

A G E N D A
JAMES CITY COUNTY BOARD OF SUPERVISORS
WORK SESSION
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
October 27, 2015
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. BOARD DISCUSSIONS

D. CLOSED SESSION

1. Consideration of a personnel matter involving the performance of the County Administrator pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia
2. Consultation with legal counsel on a specific legal matter requiring the provision of legal advice and concerning Virginia Dominion Power pursuant to Section 2.2-3711 (A)(7) of the Code of Virginia
3. Certification of Closed Session

E. ADJOURNMENT

1. Adjourn until Regular Meeting at 6:30 pm

ITEM SUMMARY

DATE: 10/27/2015

TO: The Board of Supervisors

FROM: Michelle M. Gowdy, County Attorney

SUBJECT: Consideration of a personnel matter involving the performance of the County Administrator pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia

ATTACHMENTS:

	Description	Type
▣	Contract Agreement	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	10/16/2015 - 3:05 PM

RESOLUTION

AUTHORIZING CONTRACT AGREEMENT WITH MR. BRYAN J. HILL

WHEREAS, the James City County Board of Supervisors (the "Board") convened in a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Freedom of Information Act (Sections 2.2-3711(A)(1) of the Code of Virginia) to i) consider a personnel matter involving the performance of the County Administrator; and

WHEREAS, in accordance with Section 2.2-3712 of the Code of Virginia the Board certified that such closed session was conducted in conformity with Virginia law; and

WHEREAS, during this discussion, some contract items were discussed and renegotiated.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the Chairman to execute documents that are consistent with the Board's discussions, on or before the next County Pay Period, and Mr. Bryan J. Hill continues to be the duly appointed County Administrator as discussed in the closed session.

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 27th day of October, 2015.

ContractAgreemt-res

ITEM SUMMARY

DATE: 10/27/2015

TO: The Board of Supervisors

FROM: Michelle M. Gowdy, County Attorney

SUBJECT: Consultation with legal counsel on a specific legal matter requiring the provision of legal advice and concerning Virginia Dominion Power pursuant to Section 2.2-3711 (A)(7) of the Code of Virginia

ATTACHMENTS:

	Description	Type
☐	Deferral Letter	Exhibit
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	10/27/2015 - 9:15 AM

October 23, 2015

BY EMAIL AND BY MAIL

The Honorable Michael J. Hipple, Chairman
James City County Board of Supervisors
Post Office Box 8784
Williamsburg, Virginia 23187-8784

RE: Skiffes Creek Switching Station (the "Station")--Request by Virginia Electric and Power Company d/b/a Dominion Virginia Power ("Dominion") for Deferral of Public Hearings on Rezoning, Special Use Permit, Height Waiver and Appeal of Planning Commission Decision Relative to Substantial Accord Review

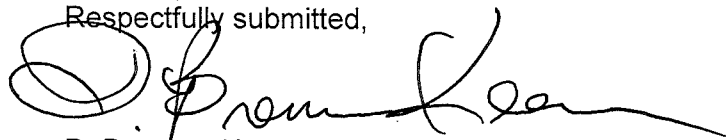
Dear Mr. Hipple:

On behalf of Dominion, I respectfully request that the James City County Board of Supervisors (the "Board") delay the public hearings on the above-referenced applications and appeal to the Board's December 8th meeting. Dominion continues to monitor other pending state and federal permit approvals that could affect the proposed Station, and a delay of the public hearings for the applications and the appeal will allow Dominion, the James City County Planning Department staff and other stakeholders to better understand how those pending approvals could affect local permitting by James City County for the proposed Station.

Please note that the appeal of the Planning Commission's action on Dominion's request for a substantial accord determination pursuant to Virginia Code section 15.2-2232 typically must be heard by the Board within sixty (60) days from filing of that appeal. However, by this letter Dominion hereby acknowledges and confirms that such sixty (60) day time period will be extended to the Board's December 8th meeting should the Board honor Dominion's deferral request.

Thank you in advance for your consideration in this matter.

Respectfully submitted,



D. Brennen Keene

cc: Mr. Bryan Hill, County Administrator,
James City County
Michelle Gowdy, Esquire, County Attorney,
James City County
Ms. Courtney Fisher

RESOLUTION

SKIFFES CREEK SWITCHING STATION REQUEST FOR A DELAY

BY APPLICANT TO DECEMBER 8, 2015

- 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, Ms. Adena Patterson of McGuire Woods, LLP has applied for an SUP, a Rezoning and a Height Waiver on behalf of Virginia Electric and Power Company, dba Dominion Virginia Power (the "Owner") for an electrical switching station (the "Station") on property located at 8968, 8964, and 8960 Pocahontas Trail, further identified as James City County Real Estate Tax Map Parcel Nos. 5920100002, 5920100044A, and 5920100013 (the "Property"); and
- WHEREAS, the proposed Station is depicted on the plan prepared by Dewberry dated July 24, 2015, entitled "Overall Plan Skiffes Creek Switching Station" and containing nine pages; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case Nos. Z-0003-2015 and SUP-0002-2015; Case No. HW-0001-2015 the height waiver request, is not a matter for the Planning Commission to consider; and
- WHEREAS, following a public hearing at the August 5, 2015 Planning Commission meeting, the motion for a recommendation of approval for Application Nos. SUP-0002-2015 and Z-0003-2015 failed by a vote of 2-4; and
- WHEREAS, on August 17, 2015, the Owner sent a letter to the County appealing the Va. Code §15.2-2232 finding wherein the Planning Commission found that the proposed rezoning was not in substantial accord with the Comprehensive Plan and such appeal is to be heard by the Board of Supervisors within 60 days from the date of the appeal; and
- WHEREAS, on September 17, 2015, Mr. Brennen Keene of McGuire Woods, LLP, on behalf of the Owner, sent a letter to Chairman Michael Hipple asking that the public hearings for Case Nos. Z-0003-2015/SUP-0002-2015/HW-0001-2015 and the appeal of §15.2-2232 be delayed until November 24, 2015; and
- WHEREAS, on October 23, 2015, Mr. Brennen Keene of McGuire Woods, LLP, on behalf of the Owner, sent a letter to Chairman Michael Hipple asking that the public hearings for Case Nos. Z-0003-2015/SUP-0002-2015/HW-0001-2015 and the appeal of §15.2-2232 be delayed until December 8, 2015; and
- WHEREAS, in the letter dated October 23, 2015, the Owner acknowledges and confirms that the 60 day time period for the §15.2-2232 appeal will be delayed until December 8, 2015; and

WHEREAS, the Board of Supervisors has a Legislative Action Deferral Policy which was adopted on September 25, 2012, and acknowledges and agrees to waive the policy in these matters; due to extenuating circumstances unique to these applications.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, does hereby approve a delay in the rezoning, height waiver request, special use permit, and the §15.2-2232 appeal until December 8, 2015.

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 27th day of October, 2015.

SkiffesCreekDelay-res

ITEM SUMMARY

DATE: 10/27/2015
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Administrative Coordinator
SUBJECT: Certification of Closed Session

ATTACHMENTS:

	Description	Type
▣	Certification Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	10/20/2015 - 12:50 PM

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1), consideration of a personnel matter involving the performance of the County Administrator; and Section 2.2-3711(A)(7), consultation with legal counsel on a specific legal matter requiring the provision of legal advice and concerning Virginia Dominion Power.

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 27th day of October, 2015.

102715bos-ex-res

ITEM SUMMARY

DATE: 10/27/2015
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Administrative Coordinator
SUBJECT: Adjourn until Regular Meeting at 6:30 pm

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	10/19/2015 - 10:58 AM