or fees. He would be comfortable with doing something, but predicated on the promise that as the assessment prices go up that we reduce the tax rate to equalize it. Every time that we approve another housing development, it costs us revenues and that we must look long and hard at each development. Growth needs

to start paying for itself and we are not seeing that at this point. His desire is that the Board make this decision as an entire Board; he will support the proposed increase if the entire Board supports it. He supports also looking at decal fees and or utility fees.

Mr. Hipple stated that it upsets the citizens to pay multiple taxes and that it is preferable to have a single payment.

Mr. Kennedy encouraged that we look at our regional agreements to be certain that our partners are funding their fair share.

Ms. Jones thanked Mr. Hill for the job that he has done in the short time that he has been in the County; in particular, in bringing the issues discussed today to the public light. She believes that it is important to keep our infrastructure intact, but at this point, she cannot support an increase in the tax rate because citizens are having problems making ends meet. The County's appearance is important, but it is the citizens who make the County what it is. She would like the County to be more assertive in fighting unfunded mandates. She appreciates the forward thinking to have a road share but is not willing to do that at this point. She asks for opportunities to reduce costs locally and to grow businesses here locally.

Mr. McGlennon appreciates the candor expressed by the Board members today and believes that something must be done. The County has scaled back a number of things over the past few years and what the Board has seen today is a list of basic needs that have been either deferred or are required. There is a need to find additional revenue and there are a number of way by which the County can get that revenue. The idea of growing our way out of this does not seem to be in the cards; in fact, our economic development has grown over the previous years, but is not creating significant revenue. We cannot get by on our current revenues and continue to be the same community that we are.

Mr. Oniuzuk stated that keeping the tax rate current by cutting spending sounds great; however, we have not found a way to do that. If there is a solution where the rate can stay the same, he is in favor of such a solution. A tax rate increase is not necessary an increased tax in this case -- rather, it is a normalizing effort.

Mr. Hipple noted that this is a difficult solution for everyone on the Board. He noted that costs have increased over the years, just as the case with businesses. His concern with Mr. Kennedy's suggestion to raise the rate now with the promise that the rate will be lowered later is troublesome because it will be difficult on a future Board to raise it again if necessary. He noted that the unfunded mandates are what is requiring the Board to look for additional revenue. It seems to be a necessity to raise taxes in this case, which would be a decision that he has to make, rather than one he wants to make. It's a question of how many pennies are necessary.

Ms. Jones asked whether there are properties that the County owns that are surplus that could be sold. Mr. Hipple noted that Mr. Kinsman is currently looking at that list.

Mr. McGlennon stated that the Board needs to give the County Administrator some guidance regarding a proposed increase.

Mr. Kennedy stated that he is fine with advertising an increased tax rate, but that he hopes that the Board can deal with this unanimously. He realizes that this is an

election issue and that there will be critics for whatever they will choose. He doesn't know of a single bill that hasn't gone up, other than the County real estate bill. Mr. Kennedy spoke with Rossie Carroll from the Virginia Department of Transportation the other day and Mr. Carroll noted that the reason for slow snow removal is because they have so few employees and fewer pieces of equipment.

Mr. Hill stated that he will advertise an increased rate of 8.2 cents based upon the Board's feedback today.

Mr. Kennedy left the meeting at 11:55 a.m.

Mr. Hill stated that his job was to tell the Board what he sees and that he has attempted to do this. The 8.2 cents will get the County back to normal; it does not address any future desires.

**D. CLOSED SESSION**

**E. ADJOURNMENT**

A motion to Adjourn was made by John McGlennon and the motion result was Passed.

AYES: 4 NAYS: 0 ABSTAIN: 1 ABSENT: 0

Ayes: Jones, McGlennon, Onizuk, Hipple.

Abstain: Kennedy.

Mr. Hipple adjourned the Board at 11:56 a.m.

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**Bryan J. Hill**  
**Clerk to the Board**

**AGENDA ITEM NO. G.3.**

**ITEM SUMMARY**

DATE: 3/24/2015  
TO: The Board of Supervisors  
FROM: Bradley J. Rinehimer, Chief of Police  
SUBJECT: Reaccreditation Police Department

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At its meeting on February 19, 2015, the Virginia Law Enforcement Professional Standards Commission (VLEPSC) awarded the James City County Police Department reaccredited status for its success in complying with the 191 mandated standards. The Police Department remains on a list of only 92 of over 400 law enforcement agencies in the Commonwealth that have achieved accredited status.

The award culminates the efforts that have continued since the Department's initial accreditation in 2003. The accreditation process requires police agencies to prove compliance in a multitude of areas that touch on all aspects of police work, including everything from personnel, training, equipment, criminal and traffic arrests, to recordkeeping and budgeting. The reaccredited status came after a three-day on-site assessment in which three assessors, selected by the Commission, reviewed the Department and its files.

Mr. Gabe Morgan, Sheriff of Newport News and VLEPSC Board Member, will present the accreditation certificate.

**ATTACHMENTS:**

	Description	Type
☐	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Police	Rinehimer, Bradley	Approved	3/5/2015 - 9:34 AM
Police	Rinehimer, Bradley	Approved	3/5/2015 - 10:10 AM
Publication Management	Brockmann, Grace	Approved	3/5/2015 - 10:35 AM
Board Secretary	Fellows, Teresa	Approved	3/16/2015 - 4:28 PM
Board Secretary	Kinsman, Adam	Approved	3/17/2015 - 2:38 PM
Board Secretary	Fellows, Teresa	Approved	3/17/2015 - 2:41 PM

**RESOLUTION**

**PRESENTATION OF CERTIFICATE OF STATE REACCREDITATION - POLICE**

WHEREAS, the James City County Police Department has diligently worked for the past four years to maintain its accredited status; and

WHEREAS, on February 19, 2015, the James City County Police Department was awarded reaccreditation by the Virginia Law Enforcement Professional Standards Commission; and

WHEREAS, the James City County Police Department has been successful in complying with 191 mandated standards from areas that touch on all aspects of police work including personnel, equipment, criminal investigations, and recordkeeping.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, on this 24th day of March, 2015, hereby congratulates the James City County Police Department for maintaining its Certificate of State Accreditation and expresses its sincere appreciation for all of the hard work the men and women of the James City County Police Department do to make the County a safe place to live, work, and visit.

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of March, 2015.

CertStateReaccred-res

**AGENDA ITEM NO. H.1.**

**ITEM SUMMARY**

DATE: 3/24/2015  
TO: The Board of Supervisors  
FROM: Beth E. Klapper, Administrative Coordinator  
SUBJECT: An Ordinance to Amend Chapter 14, Outdoor Gatherings

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An Ordinance to amend Chapter 14, Outdoor Gatherings to add regulations for festivals, parades, and road races; clarify and add definitions; lower the outdoor gathering attendance threshold for requiring a permit; require outdoor gatherings taking place on public property to obtain a permit; change the application requirements; add a conditional permit process when federal, state and other county permits are required; require the applicant to bear all costs associated with obtaining and complying with necessary permits and any conditions thereof; and set forth a prohibition on event signage within the VDOT right-of-way.

**ATTACHMENTS:**

	Description	Type
☐	Memo	Cover Memo
☐	Draft Ordinance	Ordinance

**REVIEWERS:**

Department	Reviewer	Action	Date
Development Management	Murphy, Allen	Approved	3/10/2015 - 8:47 AM
Publication Management	Brockmann, Grace	Approved	3/10/2015 - 11:23 AM
Board Secretary	Kinsman, Adam	Approved	3/16/2015 - 4:10 PM
Board Secretary	Kinsman, Adam	Approved	3/17/2015 - 2:39 PM
Board Secretary	Fellows, Teresa	Approved	3/17/2015 - 2:41 PM

## MEMORANDUM

DATE: March 24, 2015

TO: The Board of Supervisors

FROM: Beth E. Klapper, Administrative Coordinator

SUBJECT: An Ordinance to Amend Chapter 14, Outdoor Gatherings

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In 1971, the Musical or Entertainment Festivals Ordinance was adopted to provide necessary regulation of musical or entertainment festivals conducted in open spaces. This ordinance was repealed in 1980 and replaced with the Outdoor Gatherings Ordinance which is basis for the County's current regulations. The ordinance was last amended in 1999 to incorporate a \$50 application fee and to update the definition of outdoor gathering and establish a timeline and process for review of applications.

With the increasing popularity of James City County as a venue for a variety of outdoor events which do not meet the definition of an outdoor gathering, such as sporting events, parades, and road races, it is necessary to amend the ordinance to ensure that these events are reviewed and properly permitted to ensure the health and safety of attendees and mitigate the impact on affected property owners. Staff researched ordinances and processes in localities across the Commonwealth, with a focus on those that host a variety of road races, including the City of Williamsburg, York County, Hanover County, Lawrenceville, the City of Newport News, and the City of Roanoke. Best practices from several of those localities have been incorporated in the proposed revisions.

The following items highlight the proposed changes:

- The definition of an outdoor gathering has been amended for clarification.
- Definitions have been added for parade, road race, and special event.
- The attendance threshold for requiring an outdoor gathering permit has been lowered to 200 persons.
- Events taking place on public property will now be required to obtain an outdoor gathering permit.
- A requirement has been added for the applicant to obtain and bear the costs of any other necessary Federal, State or local permits such as a land use permit for events conducted in the Virginia Department of Transportation (VDOT) right-of-way; special event license from the Virginia Department of Alcoholic Beverage Control; temporary restaurant permit from the Virginia Department of Health; and electrical or building permits from the James City County Division of Building Safety & Permits.
- A requirement has been added for events which take place within a public right-of way to include a copy of the application for the VDOT land use application in conjunction with the application for a County permit.
- A provision to issue a conditional permit to provide preliminary proof of local approval when required to obtain Federal, State or other local permits. A final site plan and proof of other required Federal, State, or local approvals, licenses, or permits will be required before a final permit is granted.

An Ordinance to Amend Chapter 14, Outdoor Gatherings

March 24, 2015

Page 2

- Establishment of a prohibition on event signage or advertisements within the VDOT right-of-way including recovery of costs for removing such signs in accordance with the procedures set forth by agreement between the County and VDOT.

The proposed ordinance would not apply to:

- Private events where attendance is not open to the public at large.
- Processions by the armed forces of the United States of America.
- Funeral processions.
- Events taking place within permanent installations designed for such events.

Staff recommends approval of the attached ordinance.

BEK/nb

AmendCh14-mem

Attachment:

1. Ordinance

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 14, OUTDOOR GATHERINGS OF THE CODE OF JAMES CITY COUNTY, VIRGINIA, BY RENAMING CHAPTER TO OUTDOOR GATHERINGS, PARADES AND ROAD RACES; AND BY AMENDING SECTION 14-1, BASIS AND PURPOSE OF CHAPTER; AND BY AMENDING AND RENAMING SECTION 14-2, DEFINITION TO NEW NAME DEFINITIONS; AND BY AMENDING AND RENAMING SECTION 14-3, PERMIT REQUIRED TO NEW NAME PERMIT(S) REQUIRED; AND BY AMENDING AND RENAMING SECTION 14-4, APPLICATION FOR PERMIT TO NEW NAME APPLICATION FOR COUNTY PERMIT; AND BY AMENDING SECTION 14-5, ACTION ON APPLICATION; SECTION 14-6, CONDITIONS PRECEDENT TO GRANTING OF PERMIT; PLANS, STATEMENTS, APPROVALS, ETC., TO ACCOMPANY APPLICATION FOR PERMIT; SECTION 14-7 APPLICANT MAY BE REQUIRED TO MEET ADDITIONAL CONDITIONS; BY RENUMBERING SECTION 14-8, PERMIT NOT TRANSFERRABLE TO NEW NUMBER 14-9; BY ADDING NEW SECTION 14-8, EVENT SIGNAGE; BY AMENDING AND RENUMBERING SECTION 14-9, REVOCATION OF PERMIT TO NEW NUMBER 14-10; BY RENUMBERING SECTION 14-10 VIOLATIONS AND PENALTIES; INJUNCTIONS TO NEW SECTION 14-11.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 14 Outdoor Gatherings, Parades and Road Races is hereby amended and reordained by amending Section 14-1, Basis and purpose of chapter; Section 14-2, Definitions; Section 14-3, Permit(s) required Section 14-4, Application for county permit; Section 14-5, Action on application; Section 14-6, Conditions precedent to granting of permit; plans, statements, approvals, etc., to accompany application for permit, Section 14-7 applicant may be required to meet additional conditions; Section 14-8, Event signage; Section 14-9, Permit not transferrable; Section 14-10, Revocation of permit; Section 14-11, Violations and penalties.

Chapter 14. Outdoor Gatherings, *Parades and Road Races*

**Sec. 14-1. Basis and purpose of chapter.**

This chapter is enacted pursuant to section 15.2-1200 of the Code of Virginia, for the purpose of providing necessary regulation for the holding of outdoor gatherings, musical or entertainment festivals conducted in open spaces, *parades, and road races.* ~~to within an enclosed structure specifically constructed for such a purpose.~~

**Sec. 14-2. Definitions.**

For the purpose of this chapter, ~~the words~~ *the following words shall have the meaning given herein.*

"Outdoor gathering" shall mean any public event, attraction, festival, or show *which is continued in one location for one or more hours* ~~at which music, dance, or other performing arts are provided by professional or amateur performers or by prerecorded means and which is held at any place other than on public property or in a permanent installation, which permanent installation has been constructed so that it can be used for the holding of such activities,~~ to which members of the public are invited or admitted ~~for a charge or free of charge and which is~~ *where the anticipated attended attendance is by more than 300 200 or more* persons.

*"Musical or entertainment festival" shall mean any gathering of groups or individuals for the purpose of listening to or participating in entertainment which consists primarily of musical renditions conducted in open spaces.*

*"Parade" shall mean any march, procession or other similar activity consisting of persons, animals, vehicles or things, or combination thereof, upon any street, sidewalk, alley, or other right-of-way. This term does not include funeral processions or processions by the United States armed forces.*

*"Road race" shall mean any organized competition of speed and endurance, including, but not limited to: bicycle races, foot races, race walking, wheelchair racing, rollerblading, walkathons, marathons, biathlons and triathlons, upon any street, sidewalk, alley, or other right-of-way.*

*“Special event” shall mean any outdoor gathering, musical or entertainment festival, parade, or road race as defined in this chapter.*

**Sec. 14-3. Permit(s) required.**

No person shall stage, promote, advertise or hold any ~~outdoor gathering,~~ *special event* as defined in this chapter unless a *special event* permit has first been obtained from the county administrator or his designee ~~for such a gathering.~~

*Certain special events may also require federal, state or local permits, including but not limited to: land use permit for events conducted in the Virginia Department of Transportation right-of-way; special event license from the Virginia Department of Alcoholic Beverage Control; temporary restaurant permit from the Virginia Department of Health; and electrical or building permits from the James City County Division of Building Safety & Permits. The applicant shall be responsible for obtaining and complying with any such permit and bear any costs thereof.*

**Sec. 14-4. Application for *county* permit.**

(a) Written application for a *special event* permit ~~to hold an outdoor gathering,~~ shall be made to the county administrator or his designee. The application shall be submitted at least 90 days prior to the date upon which the ~~gathering~~ *special event* is to be held. Such application shall be on forms provided by the county and shall have attached thereon plans, documents, approvals and other material required by this chapter.

(b) *Where a special event takes place within a public right-of-way and requires a Land Use Permit from the Virginia Department of Transportation, a copy of the application for such permit and all associated documentation shall be included with the application for the county permit.*

(c) The fee for each ~~outdoor gathering~~ *special event* permit shall be \$50.00.

**Sec. 14-5. Action on applications.**

Upon receipt of a completed application for a permit, the county administrator or his designee shall approve, *conditionally approve*, or deny the application within 15 calendar days and give such applicant written notice of the decision; ~~provided, however, the county administrator or his designee may extend such period of time if the applicant agrees to an extension.~~ If denied, the reasons for such denial shall be so stated in writing.

*Where a special event also requires federal, state or other local permits, a conditional permit may be issued to provide preliminary proof of local approval. Before a final permit is granted, an applicant who is granted a conditional permit for any special event shall provide a final site plan that includes proof of other federal, state or local approvals, licenses or permits as required by law, whether for the event or by the vendors and performers. Upon receipt of such final site plan and proof of such other approvals, licenses or permits, the county administrator or his designee shall issue a final permit within 10 calendar days.*

Following is the time line for the application process:

- ~~(a) Upon receipt of the completed application for a permit, the application will be sent to reviewing agencies within five calendar days; and~~
- ~~(b) The reviewing agencies shall complete their review and return to the county administrator or his designee within 30 calendar days; and~~
- ~~(c) Written notification on the approval or denial of the application for permit shall be sent to the applicant within ten calendar days from receipt from all reviewing agencies.~~

~~If the application for permit is denied, the applicant may appeal, in writing, the decision to the board of supervisors within ten calendar days of receipt of the notice of appeal. The board shall grant the permit or sustain the denial of the permit within 30 calendar days and give such applicant written notice of the decision.~~

The county administrator or his designee shall authorize the issuance of a permit for a *special event* ~~an outdoor gathering~~ if it finds:

- (a) That the *special event* ~~outdoor gathering~~ will be held at a location which complies with and meets all of the health, zoning, fire and safety requirements and standards of the laws of the state and ordinances of this county applicable thereto; and
- (b) That the information and documents required by this chapter have been filed with the county administrator or his designee; and
- (c) That it appears the proposed *special event* ~~outdoor gathering~~ will be conducted in full accord with all requirements of this chapter and will not substantially jeopardize, adversely affect, endanger or otherwise constitute a menace to the public health, safety or general welfare of the residents of the county.

**Sec. 14-6. Conditions precedent to granting of permit; plans, statements, approvals, etc., to accompany application for permit.**

No permit shall be issued under this chapter unless the following conditions are met and the following plans, statements and approvals are submitted to the county administrator or his designee with the application:

- (a) *Hours of operation.* Unless specifically approved by the board of supervisors, no stage presentation, music, dance, or other performing arts shall take place at ~~an outdoor gathering~~ a *special event* between the hours of 11:00 p.m. and 9:00 a.m. and no activity involving the use of any means of sound amplification shall be permitted between the hours of 11:00 p.m. and 9:00 a.m.
- ~~(b) *Admission by ticket only.* The applicant under this chapter shall not admit, and shall prevent the entrance to the premises on which the outdoor gathering is held, any person who does not possess a ticket, except a peace officer or other public official in the performance of his~~

~~duties. The permittee shall not sell, give or distribute a greater number of tickets than the number which the permit allows to attend. The permittee shall not admit any persons to an outdoor gathering if such admission would result in a greater number of persons present than allowed by the permit.~~

~~(e)~~(b) *Water supply.* The applicant shall provide an ample supply of potable water for drinking and sanitation purposes on the premises of ~~the outdoor gathering~~ *special event*. The location and type of water facilities on the premises shall be approved by the health department prior to the issuance of a permit under this chapter.

~~(d)~~(c) *Toilet and/or lavatory facilities.* The applicant shall provide a statement and plan concerning adequate toilet and/or lavatory facilities. A description of the type (flush type or portable chemical) and number of toilets available shall be provided. This plan shall be approved by the health department.

~~(e)~~(d) *Waste management.* The pickup and removal of refuse, trash, garbage and rubbish from the site of ~~an outdoor gathering~~ *special event* shall be at least once a day and more often if required by the health department. Removal of all trash and refuse shall be at the ~~permittee's~~ *applicant's* expense. The applicant shall clean up the premises and remove all trash and debris therefrom within 48 hours after the conclusion of the ~~gathering~~ *special event*. A security bond or certified check in a total amount of \$5,000.00 shall be required if attendance is expected to exceed 1,000 persons. An additional amount of \$500.00 shall be required for each additional 500 persons over 1,000.

~~(f)~~(e) *Medical facilities*~~Emergency medical services.~~ ~~Adequate medical facilities shall be provided as required by the department of public health and the EMS coordinator.~~ *A medical plan is to be submitted to describe the measures that will be taken to ensure adequate provision of emergency medical services. The plan is subject to review and approval of the fire chief. The applicant shall bear the costs thereof.*

~~(e)~~(f) *Fire protection.* The applicant shall provide a plan for adequate fire protection as approved by the fire chief; ~~the applicant shall bear the costs thereof. It shall be provided at the applicant's own expense.~~

~~(h)~~(g) *Traffic and parking control plans.* The applicant shall ~~provide adequate ingress and egress to the outdoor gathering premises. Adequate parking shall also be provided.~~ submit the following:

(1) A detailed map indicating the type of existing traffic control for each intersection impacted along the route of the parade or road race and a plan shall be provided for temporary traffic control at each impacted intersection during the event.

(2) A plan to provide adequate ingress and egress and parking for the special event.

The chief of police and fire chief shall approve the traffic control and parking plans; ~~the applicant shall bear the costs thereof.~~

~~(i)~~(h) *Security.* At least one off-duty county sheriff's deputy or policeman for each 500 attendees ~~approved in the permit~~ shall be in attendance during ~~all performances~~ *the special event*; the applicant shall bear the costs thereof.

~~(j)~~(i) *Food.* A plan for the adequate provision and handling of food shall be provided and shall be approved by the county health officer.

~~(k)~~(j) *Illumination.* A statement shall be provided specifying whether any outdoor lights or lighting is to be utilized, and if so, a plan showing the location of such lights and shielding devices or other equipment to prevent unreasonable glow beyond the property on which the ~~gathering~~ *special event* is located.

~~(l)~~(k) *Noise.* Noise levels resulting from the ~~gathering~~ *special event* shall not be unreasonably audible beyond the property on which the ~~gathering~~ *special event* is held. The applicant

shall submit a written statement specifying the expected noise level at the perimeter of the property.

(m)(l) *Communication system.* If the premises are without a phone, the applicant shall make arrangements, approved by the chief of police and fire chief, for other means of communication.

(n)(m) *Promoters, liability insurance.* The applicant shall provide evidence of liability insurance of not less than \$1 million dollars as approved by the county attorney. The certificate of insurance shall show the date(s) of the event and James City County as a certificate holder of the policy.

(n)(n) *Dates and hours of ~~gathering~~ special event.* The applicant shall provide the date or dates and hours during which the ~~outdoor gathering~~ *special event* is to be conducted, together with an estimate or schedule of the dates and hours of *any* performances, entertainments or other events.

(p)(o) *Type and nature of ~~gathering~~ special event.* The applicant shall provide a description of the ~~gathering~~ *special event* and the type and nature of the *any* performances, entertainment, or floor shows *or vendors*, together with the names of the expected performers *or vendors*.

(p)(p) *Site plan.* The applicant shall furnish a site plan showing:

- (1) The *route of such parade or road race and/or* areas for performances or activities and grandstands or seats, showing the location of all aisles for pedestrian travel and other crowd-control measures.
- (2) All physical facilities existing or to be constructed on the premises, including, but not limited to, fences, ticket booths, *tents*, grandstands and stages.
- (3) The location, capacity and nature of all temporary lighting, sound and public address facilities.

(4) The location, capacity and nature of all temporary water, toilet and all other public health-related facilities.

(5) Vehicle ingress, egress and parking plan.

*(g) Public notification. The applicant shall provide a plan for satisfactory public notification of any event taking place within a public or private right-of-way through such means as newspaper advertisements, public service announcements, use of local law enforcement variable message boards, etc.; the applicant shall bear the cost thereof.*

*(r) Federal, state, and local permits. Before a final permit is granted, an applicant who is granted a conditional permit for any special event shall provide a final site plan that includes proof of other federal, state, or local approvals, licenses, or permits as required by law, whether for the event or by the vendors and performers.*

**Sec. 14-7. Applicant may be required to meet additional conditions.**

(a) ~~Prior to receiving a permit to conduct a special event, Any applicant for a permit required by this chapter may be required to meet any conditions, in addition to those specified in this chapter prior to receiving a permit to conduct an outdoor gathering,~~ which are deemed *necessary* by the county administrator or his designee to protect the health, safety, and general welfare of the persons attending such gathering, or the public in general.

~~All expenses incurred in meeting these conditions will be borne by the applicant.~~

(b) If the ~~outdoor gathering~~ *special event* results in the need for county services beyond those set forth in this chapter, the applicant shall bear the costs thereof.

*All expenses incurred in meeting the conditions imposed pursuant to (a) and/or (b) shall be borne by the applicant.*

**Sec. 14-8. *Event signage***

*Event signage signs or advertisements, except for any local law enforcement variable message boards required for public notification, are prohibited within the VDOT right-of-way. Such signs are subject to removal and the cost of removal shall be assessed to the person, business, or event responsible for placing such signs as set forth in section 24-79.*

**Sec. 14-89. Permit not transferrable.**

No permit issued under the provisions of this chapter shall be transferrable.

**Sec. 14-910. Revocation of permit.**

Any violation of one or more of the requirements of this chapter or any violation of one or more of the terms and conditions of a permit issued hereunder shall be grounds for immediate revocation of the permit by the county administrator or his designee. Upon revocation of the permit, the *applicant* ~~permittee~~ shall immediately terminate the gathering and provide for orderly dispersal of those in attendance.

**Sec. 14-11. Violations and penalties; injunctions.**

Any person who violates any provision of this chapter, and upon conviction thereof, shall be punished by a fine not to exceed \$1,000.00 or by confinement in jail not to exceed one year, or both.

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Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

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Bryan A. Hill  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of March, 2015.

AmdCh14-ord

**AGENDA ITEM NO. K.1.**

**ITEM SUMMARY**

DATE: 3/24/2015  
TO: The Board of Supervisors  
FROM: Bryan J. Hill, County Administrator  
SUBJECT: County Administrator's Report

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**ATTACHMENTS:**

	Description	Type
☐	CA-Report	Cover Memo

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	3/19/2015 - 4:22 PM

## MEMORANDUM

DATE: March 24, 2015  
TO: The Board of Supervisors  
FROM: Bryan J. Hill, County Administrator  
SUBJECT: County Administrator's Report

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The following is a summary of activities that took place March 4, 2015 through March 17, 2015:

### March 4, 2015 (Wednesday)

- Met with Cindy Monk, Human Resources Assistant Director
- Met with Steven Constantino, W-JCC Schools Superintendent

### March 5, 2015 (Thursday)

- Board Briefing with John McGlennon, Supervisor
- Met with economic prospect

### March 6, 2015 (Friday)

- Coffee with County Administrator, monthly staff event
- Met with Allen Murphy, Development Management Director
- Met with Steve Constantino, W-JCC School Superintendent, and Jack Tuttle, City of Williamsburg Manager

### March 7, 2015 (Saturday)

- Visit to Princess Tea Party, children with disabilities event at the JCC Recreation Center

### March 9, 2015 (Monday)

- Met with John Horne, General Services Director, Fran Geissler, Stormwater Director, and Sue Mellen, Financial and Management Services Director
- Met with Russell Seymour, Economic Development Director
- Met with Sue Mellen, Financial and Management Services Director
- Met with Jody Puckett, Communications Director, and Laura Messer, Economic Development Administrative & Tourism Coordinator; Tourism

### March 10, 2015 (Tuesday)

- Met with staff and economic prospect
- Board of Supervisors Meeting

County Administrator's Report

March 24, 2015

Page 2

March 11, 2015 (Wednesday)

- Met with Cindy Monk, Human Resources Assistant Director
- Met with Dr. Nzinga Teule-Hekima, Peninsula Health District Director, and Adam Kinsman, Assistant County Administrator
- Attended Joint Meeting between W-JCC Schools, City of Williamsburg, and James City County
- Attended Neighborhood Leaders Forum

March 12, 2015 (Thursday)

- Attended EDA meeting
- Met with Renee Dallman, Communications Specialist and FOIA Coordinator
- Executive Leadership Team meeting

March 13, 2015 (Friday)

- Interviews

March 16, 2015 (Monday)

- Attended Historic Triangle Collaborative meeting, York County
- Attended New Employee Orientation
- Met with Jody Puckett, Communications Director, and Latara Branch, Public Outreach Coordinator
- Interviews
- Met with Thomas Tingle, Guernsey Tingle Architects
- Attended Joint EDA meeting

March 17, 2015 (Tuesday)

- Met with Paul Holt, Planning Director
- Judged and Attended St. Patrick's Day Lunch on the Lawn staff event
- Interview
- Met with Doug Powell, JCSA Manager, and Allen Murphy, Development Management Director

BJH/nb

CAReport-032415-mem

**AGENDA ITEM NO. N.1.**

**ITEM SUMMARY**

DATE: 3/24/2015  
TO: The Board of Supervisors  
FROM: Teresa J. Fellows, Secretary to the Board  
SUBJECT: Adjourn until 6:30 p.m. on April 14, 2015 for the Regular Meeting

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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	3/16/2015 - 4:37 PM