#### AGENDA

### JAMES CITY COUNTY BOARD OF SUPERVISORS REGULAR MEETING

#### County Government Center Board Room 101 Mounts Bay Road, Williamsburg, VA 23185 September 13, 2016

6:30 PM

- A. CALL TO ORDER
- B. ROLL CALL
- C. MOMENT OF SILENCE
- D. PLEDGE OF ALLEGIANCE
  - 1. Pledge Leaders TJ, Mattie, and Morgan Covington, residents of the Roberts District
- E. PUBLIC COMMENT Until 7 p.m.
- F. PRESENTATIONS
  - 1. VDOT Quarterly Update
- G. CONSENT CALENDAR
  - 1. Minutes Adoption August 9, 2016 Regular Meeting
  - 2. Contract Award Replacement Dump Truck and Snowplow \$123,402
  - 3. Contract Award Chickahominy Riverfront Park Water Main Replacement \$147,227
  - 4. Contingency Transfer Virginia Peninsula Regional Jail

#### H. PUBLIC HEARING(S)

- ZO-0002-2016, B-1, General Business District. Amendments to Setback Requirements and Building Coverage Limits; and ZO-0003-2016, LB, Limited Business District. Amendments to Setback Requirements and Building Coverage Limits
- 2. SUP-0008-2015/SUP-0011-2016, J.S.G. Mineral Resource Management Expansion and SUP Amendment
- 3. ZO-0008-2016, Article 1, Section 24-16, Proffer of Conditions
- 4. Ordinance Amendment to Change the Election Cycle from Block to Staggered Terms
- 5. Plat Vacation Request Gate House Farms

#### I. BOARD CONSIDERATION(S)

- 1. Palmer Lane Office Building 1 Alterations
- 2. Approval of EDA Revenue Bond Issuance for the benefit of Virginia United Methodist Homes of Williamsburg, Inc. (dba WindsorMeade)
- 3. Concurrence with Issuance of Revenue and Refunding Bonds by Qualified Small Issuers in Mathews County, Lancaster County, City of Williamsburg and Northampton County, to assist Williamsburg Landing, Inc., Located in James City County, Virginia

#### J. BOARD REQUESTS AND DIRECTIVES

#### K. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

#### L. PUBLIC COMMENT

#### M. 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 and regarding the Williamsburg Area Arts Commission

#### N. ADJOURNMENT

1. Adjourn until 4 pm on September 27, 2016 for the Work Session

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

#### **ITEM SUMMARY**

DATE: 9/13/2016

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: Pledge Leaders - TJ, Mattie, and Morgan Covington, residents of the Roberts

District

#### **REVIEWERS:**

Department Reviewer Action Date

Board Secretary Fellows, Teresa Approved 8/29/2016 - 11:16 AM

#### **AGENDA ITEM NO. F.1.**

#### **ITEM SUMMARY**

DATE: 9/13/2016

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: VDOT Quarterly Update

**ATTACHMENTS:** 

Description Type

Quarterly Report Exhibit

**REVIEWERS:** 

Department Reviewer Action Date

Board Secretary Fellows, Teresa Approved 8/29/2016 - 11:08 AM

#### James City Board of Supervisor's Meeting

September 13, 2016

#### Maintenance Accomplishments for Quarter (Jun 1 to Aug 31)

We completed 361 of 525 maintenance work orders this quarter with 164 outstanding (694% complete).

68 - Drainage

72 - Roadway/Sign

24 - Vegetation

Residency Direct Line 757-253-5138/VDOT's Customer Service Center **1-800-FOR-ROAD** (**1-800-367-7623**)

#### A few highlights of the accomplishments are:

Brush trimming on RTE 31 Jamestown Road

Tree trimming on Ironbound Road, Sandy Bay Rd, and Centerville Road.

Drop Inlet and Culvert repairs in Fernbrook and Brookhaven

Filled wash outs in Stone house

Ditching in Forest Glen

Concrete gutter repair Colonial Avenue, Field Crest and Deer Run

County wide Mowing – Current Primary and Secondary mowing/litter removal cycle began Aug 24<sup>th</sup> with projected completion Sept 9th.

Completed Emergency Repair of drainage structure on Fieldstone Parkway in Stonehouse

#### **Calendar Year 2016 Paving Program**

Thinmix – Secondary: Adams Hunt, Fox Ridge, Lakewood, Winston Terrace

Plant Mix – Primary: Rte. 143 Merrimac Trail (Northbound Lane), Rte. 199 Humelsine Pkwy (Eastbound Lane). Secondary: Rte. 603 Mooretown Rd (From 645 To 713), Rte. 634 Fire Tower Rd., Rte. 1362 Horne's Lake Rd.

Additional Plant Mix - Durfrey's Mill, Powhatan Secondary, Rte. 1355 South Freeman Rd,

#### **Completed Projects**

#### Richmond Road Intersection Improvements at Rte 199 West Ramp (UPC 102947)

Construct dedicated right and left turn lanes from the Route 199 West Ramp onto Richmond Rd in the Lightfoot area. Construction completed end of May.

#### Williamsburg West Project

Construct turn around and pave Lexington Drive and Construct cul-de-sac at the end of County Club Dive. Contract completion date for this project is June 3<sup>rd</sup>.

#### **Current Projects**

#### Longhill Road Widening (UPC 100921)

Longhill Road Project from Rte 199 to Old Towne Rd. – 18 million Smart Scale project started Preliminary Engineering, Right of Way starts in 2017 and Construction starts in 2018 with completion scheduled for December 2020.

#### I-64 Widening Segment 1 (UPC 104905)

The Base Scope includes additional 12' wide travel lanes and 12' wide shoulder lanes within the existing median space, existing bridge repair and widening, and patching of the existing mainline pavement along with a ¾" THMACO overlay. The bid includes an option of a 2" overlay and the extension of acceleration and deceleration lanes at the Ft. Eustis Interchange. Earthwork operations in the median are currently in progress in the vicinity of Industrial Drive and Lee Hall Reservoir. Bridge work continues with lane closures on the adjoining routes starting at Ft. Eustis Blvd. The new lanes are projected to open for traffic in December of 2017.

#### I-64 Widening Segment 2 (UPC 106665)

The I-64 segment 2 project is the same 12' wide travel and shoulder lanes in each direction. Work is scheduled to begin late Summer 2016, starting with strengthening and stabilizing the right shoulders in preparation to shift the travel lanes over. Median barriers are scheduled to be installed after shoulder stabilization, at which time the travel lanes will be shifted to the right and the workzone speed limit of 55mph will go into effect. The project is scheduled for completion in May 2019.

#### **Ferry Projects Update**

New 70 vehicle ferry boat is still on schedule for Fall of 2018

Ferry transfer bridges replacement on the JCC side is scheduled for construction start right after Labor Day of this year. Starting with down river bridge.

Dolphin replacement utilizing composite (18 times stronger than conventional dolphins) is also scheduled for construction right after Labor Day on the down river side.

#### **Traffic Studies (Completed)**

Jun 14 -	Install No Parking and Dead End signs on Rte 744 Green Mount Parkway
Jun 24 -	Install Watch for Turning Vehicles on Rte 611 Jolly Pond Rd near Transfer Station
Jun 24 -	Install Side Rd sign for Rte 601 Holly Forks Rd

Jul 5 - Speed Study Rte 617 Lake Powell Rd reduce from 35 to 30 mph.
 Jul 6 - No Outlet signs at Mallard Hill S/D Entrances off Rte 830 War Hill Tr

Aug 16 - Crosswalk and Pedestrian Signal on Rte 321 Monticello Ave at Treybourne Dr

Aug 18 - Crosswalk on Rte 1221 Mill Pond Run near Stonehouse HOA Association Clubhouse

#### **Projects in Development**

Brookwood Drive at Rte 199 – construct additional dedicated left turn lane

Skiffs Creek Connector – preliminary work in developing new scope and estimate.

News Road and Centerville Road Project – A public hearing is proposed for design with a signal.

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

#### **ITEM SUMMARY**

DATE: 9/13/2016

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: Minutes Adoption - August 9, 2016 Regular Meeting

**ATTACHMENTS:** 

Description Type

D 080916 BOS minutes Minutes

**REVIEWERS:** 

Department Reviewer Action Date

Board Secretary Fellows, Teresa Approved 8/29/2016 - 3:16 PM

# MINUTES JAMES CITY COUNTY BOARD OF SUPERVISORS REGULAR MEETING

County Government Center Board Room 101 Mounts Bay Road, Williamsburg, VA 23185 August 9, 2016 6:30 PM

#### A. CALL TO ORDER

#### B. ROLL CALL

John J. McGlennon, Vice Chairman, Roberts District Ruth M. Larson, Berkeley District Kevin D. Onizuk, Jamestown District P. Sue Sadler, Stonehouse District Michael J. Hipple, Chairman, Powhatan District

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

#### C. MOMENT OF SILENCE

#### D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Comfort Akpan, a student at Hornsby Middle School and a resident of the Powhatan District.

#### E. PUBLIC COMMENT - Until 7 p.m.

- 1. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in regard to the proposed desalination plant on the Chickahominy River and the traffic backups on Route 60.
- 2. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in regard to the new Lightfoot Marketplace and the impact on reaching the SunTrust Bank; as well as to why there is "no turn on red" coming out of Lightfoot Marketplace.
- 3. Mr. Darryl Hooker, 158 Wellington Circle, addressed the Board in regard to the proposed desalination plant on the Chickahominy River.

#### F. PRESENTATIONS

1. Letter of Greetings - Japanese Exchange Student, Nanako Mori

Nanako Moir, a 14-year-old exchange student, presented the Board with a letter of greetings from the Mayor of her hometown in Osaka, Japan.

At 6:43 p.m., Mr. Hipple recessed the Board in order to conduct the James City Service Authority (JCSA) Board of Directors Meeting.

At 6:51 p.m., Mr. Hipple reconvened the Board of Supervisors meeting.

#### G. CONSENT CALENDAR

#### 1. Minutes Adoption - July 26, 2016 Regular Meeting

A motion to Approve was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

#### 2. Chesapeake Bay Preservation Ordinance Violation

A motion to Approve was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

#### 3. Grant Award - Chesapeake Bay Restoration Fund Grant - \$3,000

A motion to Approve was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

#### 4. MOU and Appropriation - Clerk Secure Access Fees - \$50,000

A motion to Approve was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

## 5. <u>Appointment of Assistant Fire Marshals, Authorization of Fire Prevention Powers and Authorization of Police Powers</u>

A motion to Approve was made by Mr. Onizuk and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Mr. Hipple asked Fire Chief Ashe to come forward and address this item.

Chief Ashe stated that the resolution tonight will appoint Nic Mitchell and Toni Colon as Assistant Fire Marshals. The Code of Virginia requires that the Board appoint them to provide their prevention and law enforcement powers.

Chief Ashe also took the opportunity to introduce the department's newest recruits.

Mr. Hipple and the Board welcomed the new recruits and the Assistant Fire Marshals.

#### H. PUBLIC HEARING(S)

1. <u>Rezoning-0006-2016/SUP-0015-2016</u>. Our Saviour's Lutheran Church Commercial Kitchen

A motion to Approve was made by Mr. Onizuk and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Ms. Savannah Pietrowski, Planner I, addressed the Board giving an overview of the staff report included in the Agenda Packet.

Ms. Sadler stated that some citizens were concerned about the tax status of the church and the commercial kitchen if it is rezoned.

Mr. Richard Bradshaw, Commissioner of the Revenue, stated that the Code of Virginia references this use as income that is unrelated to the charitable work and is therefore taxed in accordance with the Code and the portion of the facility or property used for this use will be subject to tax as well.

Mr. Hipple asked Ms. Robin Bledsoe to come forward and to give an update on the Planning Commission's recommendation.

Ms. Bledsoe stated that the Planning Commission unanimously approved the application.

As there were no other questions for staff, Mr. Hipple opened the Public Hearing.

1. Reverend James Nickols, 7479 Richmond Road, addressed the Board as the applicant, stating that he understands the change in use and the effect it has on tax rules. He stated that having a commercial grade kitchen would enhance their outreach efforts of feeding disadvantaged in the community. Along the way, if they can help caterers get through the start-up period by letting them work out of the kitchen, then that seems like a good use as well.

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

#### 2. <u>JCSA Easement Warhill Sports Complex</u>

A motion to Approve was made by Ms. Larson and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Mr. John Carnifax, Director of Parks and Recreation, addressed the Board giving an overview of the memorandum included in the Agenda Packet.

As there were no questions for staff, Mr. Hipple opened the Public Hearing.

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

#### I. BOARD CONSIDERATION(S)

#### J. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon offered his condolences to the family on the passing of Mr. Craig Covey, who was the first Planning Director of the County. He asked that staff bring a Public Hearing before the Board at the next meeting to have the opportunity to address staggered terms or uniform terms for the Board. He also stated that the Board is recommending that

the County Administrator receive a 4% raise in accordance with similar performance increases being offered to staff.

Mr. McGlennon made a motion to increase the County Administrator's salary by 4%, effective August 16, 2016.

Ms. Larson made a motion to table the motion made by Mr. McGlennon so that the Board could discuss this item in Closed Session.

The motion passed unanimously.

Ms. Larson mentioned the signing of a lease agreement between the Economic Development Authority and Billsburg Brewery, who will be opening down at the Marina. She thanked WMBG radio station for having the Board on each week and appreciates the opportunity.

Mr. Onizuk stated that he had the opportunity to spend some time with one of the investors for Billsburg Brewery and is excited about them coming to the Marina. He congratulated Ms. Alice Cooke, of Cakealicious, for winning Cake Wars, a show on the Food Network.

Ms. Sadler thanked the Police and Fire Departments for the opportunity to ride along with them during National Night Out. She said that they visited several neighborhoods throughout the Stonehouse District and the citizens were very appreciative of the first responders.

Mr. Hipple expressed his appreciation for the County staff. He stated that he works in a lot of different communities and is so proud of the staff and their level of professionalism and dedication.

#### K. REPORTS OF THE COUNTY ADMINISTRATOR

#### 1. County Administrator's Report

The James City County Police Department's Citizens Police Academy has been offering members of our local community the opportunity to get an inside look at the operation and function of Police procedures since 1994. The Citizens Police Academy is offered in the spring and fall each year. Most classes are held at the Law Enforcement Center located at 4600 Opportunity Way, from 7-9 p.m. on Wednesdays. There is one Saturday session. The Academy meets for 14 weeks and is free of charge to adults living or working in James City County. The Police Department is currently accepting applications for the fall session. This Academy will begin September 7 and be completed on December 14. All applicants must undergo a criminal background check before being admitted to the program. Please contact Stephanie Williams at 259-5173 for more information.

The Clean County Commission is making ten \$500 Good Neighbor Environment Grants available to neighborhood groups and homeowner associations. The purpose of the grant is to enhance the sense of community and environmental wellness of our neighborhoods through the development and accomplishment of sustainable landscape beautification projects. Examples of projects include entryway landscaping, trail improvements, energy saving techniques and community gardens. Good Neighbor Environment Matching Grant Applications are available online and must be submitted prior to 5 p.m. on September 1. For more information contact the Environmental Coordinator, Dawn Oleksy at 259-5375.

Mr. Hill clarified that there is no plan to build a desalination plant right now. This process is to get a groundwater permit, not build a plant at this time. This would be a 10- to 14-year window for a desalination plant. Staff hopes to have a groundwater permit in the next year and a ground to surface water permit within the next two years. Please note that we are looking at 2027 for a change and that is only if our population changes.

#### L. PUBLIC COMMENT - None

#### M. CLOSED SESSION

A motion to Enter a Close Session was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

At 7:30 p.m., the Board entered Closed Session.

At 7:41 p.m., the Board reentered Open Session.

1. <u>Consideration of a Personnel Matter, the Performance of the County Administrator, Pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia</u>

A motion to Approve was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Mr. McGlennon made a motion to approve a 4% increase in the County Administrator's salary effective August 16, 2016.

2. 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 and Regarding the Williamsburg Area Arts Commission

The Board agreed to postpone this appointment until the first meeting in September.

#### 3. <u>Certification</u>

A motion to Certify the Close Session was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

#### N. ADJOURNMENT

1. Adjourn until 6:30 p.m. on September 13, 2016, for the Regular Meeting

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

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Bryan J. Hill County Administrator

At 7:43 p.m., Mr. Hipple adjourned the Board.

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

#### **ITEM SUMMARY**

DATE: 9/13/2016

TO: The Board of Supervisors

FROM: William W. Stewart, Director of Fleet and Equipment Division

SUBJECT: Contract Award - Replacement Dump Truck and Snowplow - \$123,402

This agenda item is for the purchase of a replacement dump truck and plow for use by the JCC Grounds Department.

#### **ATTACHMENTS:**

Description Type

DMemoCover MemoDresResolution

#### **REVIEWERS:**

Department	Reviewer	Action	Date
General Services	Horne, John	Approved	8/9/2016 - 10:48 AM
Publication Management	Burcham, Nan	Approved	8/9/2016 - 10:54 AM
Legal Review	Kinsman, Adam	Approved	8/10/2016 - 9:27 AM
Board Secretary	Fellows, Teresa	Approved	8/22/2016 - 3:04 PM
Board Secretary	Purse, Jason	Approved	9/6/2016 - 8:14 AM
Board Secretary	Fellows, Teresa	Approved	9/6/2016 - 8:20 AM

#### MEMORANDUM

DATE: September 13, 2016

TO: The Board of Supervisors

FROM: William (Buddy) Stewart, Director, Fleet and Equipment Division

SUBJECT: Contract Award - Replacement Dump Truck and Snowplow - \$123,402

The FY 17 Operating Budget includes funds for the purchase of a replacement dump truck and snowplow.

Fleet and Purchasing staff examined different options and determined the most efficient procurement method for this purchase is to use a cooperative purchasing contract, issued by the Houston-Galveston Area Council (HGAC) to Houston Freightliner and Excel Truck Group, as a result of a competitive sealed Invitation to Bid. The HGAC contract contains wording allowing other localities to purchase from the 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. James City County has purchased several replacement ambulances, pumper trucks, sewer trucks and utility vehicles utilizing HGAC cooperative contracts.

The County could choose not to use the "co-op contract" provision and seek new bids. Seeking new bids would delay the award process and most likely result in higher prices. Purchasing recommends using the "co-op contract" provision as an analysis of market conditions (increased cost of manufacturing and raw materials) and as a comparison of pricing to other recent similar bids points to the County. Additionally, this agreement allows the purchase of a dump truck and snowplow that is consistent with our current fleet.

The dump truck and snowplow will be utilized by the James City County General Services Department.

Staff recommends adoption of the attached resolution authorizing contract award to Houston Freightliner and Excel Truck Group in the amount of \$123,402 for the replacement dump truck and snowplow.

WS/ab CA-DumpTruck-mem

Attachment

#### RESOLUTION

#### CONTRACT AWARD - REPLACEMENT DUMP TRUCK AND SNOWPLOW - \$123,402

- WHEREAS, funds have been appropriated in the FY 17 Operating Budget for the purchase of a replacement dump truck and snowplow; 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 Houston-Galveston Area Council issued a cooperative purchasing contract to Houston Freightliner and Excel Truck Group as a result of a competitive sealed Invitation for Bid; and
- WHEREAS, Fleet and Purchasing staff determined the contract specifications meet the County's performance requirements for a dump truck and snowplow and negotiated a price of \$123,402 with Houston Freightliner and Excel Truck Group.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with Houston Freightliner and Excel Truck Group for a dump truck and snowplow in the amount of \$123,402.

	Michael J Chairman		f Superv	isors
ATTEST:		VOTE	S	
		$\underline{AYE}$	<u>NAY</u>	<u>ABSTAIN</u>
	MCGLENNON			
	LARSON			
Bryan J. Hill	ONIZUK			
Clerk to the Board	SADLER HIPPLE			

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of September, 2016.

CA-DumpTruck-res

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

#### **ITEM SUMMARY**

DATE: 9/13/2016

TO: The Board of Supervisors

FROM: Shawn A. Gordon, Capital Projects Coordinator

SUBJECT: Contract Award - Chickahominy Riverfront Park Water Main Replacement -

\$147,227

#### **ATTACHMENTS:**

Description	Type
Memorandum	Cover Memo

Resolution Resolution
Attachment Exhibit

#### **REVIEWERS:**

D

Department	Reviewer	Action	Date
Capital Projects	Gordon, Shawn	Approved	8/24/2016 - 2:05 PM
General Services	Horne, John	Approved	8/24/2016 - 3:24 PM
Publication Management	Boles, Amy	Approved	8/24/2016 - 3:25 PM
Legal Review	Kinsman, Adam	Approved	8/29/2016 - 11:22 AM
Board Secretary	Mellen, Sue	Approved	8/31/2016 - 11:53 AM
Board Secretary	Purse, Jason	Approved	9/6/2016 - 8:14 AM
Board Secretary	Fellows, Teresa	Approved	9/6/2016 - 8:20 AM

#### MEMORANDUM

DATE: September 13, 2016

TO: The Board of Supervisors

FROM: Shawn A. Gordon, Capital Projects Coordinator

SUBJECT: Contract Award - Chickahominy Riverfront Park Water Main Replacement - \$147,227

The Chickahominy Riverfront Park water main replacement will consist of replacing a portion of the Park's existing water main with a new four-inch C900 PVC water main and two-inch Schedule 80 PVC main with service lines to connect existing campsites along the project route. The project starts at Bath House No. 1 and ends at the on-site park well facility. Each campsite will have a new sanitary yard hydrant installed with backflow prevention and will be protected with pipe bollards. The existing water main will be abandoned in place to prevent damage to the existing trees within the project limits.

Additional project components to complete the water main installation will include, but are not limited to asphalt repair for the proposed road crossings, fencing to safeguard the new water main appurtenances and all necessary flushing, testing and disinfection.

The proposed water main replacement is consistent with the approved Department of Environmental Quality's (DEQ) recommended measures to reduce the water demands within Chickahominy Riverfront Park for demonstration and compliance with the groundwater withdrawal regulations of 300,000 gallons in any month. James City County Parks and Recreation currently monitors the groundwater withdrawals in partnership with the James City Service Authority on a monthly basis in accordance with DEQ recommendations to aid in preventing withdrawal exceedances.

An Invitation for Bids was publically advertised. Six bid forms were received and all were determined to be qualified after evaluation. The following firms submitted bids and were considered for contract award:

<u>Firm</u>	<u>Amount</u>
Henry S. Branscome, LLC	\$255,280
East West Construction, Inc.	\$232,634
Precision Services, Inc.	\$220,755
David A. Nice Builders, Inc.	\$181,000
Walter C. Via Enterprises, Inc.	\$179,844
American Eastern, Inc.	\$147,227

American Eastern, Inc. has performed satisfactory work for James City County in the past and was determined to be the lowest responsive and responsible bidder. The bid amount of \$147,227 is consistent with the project estimate and funds are available in the Chickahominy Riverfront Park Capital Improvement account for this project.

Staff recommends approval of the attached resolution authorizing contract award to American Eastern, Inc. for completion of the Chickahominy Riverfront Park water main replacement.

SAG/ab CA-CRPWaterMain-mem

Attachment

#### **RESOLUTION**

#### <u>CONTRACT AWARD - CHICKAHOMINY RIVERFRONT PARK</u>

#### WATER MAIN REPLACEMENT - \$147,227

- WHEREAS, the James City County Parks and Recreation Division received competitive bids for the Chickahominy Riverfront Park water main replacement; and
- WHEREAS, six bids were considered for award and American Eastern, Inc. was determined the lowest responsive and responsible bidder; and
- WHEREAS, previously authorized Capital Improvements Project funds are available to fund this project.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract in the amount of \$147,227 for the Chickahominy Riverfront Park water main replacement to American Eastern, Inc.

	Michael J. Hipp Chairman, Boa		ervisors	
ATTEOT		VOTE		
ATTEST:		<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
	MCGLENNON			
	LARSON			
-	ONIZUK			
Bryan J. Hill	SADLER			
Clerk to the Board	HIPPLE			

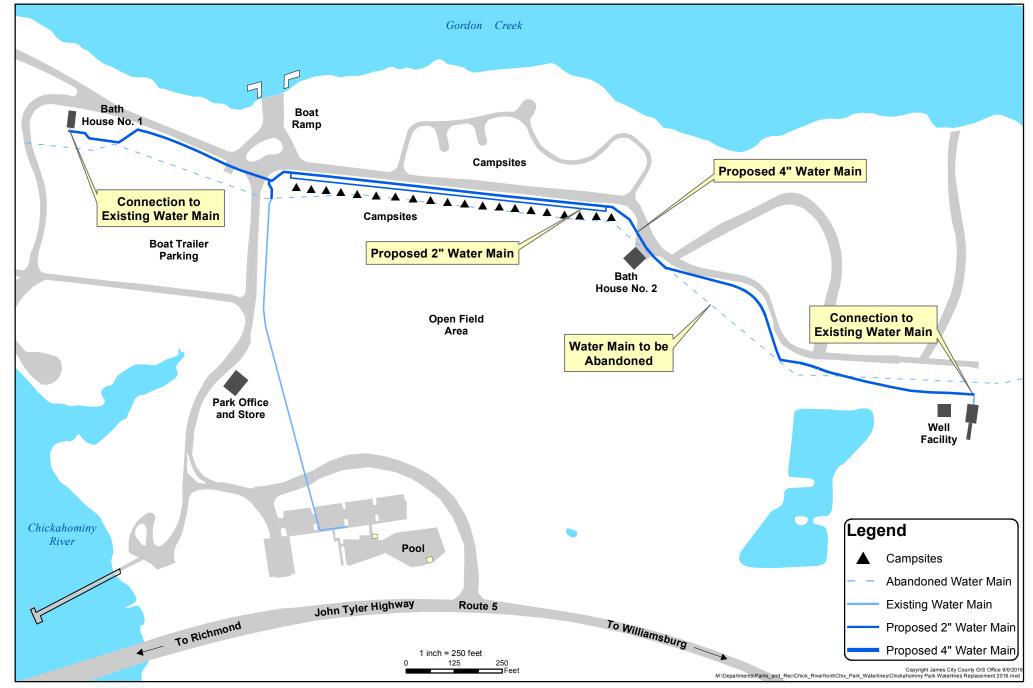
Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of September, 2016.

CA-CRPWaterMain-res



# Chickahominy Riverfront Park Water Main Replacement





#### **AGENDA ITEM NO. G.4.**

#### **ITEM SUMMARY**

DATE: 9/13/2016

TO: The Board of Supervisors

FROM: Sharon B. Day, Assistant Director of Financial and Management Services

SUBJECT: Contingency Transfer - Virginia Peninsula Regional Jail

#### **ATTACHMENTS:**

Description Type

Memorandum Cover Memo
Resolution Resolution

#### **REVIEWERS:**

Department	Reviewer	Action	Date
Budget	Day, Sharon	Approved	9/2/2016 - 11:52 AM
Financial Management	Mellen, Sue	Approved	9/2/2016 - 1:05 PM
Publication Management	Burcham, Nan	Approved	9/2/2016 - 1:43 PM
Legal Review	Kinsman, Adam	Approved	9/6/2016 - 4:00 PM
Board Secretary	Fellows, Teresa	Approved	9/6/2016 - 4:12 PM
Board Secretary	Purse, Jason	Approved	9/6/2016 - 4:20 PM
Board Secretary	Fellows, Teresa	Approved	9/6/2016 - 4:21 PM

#### MEMORANDUM

DATE: September 13, 2016

TO: The Board of Supervisors

FROM: Sharon B. Day, Assistant Director of Financial and Management Services

SUBJECT: Contingency Transfer - Virginia Peninsula Regional Jail

In FY 2016, the Virginia Peninsula Regional Jail experienced a significant increase in inmate medical costs, which can be difficult to predict and can fluctuate drastically based on the needs of the inmate population. The increased costs for outside medical care is the primary driver for a special assessment by the Jail, which is required to be covered by the four-member jurisdictions.

Attached is a resolution to transfer \$86,000 from the County's FY 2016 Contingency account to the Virginia Peninsula Regional Jail for the County's share of the special assessment.

Staff recommends adoption of the attached resolution.

SBD/nb JailCostTrans-mem

Attachment

#### RESOLUTION

#### CONTINGENCY TRANSFER - VIRGINIA PENINSULA REGIONAL JAIL

- WHEREAS, in FY 2016, the Virginia Peninsula Regional Jail (VPRJ) experienced a significant increase in inmate medical costs; and
- WHEREAS, the four-member jurisdictions are required to cover special assessments resulting from increased costs; and
- WHEREAS, additional funding is needed to cover the County's share of the special assessment for the fiscal year ended June 30, 2016.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the previously adopted budget for FY 2016 as follows:

#### **Expenditures**:

Contingency \$(86,000) Contribution to VPRJ \$86,000

	Michael J. Hipp Chairman, Boa		ervisors	
A TEXTS OF		VOTE		
ATTEST:		$\underline{AYE}$	<u>NAY</u>	<u>ABSTAIN</u>
	MCGLENNON			
	LARSON			
D 1 11.11	ONIZUK			
Bryan J. Hill Clerk to the Board	SADLER			
Cicik to the Bound	HIPPLE			

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of September, 2016.

JailCostTrans-res

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

#### **ITEM SUMMARY**

DATE: 9/13/2016

TO: The Board of Supervisors

FROM: Jose Ribeiro, Senior Planner II

ZO-0002-2016, B-1, General Business District. Amendments to Setback

SUBJECT: Requirements and Building Coverage Limits; and ZO-0003-2016, LB, Limited

Business District. Amendments to Setback Requirements and Building Coverage

Limits

#### **ATTACHMENTS:**

	Description	Type
D	mem	Cover Memo
ם	Clean version of the amended ordinance (LB)	Exhibit
ם	Strike trough version of the amended ordinance (LB)	Ordinance
ם	Clean version of the amended ordinance (B-1)	Exhibit
ם	Strike through version of the amended ordinance (B-1)	Ordinance
D	Minutes from the July 26, 2016 Board of Supervisors meeting	Minutes
D	Staff Report for the July 26, 2016, Board of Supervisors meeting	Exhibit
D	LB, Limited Business Exhibit	Exhibit
ם	LB, Limited Business Exhibit	Exhibit
D	LB, Limited Business Exhibit	Exhibit
ם	B-1, General Business Exhibit	Exhibit
П	B-1, General Business Exhibit	Exhibit

#### **REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	8/26/2016 - 1:49 PM
Development Management	Holt, Paul	Approved	8/26/2016 - 1:49 PM
Publication Management	Burcham, Nan	Approved	8/26/2016 - 1:56 PM
Legal Review	Kinsman, Adam	Approved	8/29/2016 - 11:25 AM
Board Secretary	Fellows, Teresa	Approved	8/29/2016 - 11:33 AM

Board Secretary Purse, Jason Approved 9/6/2016 - 8:14 AM Board Secretary Fellows, Teresa Approved 9/6/2016 - 8:21 AM

#### MEMORANDUM

DATE: September 13, 2016

TO: The Board of Supervisors

FROM: Jose Ribeiro, Senior Planner II

Roberta Sulouff, Planner

SUBJECT: ZO-0002-2016. B-1, General Business District. Amendments to Setback Requirements and

Building Coverage Limits; and ZO-0003-2016. LB, Limited Business District. Amendments

to Setback Requirements and Building Coverage Limits

At its July 26, 2016 meeting, staff presented draft Zoning Ordinance amendment language for both the LB, Limited Business, and the B-1, General Business, Districts. These draft amendments included language proposing an increase in building coverage limits in the above districts from 30% to 60%. At that meeting, the Board of Supervisors requested exhibits portraying examples of building coverage exceeding 30% on potential sites in both LB and B-1 zoned areas. Staff has prepared several such example exhibits for both the LB and B-1 Districts.

In preparation of these exhibits, staff considered the original intent of this amendment. Specifically, the proposed amendment on the 2016 Work Plan did not arise in response to a particular development scenario or current site plan request, rather staff and the Policy Committee found the impetus for change within the language of the Comprehensive Plan as part of a general effort to identify regulatory barriers in the policies and procedures that may unnecessarily inhibit development and adaptive reuse (the Economic Development, Actions 1.5 and 5.2), especially inside the Primary Service Area. Toward that end, the intent of increasing building coverage limits in these districts is to encourage and allow for innovative site design especially in areas with the potential for infill redevelopment and especially in regards to creative parking and stormwater management solutions. Staff notes that buildings showing on master plans adopted through the rezoning and/or Special Use Permit (SUP) process must adhere to the building square footage shown on the master plan. Also, in LB, Limited Business District, an SUP is required for any buildings that exceed a 5,000-square-foot building footprint. This provision will remain in place in the ordinance.

On June 1, 2016, the Planning Commission voted to recommend approval of the proposed amendments by a vote of 7-0. Staff recommends the James City County Board of Supervisors approve the attached resolutions.

JR/RS/ab ZO-2-16andZO-3-16-mem

#### Attachments:

- 1. LB Ordinance (strikethrough)
- 2. B-1 Ordinance (strikethrough)
- 3. Approved Minutes from the July 26, 2016, Board of Supervisors Public Hearing
- 4. Staff Memorandum from the July 26, 2016 Board of Supervisors Public Hearing
- 5. LB, Limited Business Exhibits
- 6. B-1, General Business Exhibits

ORDINANCE NO.	
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AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 9, LIMITED BUSINESS DISTRICT, LB, SECTION 24-371, SETBACK REQUIREMENTS; AND SECTION 24-375, BUILDING COVERAGE LIMITS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, Division 9, Limited Business District, LB, Section 24-371, Setback requirements; and Section 24-375, Building coverage limits.

#### Chapter 24

## ARTICLE V. DISTRICTS Division 9. Limited Business District, LB

#### Sec. 24-371. Setback requirements.

Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the centerline of the street.

(1) Setbacks may be reduced to 25 feet from any street right-of-way which is 50 feet or greater in width or 50 feet from the centerline of the street where the street right-of-way is less than 50 feet in width with approval of the planning director.

A site shall not be considered for a setback reduction if it is located on a planned road that is designated for widening improvements. A planned road includes any road or similar transportation facility as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, or any road plan adopted by the board of supervisors. The planning director will consider a setback reduction only if the reduced setbacks do not have additional adverse impact on adjacent properties or public areas when compared to required setbacks, and will not result in detrimental impacts to the orderly development or character of the area, the environment, sound engineering or planning practice, or the goals, objectives, strategies, and policies of the Comprehensive Plan; and if one or more of the following criteria are met:

- (a) The site is located on a Community Character Corridor or is designated a Community Character Area on the Comprehensive Plan Land Use Map, and the proposed setbacks will better complement the design standards of the Community Character Corridor or the Community Character Area.
- (b) The adjacent properties have setbacks that are non-conforming with this section, and the proposed setbacks will better complement the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.
- (c) The applicant has offered extraordinary site design which exceeds the Development Standards of the Comprehensive Plan.
- (d) The setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements).

Ordinance to Amend and Reordain Chapter 24. Zoning Page 2

- (2) In areas where the board of supervisors has adopted specific design guidelines that call for reduction of setbacks in excess of those permitted in subsection (1), the planning director can approve reductions upon finding substantial conformance with recommendations set forth in the guidelines and compliance with the criteria in subsection (1) above.
- (3) Appeals. In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

#### Sec. 24-375. Building coverage limits.

Building coverage shall not exceed 60 percent of the total lot area.

Ch24-Div9-LB-ord-final

ORDINANCE NO.	

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 9, LIMITED BUSINESS DISTRICT, LB, SECTION 24-371, SETBACK REQUIREMENTS; AND SECTION 24-375, BUILDING COVERAGE LIMITS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, Division 9, Limited Business District, LB, Section 24-371, Setback requirements; and Section 24-375, Building coverage limits.

#### Chapter 24

## ARTICLE V. DISTRICTS Division 9. Limited Business District, LB

#### Sec. 24-371. Setback requirements.

Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the centerline of the street.

(1) Setbacks may be reduced to 25 feet from any street right-of-way which is 50 feet or greater in width or 50 feet from the centerline of the street where the street right-of-way is less than 50 feet in width with approval of the planning director. In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

A site shall not be considered for a setback reduction if it is located on a planned road that is designated for widening improvements. A planned road includes any road or similar transportation facility as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, Peninsula Area Transportation Plan or any road plan adopted by the board of supervisors. The planning director will consider a setback reduction only if the setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24 86 (Landscaping and Tree Preservation Requirements); if the reduced setbacks do not negatively impact adjacent property owners have additional adverse impact on adjacent properties or public areas when compared to required setbacks, and will not result in detrimental impacts to the orderly development or character of the area, the environment, sound engineering or planning practice, or the goals, objectives, strategies, and policies of the Comprehensive Plan; and if one or more of the following criteria are met:

- (a) The site is located on a Community Character Corridor or is designated a Community Character Area on the Comprehensive Plan Land Use Map, and *the* proposed setbacks will better complement the design standards of the Community Character Corridor- or the Community Character Area.
- (b) The adjacent properties have setbacks that are non-conforming with this section, and the proposed setbacks will better complement the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.

Ordinance to Amend and Reordain Chapter 24. Zoning Page 2

- (c) The applicant has offered extraordinary site design which *better meets* exceeds the Development Standards of the Comprehensive Plan.
- (d) The setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements).
- (2) In areas where the board of supervisors has adopted specific design guidelines that call for reduction of setbacks in excess of those permitted in subsection (1), the planning director can approve reductions upon finding substantial conformance with recommendations set forth in the guidelines and compliance with the criteria in subsection (1) above.
- (3) Appeals. In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

#### Sec. 24-375. Building coverage limits.

Building coverage shall not exceed 30-60 percent of the total lot area. The floor area ratio shall not exceed 40 percent of the total lot area.

ATTEST:		Michael J. Hipple Chairman, Board of Supervisors			
		VOTES AYE NAY ABSTAIN			
Bryan J. Hill	MCGLENNON LARSON				
Clerk to the Board	ONIZUK SADLER HIPPLE				

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of September, 2016.

Ch24-Div9-LB-ord

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 10, GENERAL BUSINESS DISTRICT, B-1, SECTION 24-392, SETBACK REQUIREMENTS; AND SECTION 24-397, BUILDING COVERAGE LIMITS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, Division 10, General Business District, B-1, Section 24-392, Setback requirements; and Section 24-397, Building coverage limits.

#### Chapter 24

## ARTICLE V. DISTRICTS Division 10. General Business District, B-1

#### Sec. 24-392. Setback requirements.

Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the centerline of the street.

(1) Setbacks may be reduced to 25 feet from any street right-of-way which is 50 feet or greater in width or 50 feet from the centerline of the street where the street right-of-way is less than 50 feet in width with approval of the planning director.

A site shall not be considered for a setback reduction if it is located on a planned road that is designated for widening improvements. A planned road includes any road or similar transportation facility as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, or any road plan adopted by the board of supervisors. The planning director will consider a setback reduction only if the reduced setbacks do not have additional adverse impact on adjacent properties or public areas when compared to the required setbacks, and will not result in detrimental impacts to the orderly development or character of the area, the environment, sound engineering or planning practice, or the goals, objectives, strategies, and policies of the Comprehensive Plan; and if one or more of the following criteria are met:

- (a) The site is located on a Community Character Corridor or is designated a Community Character Area on the Comprehensive Plan Land Use Map, and the proposed setbacks will better complement the design standards of the Community Character Corridor or the Community Character Area.
- (b) The adjacent properties have setbacks that are non-conforming with this section, and the proposed setbacks will better complement the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.
- (c) The applicant has offered extraordinary site design which exceeds the Development Standards of the Comprehensive Plan.
- (d) The setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements).

Ordinance to Amend and Reordain Chapter 24. Zoning Page 2

- (2) In areas where the board of supervisors has adopted specific design guidelines that call for reduction of setbacks in excess of those permitted in subsection (1), the planning director can approve reductions upon finding substantial conformance with recommendations set forth in the guidelines and compliance with the criteria in subsection (1) above.
- (3) Appeals. In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

#### Sec. 24-397. Building coverage limits.

Building coverage shall not exceed 60 percent of the total lot area.

Ch24-Div10-B1-ord-final

ORDINANCE NO.	
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AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 10, GENERAL BUSINESS DISTRICT, B-1, SECTION 24-392, SETBACK REQUIREMENTS; AND SECTION 24-397, BUILDING COVERAGE LIMITS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, Division 10, General Business District, B-1, Section 24-392, Setback requirements; and Section 24-397, Building coverage limits.

#### Chapter 24

## ARTICLE V. DISTRICTS Division 10. General Business District, B-1

#### Sec. 24-392. Setback requirements.

Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the centerline of the street.

(1) Setbacks may be reduced to 25 feet from any street right-of-way which is 50 feet or greater in width or 50 feet from the centerline of the street where the street right-of-way is less than 50 feet in width with approval of the planning director.

A site shall not be considered for a setback reduction if it is located on a planned road that is designated for widening improvements. A planned road includes any road or similar transportation facility as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, Peninsula Area Transportation Plan or any road plan adopted by the board of supervisors. The planning director will consider a setback reduction only if the setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements); if the reduced setbacks do not negatively impact adjacent property owners have additional adverse impact on adjacent properties or public areas when compared to the required setbacks, and will not result in detrimental impacts to the orderly development or character of the area, the environment, sound engineering or planning practice, or the goals, objectives, strategies, and policies of the Comprehensive Plan; and if one or more of the following criteria are met:

- (a) The site is located on a Community Character Corridor or is designated a Community Character Area on the Comprehensive Plan Land Use Map, and the proposed setbacks will better complement the design standards of the Community Character Corridor or the Community Character Area.
- (b) The adjacent properties have setbacks that are non-conforming with this section, and the proposed setbacks will better complement the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.
- (c) The applicant has offered extraordinary site design which *meets exceeds* the Development Standards of the Comprehensive Plan.

Ordinance to Amend and Reordain Chapter 24. Zoning Page 2

- (d) The setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements).
- (2) In areas where the board of supervisors has adopted specific design guidelines that call for reduction of setbacks in excess of those permitted in sub-section subsection (1), the planning director can approve reductions upon finding substantial conformance with recommendations from set forth in the guidelines and compliance with the criteria from in sub-section subsection (1) above.
- (3) Appeals. In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

#### Sec. 24-397. Building coverage limits.

Building coverage shall not exceed 30 60 percent of the total lot area. and the floor area ratio shall not exceed 60 percent.

	Michael J. Hipple Chairman, Board of Supervisors			
ATTEST:		VOTES		
		<u>AYE</u>	NAY	<b>ABSTAIN</b>
	<b>MCGLENNON</b>			
	LARSON			
Bryan J. Hill	ONIZUK			
Clerk to the Board	SADLER			
	HIPPLE			

Ch24-Div10-B1-ord

# MINUTES JAMES CITY COUNTY BOARD OF SUPERVISORS REGULAR MEETING

County Government Center Board Room 101 Mounts Bay Road, Williamsburg, VA 23185 July 26, 2016 6:30 PM

#### A. CALL TO ORDER

#### B. ROLL CALL

John J. McGlennon, Vice Chairman, Roberts District Ruth M. Larson, Berkeley District Kevin D. Onizuk, Jamestown District P. Sue Sadler, Stonehouse District Michael J. Hipple, Chairman, Powhatan District

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

#### C. MOMENT OF SILENCE

#### D. PLEDGE OF ALLEGIANCE

1. Pledge Leader – Meghana Pritchard, a rising 7th-grade student at Toano Middle School and resident of the Stonehouse District

#### E. PUBLIC COMMENT – Until 7 p.m.

- 1. Mr. David Nice, Chief of the Bruton Volunteer Fire Department, addressed the Board stating that the squad has moved into the new Fire Station 1, and they are very appreciative of the Board and the community for their support of the squad.
- 2. Ms. Adrienne Carter, 100 Lauren Court, addressed the Board in regard to the social and racial discord facing our country and communities. She asked that citizen-police relations be reviewed for the County.
- 3. Ms. Betty Walker, 101 Locust Place, addressed the Board in regard to the Federal Reserve Bank, national debt, the current Gross Domestic Product (GDP) and the imbalance of spending more than the country is producing.

#### F. PRESENTATIONS

#### 1. Historical Commission Annual Report

Mr. Frank Abbott, Chairman of the Historical Commission, addressed the Board giving an overview of the Commission's Annual Report.

At the conclusion of the presentation, Mr. Hipple recessed the Board of Supervisors in order to conduct the Board of Directors meeting.

At 7:04 p.m., Mr. Hipple reconvened the Board of Supervisors.

#### G. CONSENT CALENDAR

A motion to Approve was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

- 1. <u>Minutes Adoption July 12, 2016, Regular Meeting</u>
- 2. <u>Grant Award Office of Emergency Medical Services Rescue Squad Assistance</u> Fund - \$44,706
- 3. <u>Amendment to the Virginia Peninsula Regional Jail Authority Cooperative Services Agreement</u>
- 4. Staff Appointment to the Colonial Community Criminal Justice Board
- 5. <u>Staff Appointment to the Community Action Agency Board of Directors</u>

#### H. PUBLIC HEARING(S)

1. <u>ZO-0002-2016</u>. <u>B-1</u>, <u>General Business District</u>. <u>Amendments to Setback Requirements and Building Coverage Limits; and ZO-0003-2016</u>. <u>LB</u>, <u>Limited Business District</u>. <u>Amendments to Setback Requirements and Building Coverage Limits</u>

A motion to Postpone was made by Ms. Larson and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Mr. Jose Ribeiro, Planner III, addressed the Board giving an overview of the staff report included in the Agenda Packet.

Ms. Larson stated that she asked during the work session if this was something that the Board could see in action. The Prime Outlets was used as an example to show how changes to the setback requirements would actually look. She stated that she understands that it is not something that can be done this evening, so was it possible to push this item off until the August 9 meeting.

Mr. Purse, Assistant County Administrator, stated that staff would need a little more time than the August 9 meeting.

Mr. Onizuk stated some examples where this might be relevant and might be helpful as well.

Mr. Paul Holt, Director of Planning, stated that staff could bring this item back to the first meeting in September and provide some scenarios that would better illustrate the change.

Mr. Rich Krapf, Planning Commission Representative, stated that he did not have any additional information to add, but is available to answer any questions.

As there were no other questions, Mr. Hipple opened the Public Hearing.

As there were no citizens registered to speak, Mr. Hipple stated that he would leave the Public Hearing open, subject to the motion to postpone until September 13, 2016.

2. <u>ZO-0004-2016 & SO-0003-2016</u>, Amendments to the Zoning and Subdivision Ordinances Regarding Development Review Committee Review Criteria and Processes

A motion to Approve was made by Mr. Onizuk and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Ms. Roberta Sulouff, Planner I, addressed the Board giving an overview of the staff report included in the Agenda Packet.

Mr. McGlennon asked if this change diminishes the public's opportunity to comment on a proposal.

Ms. Sulouff stated that all items would still go to the Planning Commission, which gives the public the opportunity to comment on proposals.

Mr. Krapf stated that the Development Review Committy does not hold public hearings or offer a formal public comment period, so while the process is being shortened by one public meeting, the public's opportunity to comment is not reduced.

As there were no other questions, Mr. Hipple opened the Public Hearing.

As there were no registered speakers, Mr. Hipple closed the Public Hearing.

# 3. <u>SO-0002-2016</u>. Subdivision Ordinance Amendments Regarding Monuments

A motion to Approve was made by Mr. Onizuk and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Mr. Ribeiro addressed the Board giving an overview of the staff report included in the Agenda Packet.

Mr. Krapf stated that he was available to answer questions if necessary.

As there were no questions for staff, Mr. Hipple opened the Public Hearing.

As there were no registered speakers, Mr. Hipple closed the Public Hearing.

# I. BOARD CONSIDERATION(S)

A motion to Amend the agenda by adding a resolution authorizing Olde Towne Medical Center to hire an additional Nurse Practitioner was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

# 1. <u>Skiffes Creek Switching Station Request for a Delay by Applicant to December 13, 2016</u>

A motion to Approve was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Mr. Kinsman stated that he did not have any further information to add past what was included in the Agenda Packet. He recommended approval of the attached resolution.

Mr. McGlennon stated that it is the County's best interest to know the final outcome and decision of the Army Corps of Engineers and how they intend to treat the powerlines before the Board makes a decision about whether this is the best use of this land.

# 2. Olde Towne Medical and Dental Center Addition of Nurse Practitioner

A motion to Approve was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Mr. McGlennon stated that he represents the Board on the Olde Towne Medical and Dental Center Board of Directors. He stated that Olde Towne does have sufficient funds in its budget to cover this position and it respectfully requests that the Board approve the resolution.

# J. BOARD REQUESTS AND DIRECTIVES

Ms. Larson commented on some of the survey responses that indicated some of the landscape requirements are not having the intended effect in the long run. She asked if there is a plan in place to address some of these issues.

Mr. Purse stated that Mr. Chris Johnson, in his new position as Ombudsman, would be looking into some of these items and formulating a plan for moving them forward and updating them.

Mr. Onizuk thanked staff for the Fourth Friday event last week. It was a great event even though it was incredibly hot. He stated that at the Chamber meeting last week the impact of the weather on tourism season was discussed. He stated that Williamsburg Area Destination Marketing Committee and the Chamber is working hard and focusing on a strong July and August.

Ms. Sadler announced the Grand Opening of Harris Teeter at the Lightfoot Marketplace. She also announced that the James City County Fire Department would be visiting the Norvalia Neighborhood in Norge to check and install smoke detectors.

Mr. Hipple stated that he attended several regional meetings since the last Board meeting. He stated that the Harris Teeter opening was great and the Fourth Friday event was very well done.

# K. REPORTS OF THE COUNTY ADMINISTRATOR

# 1. <u>County Administrator's Report</u>

On August 2 James City County neighborhoods are invited to join forces with over 16,000 communities nationwide for the 33rd Annual National Night Out. National Night Out heightens crime and drug prevention awareness; generates support for local anticrime efforts; strengthens neighborhood spirit and police-community partnerships; and sends a message to criminals that neighborhoods are organized and fighting back. During the evening, residents throughout the County are asked to lock their doors, turn on porch lights and spend the evening outdoors with neighbors and police. Many neighborhoods are already making plans for block parties, cookouts and visits from James City County Police and McGruff the Crime Dog. To arrange for James City County Police Officers to attend your community event, contact Master Police Officer Kelly Connors.

Continued high temperatures are expected in the area. Citizens and visitors can go to the James City County Recreation Center, 5301 Longhill Road, during normal operating hours: Monday-Thursday 6 a.m.-9 p.m., Friday 6 a.m.-8 p.m., Saturday 8 a.m.-6 p.m. and Sunday 1-6 p.m. Citizens and visitors can also go to the Williamsburg Library, 515 Scotland Street, or the James City County Library, 7770 Croaker Road, during normal operating hours: Monday-Thursday 10 a.m.-9 p.m., Friday 10 a.m.-6 p.m., Saturday 10 a.m.-5 p.m. and Sunday 1-5 p.m. In addition, James City County's Department of Social Services is now accepting cooling assistance applications. To be eligible, a household must contain at least one vulnerable individual who is age 60 or over, disabled or under age 6. Assistance is based on the availability of funds and the deadline to apply is August 17. Residents can apply through commonhelp.virginia.gov or complete a paper application at James City County Department of Social Services, 5249 Olde Towne Road, Monday-Friday, 8 a.m.-5 p.m.

# L. PUBLIC COMMENT

### M. CLOSED SESSION

# 1. Economic Development Authority Appointment

A motion to Appoint Individuals to Boards and Commissions was made by Mr. Onizuk and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

The Board elected not to go into Closed Session for this appointment.

The Board reappointed Mr. Paul Gerhardt to the Economic Development Authority for a new term that will expire on July 31, 2020.

# N. ADJOURNMENT

# 1. Adjourn until 6:30 p.m. on August 9, 2016, for the Regular Meeting

A motion to Adjourn was made by Ms. Larson and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Bryan J. Hill County Administrator	
County Administrator	

At 7:37 p.m., Mr. Hipple adjourned the Board.

# MEMORANDUM

DATE: July 26, 2016

TO: The Board of Supervisors

FROM: Roberta Sulouff, Planner

Jose Ribeiro, Senior Planner II

SUBJECTS: ZO-0002-2016. B-1, General Business District. Amendments to Setback Requirements and

Building Coverage Limits; and ZO-0003-2016. LB, Limited Business District. Amendments

to Setback Requirements and Building Coverage Limits

In 2012 staff undertook several updates to the Zoning Ordinance in an effort to incorporate recommendations from the Business Climate Taskforce. The intent of these updates was to create a more predictable and flexible development review process. In reviewing Zoning Ordinance text for consistency and clarity, staff has identified opportunities to update the LB, Limited Business and B-1, General Business, Ordinances.

Sections 24-371 and 24-392 of the LB and B-1 zoning districts, respectively, provide similar guidance regarding setbacks and setback reduction procedures; however, the organization of the information is inconsistent. Amendments to these sections of the Zoning Ordinance are proposed in order to ensure consistency between them.

Sections 24-375 and 24-397 of the LB and B-1 zoning districts, respectively, provide similar guidance regarding building coverage and floor area ratio. Currently both sections require building coverage not to exceed 30% of the total lot area. Amendments to these section of the Zoning Ordinance are proposed to increase the building coverage and to delete requirements regarding floor area ratio.

Updating the Zoning Ordinance to address these amendments was proposed as part of the Planning Division's 2015-2016 work program at the October 2015, Policy Committee meeting. The 2035 Comprehensive Plan also lends support to these possible ordinance amendments through actions in the Economic Development section. Actions 1.5 and 5.2 state that staff will work to identify regulatory barriers in the policies and procedures that may unnecessarily inhibit development and adaptive reuse.

On June 1, 2016, the Planning Commission voted to recommend approval of the proposed amendments by a vote of 7-0. Staff recommends the James City County Board of Supervisors approve these amendments to County Code Sections 24-371, 24-375, 24-392 and 24-397.

RS/JR/nb B-1AndLB-mem

# Attachments:

- 1. LB Ordinance (clean version)
- 2. LB Ordinance (strikethrough format)
- 3. B-1 Ordinance (clean version)
- 4. B-1 Ordinance (strikethrough format)
- 5. Approved Minutes from the June 1, 2016, Planning Commission Meeting

# LB Building Coverage 5248 Olde Towne Road





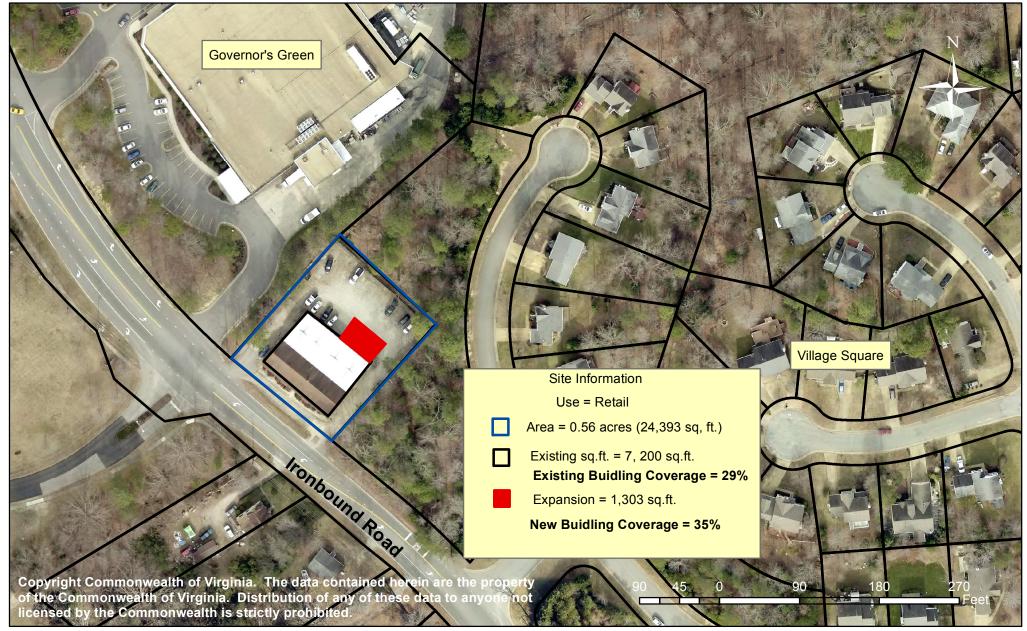
# LB Building Coverage 1781 Jamestown Road





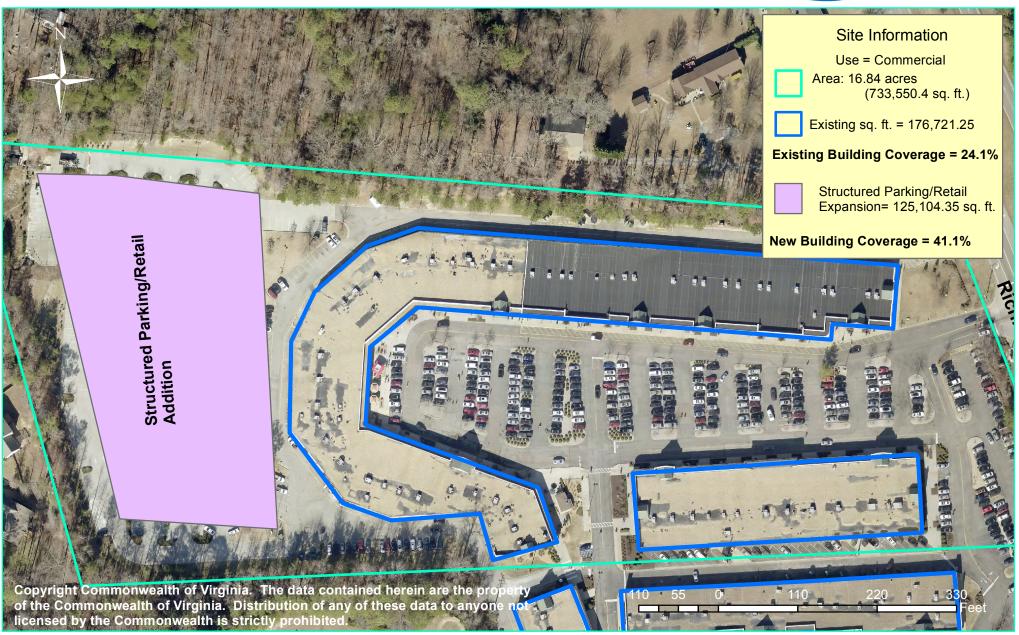
# LB Building Coverage 3116 Ironbound Road





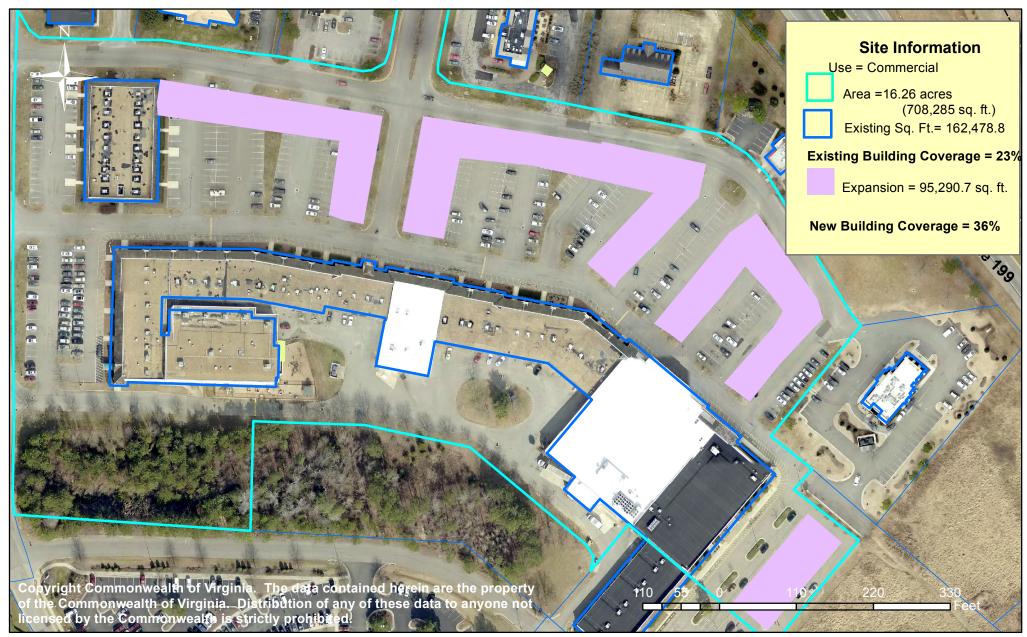
# **B-1 Building Coverage Prime Outlets**





# **B-1 Building Coverage Williamsburg Crossing**





# **AGENDA ITEM NO. H.2.**

# **ITEM SUMMARY**

DATE: 9/13/2016

TO: The Board of Supervisors

FROM: Roberta Sulouff, Planner

SUBJECT: SUP-0008-2015/SUP-0011-2016, J.S.G. Mineral Resource Management

Expansion and SUP Amendment

# **ATTACHMENTS:**

	Description	Type
ם	Staff Report	Staff Report
ם	Resolution for SUP-0008-2015	Resolution
ם	Resolution for SUP-0011-2016	Resolution
ם	Unapproved Minutes from the August 3, 2016 Planning Commission Meeting	Backup Material
ם	Location Map	Backup Material
ם	Master Plan	Backup Material
ם	Photos of woof processing equipment	Backup Material

# **REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	8/26/2016 - 3:04 PM
Development Management	Holt, Paul	Approved	8/26/2016 - 3:04 PM
Publication Management	Burcham, Nan	Approved	8/26/2016 - 3:08 PM
Legal Review	Kinsman, Adam	Approved	8/29/2016 - 11:43 AM
Board Secretary	Fellows, Teresa	Approved	8/29/2016 - 1:00 PM
Board Secretary	Purse, Jason	Approved	9/6/2016 - 8:14 AM
Board Secretary	Fellows, Teresa	Approved	9/6/2016 - 8:21 AM

# Staff Report for the September 13, 2016, Board of Supervisors Public Hearing

# **SUMMARY FACTS**

Applicant: Ms. Caitlin King, J.S.G. Corporation

Land Owner: Mr. Gary Massey, J.S.G. Corporation

Request Summary: To permit the manufacture and sale of

wood products, the operation of a contractors' office, the storage of petroleum and the storage and repair of heavy equipment on property which is already being used as an active borrow pit. The applicant is also requesting to amend the adopted Special Use Permit (SUP) conditions for the properties to remove a condition regarding a limitation on

disturbed area.

Location: 5701, 5977 and 5979 Centerville Road

Tax Map/Parcel Nos.: 3110100079A, 3020100006A,

3020100007 and 3020100006

Project Acreage: +/- 170.4 acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands, however a small area of the

entrance road is designated Low Density

Residential

Primary Service Area: Outside

Staff Contact: Roberta Sulouff, Planner

# **PUBLIC HEARING DATES**

Planning Commission: July 6, 2016, 7:00 p.m. (deferred by

applicant)

August 3, 2016, 7:00 p.m.

Board of Supervisors: September 13, 2016, 6:30 p.m.

# **FACTORS FAVORABLE**

1. With the recommended conditions, and given the large size of the parcel and historic use of the subject properties, staff finds that the proposal will not negatively impact surrounding zoning and development.

- 2. The proposal is consistent with the recommendations of the Comprehensive Plan adopted in 2015, "Toward 2035: Leading the Way."
- 3. The proposed expansion would not bring the limits of intense industrial uses, such as mining operations and the production of wood products, closer to surrounding residential development than what is currently disturbed or being actively mined.
- 4. The Virginia Department of Mines, Minerals and Energy (DMME) monitors use of the site with more stringent monitoring and reporting requirements than what is required by the original SUP.
- 5. The request would bring the current storage of civil construction heavy equipment and vehicles into conformance.
- 6. The applicant estimates that the proposed uses would create approximately 20 new jobs at the site.

Staff Report for the September 13, 2016, Board of Supervisors Public Hearing

# **FACTORS UNFAVORABLE**

- 1. An increase in heavy equipment traffic to and from the site.
- 2. An increase in the intensity of uses in an area designated Rural Lands.

### SUMMARY STAFF RECOMMENDATION

Approval, subject to the conditions in the attached resolution.

### PLANNING COMMISSION RECOMMENDATION

At its August 3, 2016 meeting, the Planning Commission recommended approval of this application by a vote of 7-0.

# PROJECT DESCRIPTION

Ms. Caitlin King has applied on behalf of J.S.G. Corporation to allow for four specially permitted uses - the manufacture and sale of wood products, the operation of a contractors' office, the storage of petroleum and the storage and repair of heavy equipment - on approximately 170.4 acres of land currently in use as an active borrow pit. During the course of staff's review of this application, it was determined that the adopted conditions of the original mining SUP (James City County Case No. SUP-0026-1991), needed to be amended to clarify the limitation on disturbed area.

The request includes plans for the following buildings and corresponding uses:

• <u>Manufacture and Sale of Wood Products</u>: Approximately 10 acres of previously disturbed area to be used for the seasonal

production of mulch, using a special type of grinder as pictured in Attachment No. 5, from materials cleared from local projects. Per the applicant, customers will be able to view samples of the mulch at the contractors' office. The applicant anticipates limited customer pick-up, with a focus on bulk delivery.

- Contractors' Office/The Storage and Repair of Heavy Equipment: A ±14,200-square-foot office and maintenance facility will replace the existing office, which is currently considered an accessory structure to the mining operation. The new office would also be the headquarters for J.S.G.'s civil construction operation. The building will also feature a large, attached maintenance facility for repair and maintenance of J.S.G.'s fleet vehicles and heavy equipment.
- The Storage and Repair of Heavy Equipment: Two ±8,000-square-foot sheds to store vehicles and heavy equipment used both for the mine and for J.S.G.'s civil construction operations.
- The Storage of Petroleum: ±12,000-gallon-petroleum storage facility for fleet and heavy equipment use on-site.
- The applicant has stated that the following fleet vehicles associated with the newly proposed uses will be stored on-site:
  - o Three dump trucks.
  - o Two lowboy tractor-trailer.
  - Two logging dump trailers.
  - o Three crew trucks.
  - Five miscellaneous field trucks (including a flatbed, a utility truck and a van).
  - o Three blower trucks for mulching.

# Staff Report for the September 13, 2016, Board of Supervisors Public Hearing

- o Four pick-up trucks.
- One attenuator two-axle trailer.

  Staff has included a condition, accounting for potential growth of the business, which will allow a limited increase in the number of vehicles permitted to be stored on-site.
- Amendment to Case No. SUP-0026-1991: The original SUP for the mine operation, Case No. SUP-0026-1991, included conditions which limit the disturbed area of the project to 40 acres. Though the operation is currently in compliance with this condition, the original conditions do not account for the newly proposed uses. To account for the new activities, the applicant is proposing to remove the disturbed area restriction from the original SUP. Staff is recommending a condition be added to the current SUP which limits total disturbed area on site to 66 acres total
- J.S.G. Corporation has an active mining permit from the DMME for the mine. All operational activities associated with the mine are regulated by the DMME. The mining activity produces topsoil, dirt and clay to be sold to third parties.

# PLANNING AND ZONING HISTORY

The Board of Supervisors approved Case No. SUP-0026-1991 on February 18, 1992. The permit allowed for the operation of a borrow pit on the property included in the current application. The conditions of that SUP limited the disturbed area to 40 acres and limited activity to two "cells" per the adopted master plan for the mine.

# SURROUNDING ZONING AND DEVELOPMENT

- The properties are located on Centerville Road, adjacent to Freedom Park, the Blayton/Hornsby school site and the Windmill Meadows subdivision.
- Surrounding Zoning Designations include:
  - o PL, Public Lands, to the south and northwest (Freedom Park and Blayton/Hornsby school site).
  - o A-1, General Agricultural, to the north and east (single-family homes).
  - o R-2, General Residential, to the northeast (Windmill Meadows subdivision).

# **COMPREHENSIVE PLAN**

- The properties are primarily designated Rural Lands on the Comprehensive Plan Land Use Map; however, a small section of the entrance road is designated as Low Density Residential.
- While the proposed uses are not considered primary uses for the Rural Lands designation, the Comprehensive Plan states that "certain uses which require very low intensity settings relative to the site in which it will be located may be considered on the basis of a case-by-case review... These uses should be located in a manner that minimizes effects on agricultural and forestal activities and located where public services and facilities, especially roads, can adequately accommodate them."
- Staff finds that this proposal is consistent with Comprehensive Plan as a secondary use and is unique in comparison to other

# Staff Report for the September 13, 2016, Board of Supervisors Public Hearing

similar requests in Rural Lands for the following reasons:

- The site is already home to an intense industrial use (borrow pit/mine).
- The proposed uses would also encompass a very small area relative to the size of the site, roughly 20 additional acres out of a total of approximately 170 acres.
- The existing SUP imposes a 100-foot and 50-foot buffer in areas directly adjacent to neighboring residences, as well as 50-foot buffers in areas adjacent to Resource Protection Areas (RPA).
- Existing right- and left-turn-in lanes to the site on Centerville Road adequately accommodate additional traffic created by this request.
- Surrounding Comprehensive Plan designations include:
  - o Public Lands to the south and the west (Freedom Park).
  - o Rural Lands to the north (family homes).
  - Low Density Residential (Windmill Meadows and adjacent single-family homes).

### PUBLIC IMPACTS

- 1. Anticipated impact on public facilities and services:
  - a. *Streets*. Per the most recent Historic Triangle Comprehensive Transportation Study, Centerville Road is a minor arterial road with an annual average daily traffic count of 8,400. This portion of Centerville Road currently operates at acceptable Levels of Service (i.e. Levels of Service (LOS) A-C).

The applicant has estimated that the current mining operation, including employees, generates 70 vehicle trips per day. The applicant also estimates that the newly proposed uses, again including employees, will produce up to an additional 144 trips per day, and is requesting a vehicle storage area allowance to permit up to 50% growth.

The Regional Transportation Study anticipates that this potion of Centerville Road will continue to operate at a LOS A-C with a weekday volume of 17,000 vehicle trips per day, therefore staff finds that the newly proposed uses and request for additional growth potential would not have significant impacts on the LOS of Centerville Road.

Additionally, the Virginia Department of Transportation (VDOT) has reviewed this application and did not identify any concerns beyond those that may be addressed at the site plan stage of development. Staff also notes that many recent SUP requests for commercial uses in Rural Lands have been located on smaller, rural-collector roads which are less well equipped to accommodate additional, more-intense traffic. Based on VDOT's review and existing traffic infrastructure, no significant traffic impacts are anticipated in association with the newly proposed uses.

- b. Schools/Fire/Utilities. No impacts anticipated.
- 2. <u>Environmental</u>: There is a Resource Protection Area (RPA) located on these properties, however the limits of this SUP fall outside of the RPA. A condition is also proposed for spill prevention in the area of the wood processing and petroleum storage. The DMME addresses environmental concerns associated with the borrow pit through the applicant's mining

# Staff Report for the September 13, 2016, Board of Supervisors Public Hearing

permit and operational plan.

3. <u>Cultural/Historical</u>: Condition No. 5 of SUP-0026-1991 required a Phase I Archaeological Study to be submitted for approval prior to the commencement of work in any area of the site. A Phase I Archaeological Study was conducted on this site in 1992 which identified six sites which were recommended for Phase II studies. All of these areas are outside the scope of work for the newly proposed uses.

# 4. Nearby and Surrounding Properties:

- a. *Visual Impacts*: There is minimum of a 50-foot wooded buffer, which is increased to 100 feet in some areas, between the site and all neighboring properties.
- b. Auditory Impacts: Staff conducted a sound test of the wood grinder on June 13, 2016, taking decibel readings at 200 feet from the grinder as well as from the site entrance on Centerville Road, the nearest residence in the Windmill Meadows subdivision, inside Freedom Park, at the Blayton/Hornsby school sites and at a location on Jolly Pond Road. The highest decibel readings beyond the direct work site were located at the school site and were most likely associated with children playing at the time of the sound testing. Decibel readings within the Windmill Meadows subdivision were equal to readings taken at the entrance to the site and to readings taken on Jolly Pond Road.

Site	Reading (in decibels, dB)
200 feet from equipment (on-site)	82 dB
Entrance road	53 dB (note: ambient volume measured at 51dB while the equipment was not in use)
Within Windmill Meadows	50 dB
Botanical Garden at Freedom Park	45 dB
School Site	55 dB (note: children playing at recess may have increased volume at this site)
Residence at Jolly Pond	50 dB

### PROPOSED SUP CONDITIONS

- The full text of the proposed conditions for the four new specially permitted uses, associated with James City County Case No. SUP-0008-2015 are attached. The general intent of these conditions is to limit the level of intensity of commercial operations, given that the properties are designated Rural Lands by the adopted Comprehensive Plan.
- Regarding the proposed SUP amendment, given the size of the site and the binding master plan submitted with this application, staff is comfortable with a potential minor increase in mining activity, as removing the language regarding disturbed area would help to make both SUPs more easily understood and readily enforceable.

### STAFF RECOMMENDATION

# Staff Report for the September 13, 2016, Board of Supervisors Public Hearing

Approval, subject to the proposed draft conditions and amendments.

RS/nb

SUP08-15andSUP11-16

# Attachments:

- 1. Resolution for SUP-0008-2015
- 2. Resolution for SUP-0011-2016
- 3. Unapproved Minutes from the August 3, 2016 Planning Commission Meeting
- 4. Location Map
- 5. Master Plan Exhibit
- 6. Photos of wood processing equipment

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

# RESOLUTION

# CASE NO. SUP-0008-2015. J.S.G. MINERAL RESOURCE MANAGEMENT EXPANSION

- WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and
- WHEREAS, Ms. Caitlin King has applied on behalf of J.S.G. Corporation (the "Owner") for an SUP to allow for the operation of a contractor's office, the manufacture of wood and/or wood products, storage of petroleum, and storage and/or repair of heavy equipment (the "Project") on property located at 5701, 5977 and 5979 Centerville Road, further identified as James City County Real Estate Tax Map Nos. 3110100079A, 3020100006A and 3020100007, respectively, and one parcel without an address identified as James City County Real Estate Tax Map No. 3020100006 (collectively, the "Property"), which includes an existing borrow pit.
- WHEREAS, the proposed site is shown on the exhibit labeled "Conceptual Plan for Special Use Permit, Manufacture of Wood Products, Contractors Office and Storage Shed, Owner: JSG Corporation," prepared by AES Consulting Engineers, and dated November 17, 2015 (the "Master Plan"); and
- WHEREAS, all mining and borrow pit operations on the Property are subject to a separate SUP and are not bound by the Master Plan for the Project; and
- WHEREAS, the Planning Commission, following its public hearing on August 3, 2016, voted 7-0 to recommend approval of this application; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. SUP-0008-2015; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds the Project to be consistent with the 2035 Comprehensive Plan Land Use Map designation for the Property and the considerations of Section 24-9 of the County Code.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of Case No. SUP-0008-2015 as described herein with the following conditions:
  - 1. **Master Plan and Use:** This SUP shall be valid for the operation of a contractor's office, the manufacture of wood and/or wood products, storage of petroleum and storage and/or repair of heavy equipment (the "Project") on property located at 5701, 5977 and 5979 Centerville Road, further identified as James City County Real Estate Tax Map Nos. 3110100079A, 3020100006A and 3020100007, respectively, and one parcel without an address identified as James City County Real Estate Tax Map No. 3020100006 (collectively, the "Property"). The Project shall be in accordance with the "Conceptual Plan for Special Use Permit, Manufacture of Wood Products, Contractors Office and Storage Shed, Owner: JSG Corporation" prepared by AES Consulting Engineers, and dated November 17, 2015 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.

- 2. **Hours of Operation for Transportation and Wood Grinding:** Hours of operations for transportation of equipment to and from the Property, and for the grinder and all associated equipment shall be limited to 7 a.m.-7:30 p.m., Monday through Saturday, except for occasional afterhours and Sunday transportation related to storm cleanup work.
- 3. **Hours of Retail Operations:** Retail sale of wood and wood products shall be limited to 7 a.m.-6 p.m., Monday through Saturday, with all transactions occurring at the locations identified as "Office and Maintenance" and "Site 2" on the Master Plan, or at the existing on-site scale-house.
- 4. **Disturbed Area:** No more than 66 acres of the Property shall be disturbed for any specially permitted use at one time.
- 5. **Material and Equipment Storage:** All contractor's material and equipment storage shall be limited to the areas designated as "Shed" and "Office & Maintenance" on the Master Plan. Materials and equipment associated with the manufacture of wood and wood products shall be stored in the area identified as "Site 2" on the Master Plan.
- 6. **Wood Grinder:** The wood grinder and all associated equipment shall be located so as to minimize the potential adverse impacts on adjacent properties. When in operation, this equipment shall be placed in the locations identified as "Site 2: Area of Manufacture and Sale of Wood Products" on the Master Plan.
- 7. **Perimeter Buffer:** A buffer shall be maintained surrounding the Property as shown on the Master Plan. This buffer shall remain undisturbed with the exception of any required clearing necessary for the office and maintenance infrastructure as approved by the Director of Planning the area labeled on the Master Plan as "Office and Maintenance." Any approved disturbance must include a replanting plan with equivalent screening approved by the Director of Planning.
- 8. **Resource Protection Areas:** A 50-foot undisturbed buffer shall be provided on all Resource Protection Areas as defined in Section 23-3 of the James City County Code.
- 9. **Lighting:** A lighting plan shall be reviewed and approved by the Director of Planning or his designee prior to final approval of the site plan. Any exterior site or building lighting shall be shielded and directed downward. No glare defined as 0.1 foot-candle or higher shall extend outside the property lines. Security lighting may be installed at the entrance to the Property, at the existing gate, and adjacent and/or mounted to buildings in accordance with Section 24, Article II, Division 7 of the James City County Code. All other outdoor lighting shall be operated by a motion detector or be able to be turned on as needed and shall not be routinely illuminated at night. No lighting shall be installed on structures at a height greater than 16 feet above finished grade. This condition shall not apply to any lighting required by federal or state regulations.
- 10. **Operational Mitigation Plan:** An operational mitigation plan shall be reviewed and approved by the Director of Planning or his designee prior to final site plan approval. The plan shall address:
  - a. Dust mitigation, such as water trucks, mulch, or similar methods.
  - b. Smoke mitigation, such as containment or similar methods.
  - c. Noise mitigation, such as the enforcement of hours of operation.
- 11. **Material Decomposition:** The use of chemicals to aid in the decomposition of material shall be prohibited. No materials shall be burned on the Property.
- 12. **Stormwater Management:** A stormwater management plan shall be submitted to the Director of Engineering and Resource Protection or his designee for review and approval prior to preliminary site plan approval. The stormwater management plan shall demonstrate that adequate measures have been taken for the Project, post-development,

- to achieve the same degree of pre-development water quality. The development of the Property shall utilize the applicable best management practices as outlined in the Virginia Department of Environmental Quality Stormwater Best Management Practice Clearinghouse.
- 13. **Entrances:** Access to the Project shall be limited to the existing entrance from Centerville Road.
- 14. **VPDES Industrial and Spill Prevention:** Prior to issuance of preliminary site plan approval, the Owner must determine if a general Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater Associated with Industrial Activity will be required from the Virginia Department of Environmental Quality. If a VPDES permit is required, the Owner must provide evidence of having obtained the permit prior to issuance of final site plan approval. If a VPDES permit is not required, an operational phase stormwater pollution prevention plan/spill prevention and control plan to address the outdoor vehicle and material storage, including but not limited to oil, diesel, and gasoline, shall be submitted to the Director of Engineering and Resource Protection and the Fire Chief for their respective review and approval.
- 15. **Wood Product Stock Piles:** Stockpiles associated with the manufacture of wood products shall not exceed 20 feet in height from the existing grade.
- 16. **Vehicle Storage:** In an effort to limit the intensity and scale of the contractor's operation, the number of vehicles associated with the Project shall be shall be limited to those which could be parked within a 16,100-square-foot area within "Site 1" on the Master Plan.
- 17. **Site Plan Approval:** A site plan shall be required for the Project. Final approval of the site plan for all or a portion of the Project shall be obtained within 36 months of issuance of this SUP, or the SUP shall become void.
- 18. **Severability:** This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

	Michael J. Hipp Chairman, Boar		ervisors	
ATTEST:		VOTE		A DOT A INI
MILLOI.	MCGLENNON	<u>AYE</u>	<u>NAY</u>	ABSTAIN
	LARSON —— ONIZUK			
Bryan J. Hill Clerk to the Board	SADLER HIPPLE			

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of September, 2016.

SUP08-15JSGMinResExp-res

# RESOLUTION

# CASE NO. SUP-0011-2016. JACK L. MASSIE CONTRACTOR

# SPECIAL USE PERMIT AMENDMENT

- WHEREAS, the Board of Supervisors of James City County, Virginia (the "Board"), has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and
- WHEREAS, on February 18, 1992, the Board approved Case No. SUP-0026-1991, permitting a borrow pit on property located at 5701, 5977 and 5979 Centerville Road, further identified as James City County Real Estate Tax Map Nos. 3110100079A, 3020100006A and 3020100007, respectively, and one parcel without an address identified as James City County Real Estate Tax Map No. 3020100006 (collectively, the "Property"); and
- WHEREAS, Ms. Caitlin King has applied on behalf of J.S.G. Corporation (the "Owner") to amend SUP-0026-1991; and
- WHEREAS, on September 13, 2016, the Board approved Case No. SUP-0008-2015, permitting the operation of a contractor's office, the manufacture of wood and/or wood products, storage of petroleum and storage and/or repair of heavy equipment on the Property; and
- WHEREAS, the conditions of Case No. SUP-0008-2015 include a restriction on disturbed area on the Property which modifies Condition No. 2 of SUP-0026-1991; and
- WHEREAS, the Planning Commission, following its public hearing on August 3, 2016, voted 7-0 to recommend approval of this application; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. SUP-0011-2016; and
- WHEREAS, the Board finds this use to be consistent with the 2035 Comprehensive Plan Land Use Map designation for the Property and the considerations of Section 24-9 of the County Code.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of Case No. SUP-0011-2016 as described herein, which amends and supersedes Case No. SUP-0026-1991, with the following conditions:
  - 1. All erosion and sedimentation control measures shown on the Land Disturbing Permit shall be installed prior to any clearing or grading of any cell.
  - 2. Inert materials such as broken concrete, bricks, blocks, broken roadway and unsuitable soil removed from Jack L. Massie job sites may be used to refill the cells. Non-inert materials shall not be disposed of on this site. If it is determined that non-inert materials are being disposed of on site, the SUP shall become void.

- 3. A 50-foot-buffer shall be provided on all Resource Management Area (RMA) wetlands as defined in Section 19B-3 of the James City County Code.
- 4. Prior to the commencement of any work within a cell, a Phase I Archaeological Study for that cell shall be submitted to the Director of Planning for his review and approval. The study shall meet the guidelines set forth in the Virginia Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management Reports and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. The developer shall undertake a Phase II and/or Phase III study of archaeological sites identified in the Phase I Study, if identified by the Phase I Study as warranting Phase II or Phase III Study. Such studies shall be submitted to and approved by the Planning Director prior to any land disturbing on or adjacent to such sites. The recommendations of such studies shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon. If as a result of a Phase II Study, the Planning Director determine the site is eligible for inclusion in the National Register of Historical Places based on the Criteria established by the Department of the Interior, the developer shall develop and implement a plan for inclusion of the site on the National Register of Historic Places and for the mitigation of potential adverse impacts on the site.
- 5. A right- and left-turn lane shall be installed to the Virginia Department of Transportation standards at the proposed entrance of the site within 18 months from the date of issuance of this permit in the location shown on the Master Plan prepared by AES and dated July 1991. The existing entrance to the site as identified on the Master Plan shall be abandoned when the new entrance is completed. The location of this entrance may be shifted; however, such a shift shall be approved by the Planning Director.
- 6. A gate shall be provided on the proposed entrance road no further than 200 feet from Centerville Road. The Planning Director may waive this requirement if evidence is presented that due to topographic and safety constraints the entrance must be placed further than 200 feet from Centerville Road.
- 7. A 100-foot undisturbed buffer shall be provided on the eastern boundary of that area shown as Cell Bon the Master Plan prepared by AES and dated July 1991. An undisturbed buffer shall be provided along Centerville Road as shown on the Master Plan. A 50-foot undisturbed buffer shall be provided on the perimeter of the remainder of the site.
- 8. The hours of operation shall be limited to daylight hours (6 a.m. to 9 p.m. in the summer, 6 a.m. to 6 p.m. in the winter), Monday through Saturday.
- 9. A reforestation plan for each cell on the site shall be approved by the Virginia Department of Forestry Area Forester prior to the commencement of land disturbing on the next cell. A mixture of hardwoods and softwoods to reflect the current species ratio shall be provided. All restored areas shall be returned to a condition adequate to support and encourage the growth of trees. A minimum of 800 seedlings an acre shall be planted during the reclamation of the cell.

- 10. The buffer areas shall be staked in the field prior to clearing so the operators know the limits of their work.
- 11. The maximum side slope of all reclaimed areas shall be 3:1 or flatter.
- 12. Berms and sediment traps shall be provided to protect wetlands above Dry Ponds 1 and 3 as shown on the Master Plan prepared by AES and dated July 1991. These facilities shall be placed around the perimeter of all disturbed areas adjacent to these wetlands. The design of these facilities shall be incorporated into and approved by the Director of Code Compliance as part of the site plan for the project.
- 13. All property along Centerville Road, necessary for the four laning of the road, shall be dedicated to the County at its request.

	Michael J. Hipple					
	Chairman, Boa	rd of Sup	ervisors			
		VOTE	S			
ATTEST:		$\underline{AYE}$	<u>NAY</u>	<b>ABSTAIN</b>		
	MCGLENNON	-				
	LARSON					
Dwon I Hill	ONIZUK					
Bryan J. Hill Clerk to the Board	SADLER HIPPLE					

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of September, 2016.

SUP11-16JLMassieAmend-res

# **Unapproved Minutes of the August 3, 2016 Planning Commission Meeting**

# SUP-0008-2015/SUP-0011-2016, J.S.G. Mineral Resource Management Expansion and SUP Amendment

Ms. Roberta Sulouff, Planner, provided a report to the Commission on the request to amend an existing SUP and to allow four new specially permitted uses on the 170 acre site which is currently in use as an active borrow pit. Ms. Sulouff stated that the additional uses would be the manufacture and sale of wood products, operation of a contractors' office, storage of petroleum and storage and repair of heavy equipment in support of the company's civil construction operations. Ms. Sulouff further stated that the conditions of the original SUP limiting the disturbed area to 40 acres do not account for the new uses. Ms. Sulouff stated that the request would remove the restriction from the original SUP and add a condition to the current SUP to limit the disturbed area to 66 acres. Ms. Sulouff noted that the existing SUP imposes substantial buffers for neighboring residential properties as well as buffers for areas adjacent to resource protection areas. Ms. Sulouff stated that staff finds the proposal to be consistent with the surrounding zoning and the Comprehensive Plan. Ms. Sulouff stated that staff recommends that the Commission recommend approval of the application to the Board of Supervisors subject to the recommended conditions.

Mr. Wright opened the floor to questions from the Commission.

Mr. Heath Richardson requested clarification on where the proposed new uses would take place in relation to Windmill Meadows.

Ms. Sulouff stated that the new uses would be primarily in the lower and middle parcels with the mulching operation taking place on approximately ten acres of previously disturbed land toward the top of the middle parcel.

Mr. Richardson inquired if Windmill Meadows has an active HOA.

Ms. Sulouff responded that she is not certain about the HOA; however, all the residents of Windmill Meadows were invited to a community meeting hosted by the applicant.

Ms. Robin Bledsoe inquired about the attendance at the community meeting and the nature of the feedback.

Ms. Sulouff stated that the turnout was modest and that the overall feedback was positive. Ms. Sulouff stated that there were questions about what impact the expanded uses might have on the neighborhood and the safety of the mulching operation.

Ms. Bledsoe inquired if the hours of operation proposed were typical for other mulching operations.

Ms. Sulouff stated that the proposed hours of operation were for the contractors' office and sale of wood products, not the mulching.

Mr. Chris Basic inquired about the rationale for limiting the height of the mulch stockpiles.

Ms. Sulouff stated that the condition was related to ensuring safety of the stockpiles and based on SUPs for similar operations.

Ms. Bledsoe inquired where the petroleum storage would be located.

Ms. Sulouff stated that the petroleum storage would be located in the portion of the property closest to the access from Centerville Road.

Mr. Wright opened the public hearing.

Ms. Caitlin King, Director of Business Development for J.S.G. Corporation, stated that the proposed improvements and the addition of mulch to the product line will enable the company to grow its business and increase job opportunities. Ms. King stated that the expanded business will provide up to 20 additional jobs. Ms. King stated that a community meeting was held that was open to any neighbors who might be impacted by the expansion. Ms. King stated that the meeting was well attended and that the feedback was positive. Ms. King requested that the Commission support the application.

Ms. Bledsoe inquired if the new jobs would be advertised locally.

Ms. King confirmed.

Mr. Basic inquired if the applicant was comfortable with the SUP conditions.

Ms. King stated that the SUP conditions are acceptable.

Mr. Wright inquired about spill protection plans for the petroleum storage tanks.

Ms. King stated that if the SUP is approved, an application will be made to the Department of Environmental Quality for the necessary permit. Ms. King stated that the DEQ would require a spill prevention, controls and counter measures plan and a facility response plan. Ms. King further stated that the proposal is for above ground tanks with double walls with a system to detect if there is a leak in the first wall before it can leak through the second wall.

Mr. Wright inquired about the reclamation plan for the land when mining operations cease.

Ms. King stated that they have a reclamation plan which is monitored by the Department of Mines, Minerals and Energy. Ms. King further stated that they are already in reclamation with portions of the property where the land has been built up and replanted.

Mr. Holt noted that the SUP conditions also include requirements for the spill prevention and control plan to be reviewed and approved by Engineering and Resource Protection and the Fire Department.

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

Mr. Wright stated that he had spoken with Mr. Vernon Geddy to discuss his concerns about the application.

Mr. Richardson stated that the mining operation has been in place for a number of years and has not had a great impact on the surrounding properties. Mr. Richardson stated that he would support the application.

Ms. Bledsoe stated that she appreciates applications that support the growth of local businesses.

Mr. Wright noted that each SUP would require a motion.

Mr. Richardson made a motion to approve SUP-0008-2015

On a roll call vote the Commission voted to recommend approval of SUP-0008-2015 (5-0).

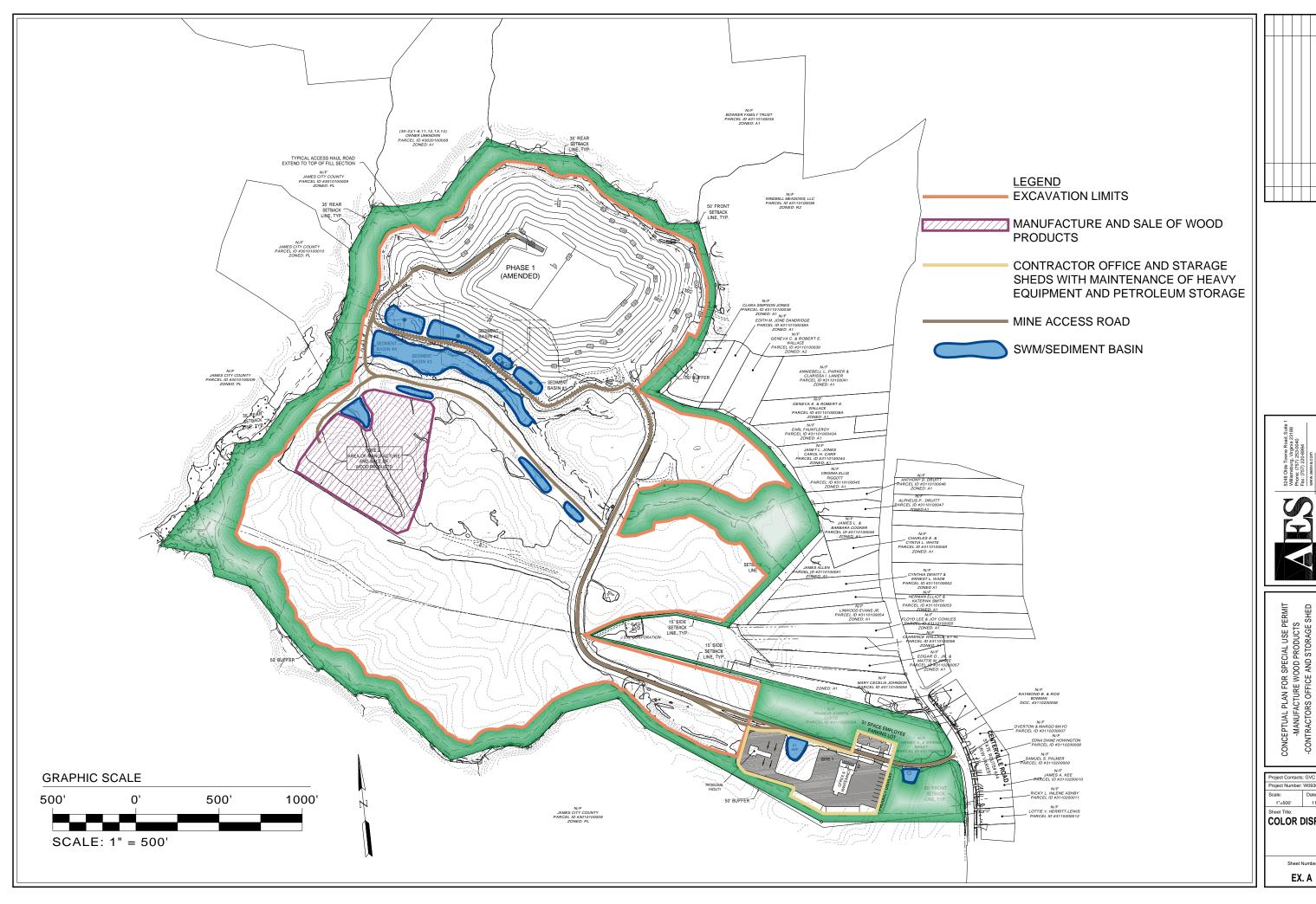
Mr. Basic made a motion to approve SUP-0011-2016.

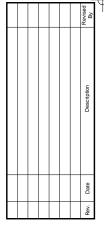
On a roll call vote the Commission voted to recommend approval of SUP-0011-2016 (5-0).

# SUP-0008-2015/SUP-0011-2016 J.S.G. Mineral Resource Management Expansion

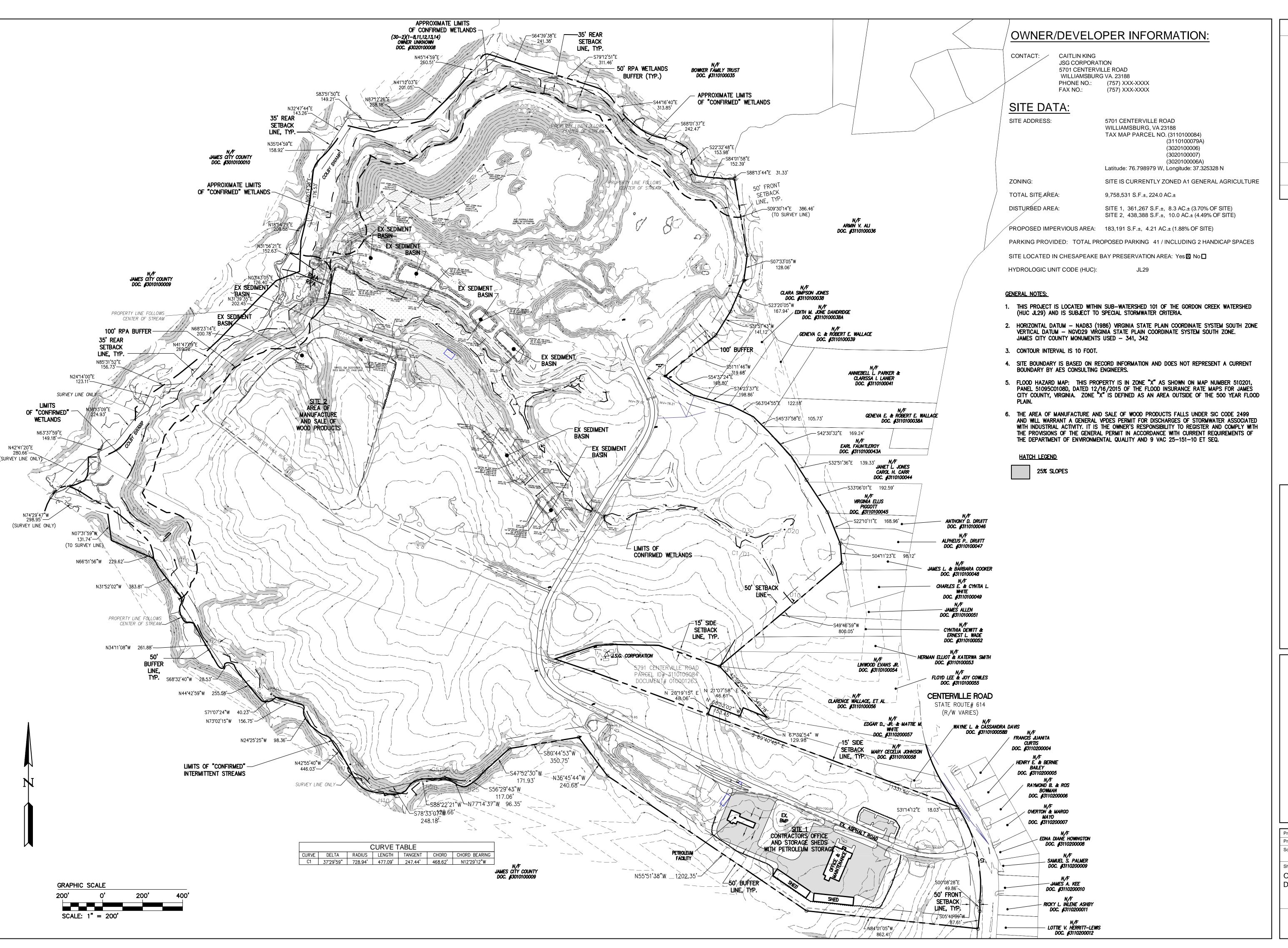


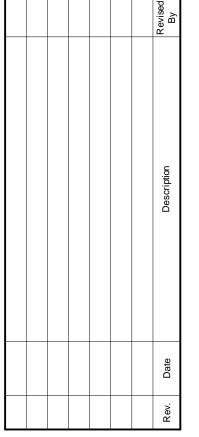


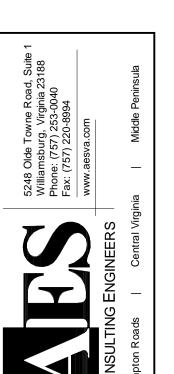




COLOR DISPLAY



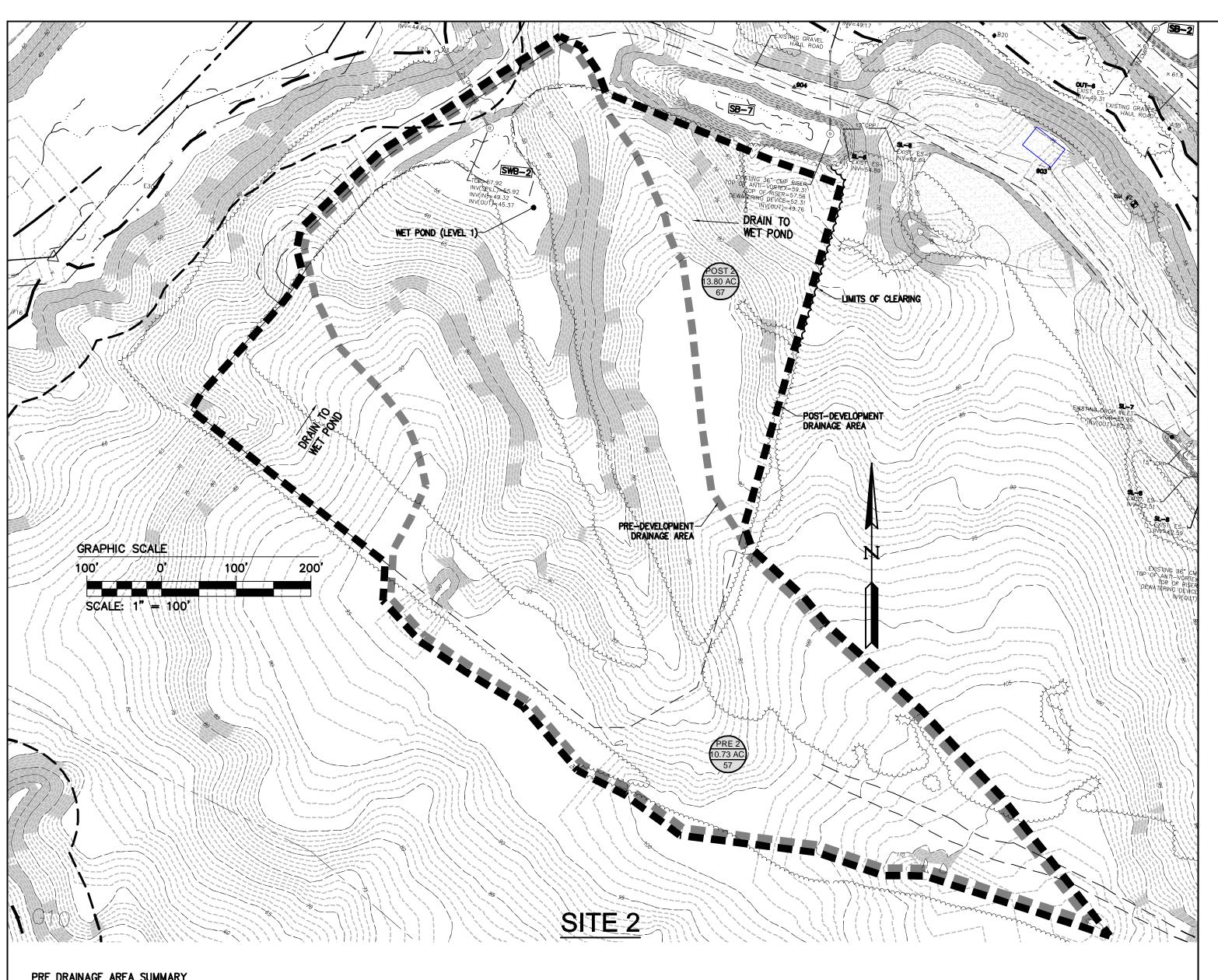




-MANUFACTURE WOOD PRODUCTS
-CONTRACTORS OFFICE AND STORAGE SH
WITH PETROLEUM STORAGE
OWNER: JSG CORPORATION

Project Contacts	: GVC		
Project Number:	9304-08		
Scale:	Date:		
1"=200'	11/17/15		
Sheet Title:			
OVERALL SITE DISPLAY			
	I		

Sheet Number EX. B



PRE	DRAINAGE	AREA	SUMMARY	

DRAINAGE AREA ID	DRAINAGE AREA	IMPERVIOUS COVER	1-YR	2-YR	10-YR	100-YR
PRE 1	13.64 AC	0.94 AC	1.96 CFS	5.91 CFS	26.72 CFS	51.80 CFS
PRE 2	10.72 AC	0.00 AC	0.77 CFS	3.43 CFS	19.49 CFS	39.60 CFS

# POST DRAINAGE AREA SUMMARY

DRAINAGE AREA ID	DRAINAGE AREA	BMP TYPE	IMPERVIOUS COVER	1-YR	2-YR	10-YR	100-YR
DA-1	14.95 AC	WET POND LEVEL 2	6.26 AC	0.25 CFS	0.33 CFS	6.39 CFS	8.37 CFS
DA 1B	1.08 AC	UNTREATED	0.00 AC	0.36 CFS	0.93 CFS	3.43 CFS	6.31 CFS
DA 1 TOTAL	_	-	-	0.43 CFS	1.05 CFS	6.70 CFS	9.76 CFS
DA 2	13.80	WET POND LEVEL 1	0.00 AC	0.19 CFS	0.27 CFS	17.55 CFS	47.15 CFS

\*NOTE THAT TOTAL FLOWS ARE NOT A DIRECT SUM OF FLOWS DUE TO VARYING TIME TO PEAK FOR EACH HYDROGRAPH

# WATER QUALITY SUMMARY - SITE 1

INFORMATION).

PHOSPHORUS LOAD REDUCTION REQUIRED 9.86-LB/YR
 PHOSPHORUS LOAD REDUCTION ACHIEVED 12.72-LB/YR

(SEE PERFORMANCE BASED WATER QUALITY CALCULATIONS FOR MORE DETAILED

WATER QUALITY SUMMARY - SITE 2

- Phosphorus load reduction required 1.18—LB/Yr - Phosphorus load reduction achieved 3.42—LB/Yr

(SEE PERFORMANCE BASED WATER QUALITY CALCULATIONS FOR MORE DETAILED

# DA 1 ENERGY BALANCE SUMMARY DISCHARGE TO NATURAL CHANNEL

Q1-YR-DEVELOPED < I.F. \* [Q1-YR-PRE-DEVELOPED \* RV1-YR-PRE-DEVELOPED]/[RV1-YR-DEVELOPED)

0.42 < 0.59 (MEETS REQUIREMENTS)

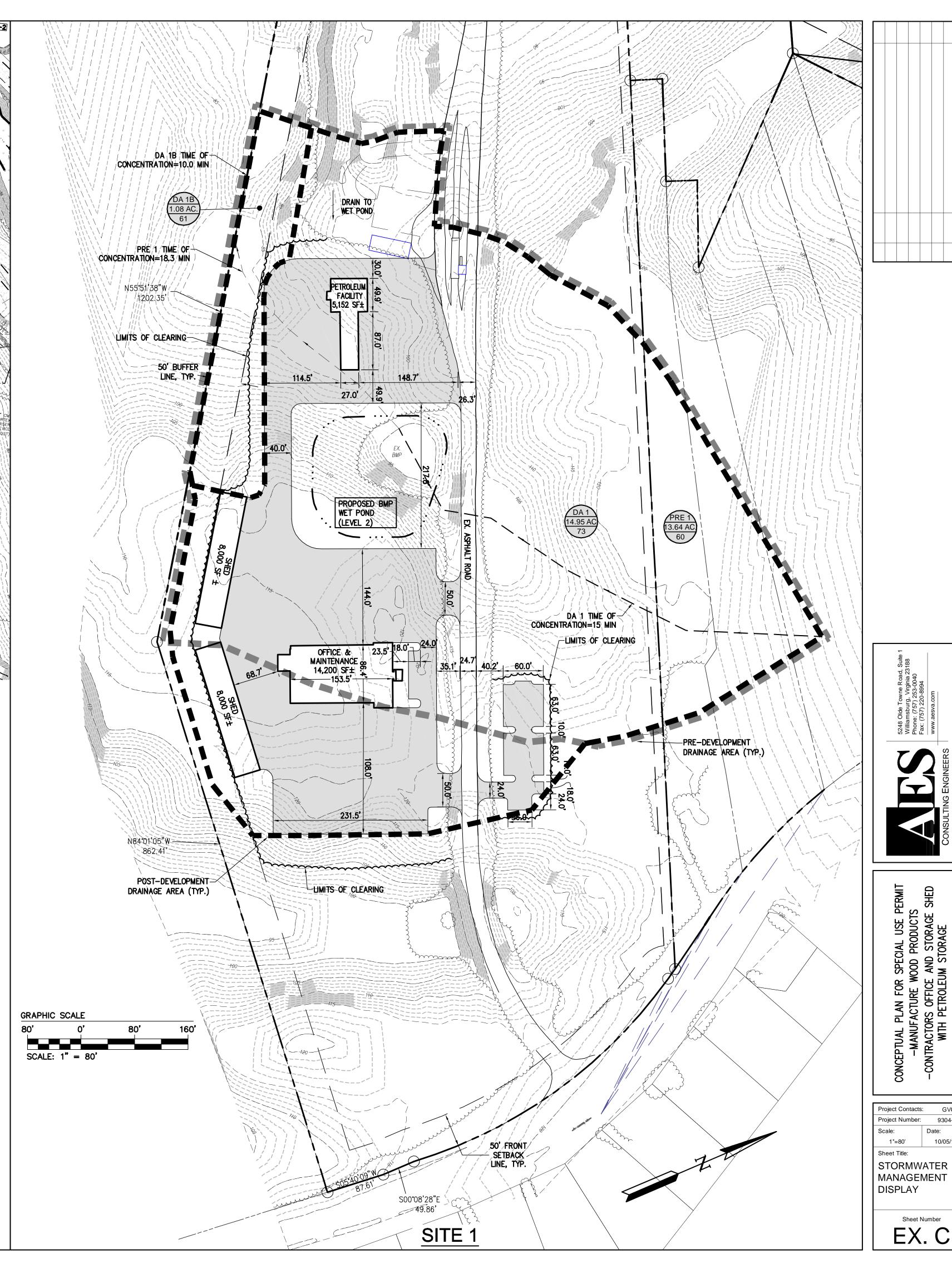
# DA 2 ENERGY BALANCE SUMMARY

DISCHARGE TO NATURAL CHANNEL

Q1-YR-DEVELOPED < I.F. \* [Q1-YR-PRE-DEVELOPED \* RV1-YR-PRE-DEVELOPED]/[RV1-YR-DEVELOPED)

< 0.8 \* 0.77

0.18 < 0.26 (MEETS REQUIREMENTS)



Project Number:

1"=80'

9304-08

10/05/15

Sheet Number

EX. C





# **AGENDA ITEM NO. H.3.**

# **ITEM SUMMARY**

DATE: 9/13/2016

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: ZO-0008-2016, Article 1, Section 24-16, Proffer of Conditions

Zoning Ordinance Amendment to Section 24-16, Proffer of conditions.

# **ATTACHMENTS:**

	Description	Type
D	ZO-0008-2016 Memo	Cover Memo
D	ZO-0008-2016 Ordinance	Ordinance
D	ZO-0008-2016 Ordinance Clean	Backup Material

# **REVIEWERS:**

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	8/29/2016 - 11:25 AM
Publication Management	Burcham, Nan	Approved	8/29/2016 - 11:29 AM
Legal Review	Kinsman, Adam	Approved	8/29/2016 - 11:43 AM
Board Secretary	Fellows, Teresa	Approved	8/29/2016 - 1:01 PM
Board Secretary	Purse, Jason	Approved	9/6/2016 - 8:15 AM
Board Secretary	Fellows, Teresa	Approved	9/6/2016 - 8:21 AM

# MEMORANDUM

DATE: September 13, 2016

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: ZO-0008-2016. Article 1, Section 24-16, Proffer of Conditions

At its regular meeting on June 21, 2016, the James City County Board of Supervisors (the "Board") approved a resolution stating that the County would no longer accept proffers associated with applications for any portion of a rezoning application that included a residential component. In addition, the resolution initiated the amendment of Section 24-16 of the James City County Code to clarify this new position.

At its meeting on August 3, 2016, the Planning Commission voted to recommend approval by a vote of 5-0.

I recommend that the Board approve the attached ordinance amendment.

ARK/ab ZO-8-16-Art1Sec24-16-mem

Attachment

# ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-16, PROFFER OF CONDITIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-16, Proffer of conditions.

Chapter 24. Zoning

Article I. In General

# Sec. 24-16. Proffer of conditions.

The owner or owners of property making application for a change in zoning or amendment to a zoning map, as part of their application, may voluntarily proffer in writing reasonable conditions, prior to a public hearing before the board of supervisors, which shall be in addition to the regulations provided for in the zoning district or zone sought in the rezoning petition. The conditions shall be proffered as a part of the requested rezoning or amendment to the county's zoning map. No proffers shall be submitted or accepted for any new residential rezoning or zoning map amendment, or any new residential component of a multi-use district rezoning or zoning map amendment field after July 1, 2016.

	Michael J. Hipple Chairman, Board of Supervisors			
ATTEST:	VOTES			
		<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
	MCGLENNON			
	LARSON			
Bryan J. Hill	ONIZUK			
Clerk to the Board	SADLER HIPPLE			
	IIII I EE			

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of September, 2016.

Ch24Art1Sec24-16-ord

# ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-16, PROFFER OF CONDITIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-16, Proffer of conditions.

Chapter 24. Zoning

Article I. In General

# Sec. 24-16. Proffer of conditions.

The owner or owners of property making application for a change in zoning or amendment to a zoning map, as part of their application, may voluntarily proffer in writing reasonable conditions, prior to a public hearing before the board of supervisors, which shall be in addition to the regulations provided for in the zoning district or zone sought in the rezoning petition. The conditions shall be proffered as a part of the requested rezoning or amendment to the county's zoning map. No proffers shall be submitted or accepted for any new residential rezoning or zoning map amendment, or any new residential component of a multi-use district rezoning or zoning map amendment field after July 1, 2016.

Ch24Art1Sec24-16-ord-final

# **AGENDA ITEM NO. H.4.**

# **ITEM SUMMARY**

DATE: 9/13/2016

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Ordinance Amendment to Chapter 2, Administration, Section 2-3, Designation

and population of election districts

An Ordinance amendment to change the election cycle of districts from block to staggered terms.

# **ATTACHMENTS:**

	Description	Type
ם	Memorandum	Cover Memo
D	Ordinance	Ordinance
ם	Final Ordinance	Ordinance

# **REVIEWERS:**

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	8/10/2016 - 9:28 AM
Publication Management	Boles, Amy	Approved	8/10/2016 - 10:30 AM
Legal Review	Kinsman, Adam	Approved	8/16/2016 - 11:27 AM
Board Secretary	Fellows, Teresa	Approved	8/22/2016 - 3:03 PM
Board Secretary	Purse, Jason	Approved	9/6/2016 - 8:14 AM
Board Secretary	Fellows, Teresa	Approved	9/6/2016 - 8:20 AM

### MEMORANDUM

DATE: September 13, 2016

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Ordinance Amendment to Chapter 2, Administration, Section 2-3, Designation and

Population of Election Districts

Attached for your consideration is an Ordinance amending County Code Chapter 2, Administration, Section 2-3, Designation and Population of Election Districts. This Ordinance amendment changes the election cycle for districts from quadrennial terms to staggered terms. This amendment was requested by members of the Board at its August 9, 2016 meeting.

ARK/ab OrdAmendCh2Sec2-3-mem

Attachment

ORDINANCE NO.

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

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

# Chapter 2. Administration

# Article II. Magisterial District, Election Districts and Election Precincts

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

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

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

- (b) Quadrennial election cycle Staggered term election cycle by district:
  - 01 Election district, Berkeley, shall hold an election in 2015 and every four years thereafter;
  - 02 Election district, Jamestown, shall hold an election in 2017 for a two-year term and a subsequent election shall be held in 2015, followed by an election every four years thereafter;
  - 03 Election district, Powhatan, shall hold an election in 2017 for a two-year term and a subsequent election shall be held in 2015, followed by an election every four years thereafter;
  - 04 Election district, Stonehouse, shall hold an election in 2015 and every four years thereafter;
  - 05 Election district, Roberts, shall hold an election in 2015 and every four years thereafter.

Ordinance to Amend and Reordain Chapter 2. Administration Page 2

	Michael Chairma	J. Hipple n, Board		visors
ATTEST:		VOTE	•	
		<u>AYE</u>	NAY	<b>ABSTAIN</b>
Bryan J. Hill Clerk to the Board	MCGLENNON LARSON ONIZUK SADLER HIPPLE			
Adopted by the Board of Super 2016.	visors of James City County, Virg	inia, this	13th day	of September

Ch2-Sec2-3-Districts-ord

ORDINANCE NO.
---------------

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

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

# Chapter 2. Administration

# Article II. Magisterial District, Election Districts and Election Precincts

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

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

	Population
	01 Election district, Berkeley
	02 Election district, Jamestown
	03 Election district, Powhatan 13,302
	04 Election district, Stonehouse 13,147
	05 Election district, Roberts
)	Staggered term election cycle by district:
	01 Election district, Berkeley, shall hold an election in 2015 and every four years thereafter;
	02 Election district, Jamestown, shall hold an election in 2017 and every four years thereafter;
	03 Election district, Powhatan, shall hold an election in 2017 and every four years thereafter;
	04 Election district, Stonehouse, shall hold an election in 2015 and every four years thereafter;
	05 Election district, Roberts, shall hold an election in 2015 and every four years thereafter.

Ch2-Sec2-3-Districts-ord-final

(b)

# **AGENDA ITEM NO. H.5.**

# **ITEM SUMMARY**

DATE: 9/13/2016

TO: Board of Supervisors

FROM: Max Hlavin, Assistant County Attorney; Jose Ribeiro, Senior Planner

SUBJECT: Request by owners of property in Gate House Farms to vacate the designation

of "Passive Recreation Area" from a a portion of their property

# **ATTACHMENTS:**

	Description	Type
D	Cover Memo	Cover Memo
D	Ordinance	Ordinance
D	Plat Exhibit	Exhibit
D	Area Map	Backup Material
D	Current Lot Configuration	Backup Material
D	Proposed Lot Configuration	Backup Material
D	Original Plat (highlighted)	Backup Material
D	Letter in Opposition	Backup Material

# **REVIEWERS:**

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	8/29/2016 - 11:24 AM
Publication Management	Burcham, Nan	Approved	8/29/2016 - 11:27 AM
Legal Review	Kinsman, Adam	Approved	8/29/2016 - 11:43 AM
Board Secretary	Fellows, Teresa	Approved	8/29/2016 - 1:01 PM
Board Secretary	Purse, Jason	Approved	9/6/2016 - 8:14 AM
Board Secretary	Fellows, Teresa	Approved	9/6/2016 - 8:21 AM

#### MEMORANDUM

DATE: September 13, 2016

TO: The Board of Supervisors

FROM: Maxwell Hlavin, Assistant County Attorney

Jose Ribeiro, Senior Planner II

SUBJECT: Vacation of Subdivision Designation on a Recorded Plat for a Passive Recreation Area in

Gatehouse Farms

Gatehouse Farms is an established residential development located along Neck-O-Land Road and which is zoned R-1, Limited Residential. In 1979, a plat for 46 single-family lots and a  $\pm 3.2$ -acre parcel designated as "passive recreation area" (Gatehouse Farms Section I), was put to record. Further development of residential sections associated with Gatehouse Farms is no longer possible due to an existing conservation easement held by the county.

A plat proposing the extinguishment and adjustment of property lines between the passive recreation area and three adjacent single-family lots has been submitted for review. The passive recreation area is currently owned by the owners of 111, 121 and 123 Gatehouse Boulevard (Lots 6, 11 and 12). According to a 2004 Quit Claim Deed, ownership of the passive recreation parcel was transferred from SouthTrust Bank to the above-referenced owners in exchange for the payment of all delinquent real estate taxes. Staff has found no evidence that the passive recreation area was ever deeded to a Home Owners Association.

The current owners have requested vacation of the passive recreation area designation so that they can subdivide the recreation area property and absorb certain vacated parcels into their existing properties without the designation. Pursuant to Code of Virginia §15.2-2272, "in cases where any lot has been sold, the plat or part thereof may be vacated ... [by] ordinance of the governing body of the locality in which the land shown on the plat or part thereof to be vacated lies on motion of one of its members or in application of any interested person."

The attached exhibit (Attachment No. 2) identifies the passive recreation area and the areas subject to this vacation request. The exhibit also shows an area of approximately 1.6 acres and an associated 30-foot pedestrian and utility easement which will remain designated as a passive recreation area. Staff notes that the entire area encompassing the passive recreation parcel is located within a Resource Protection Area and a flood plain and therefore development in this area is unlikely.

In April of 2016, AES Engineers, representing the applicants, submitted a letter to all owners within Section I of Gatehouse Farms asking for their support in the completion of the vacation of the passive recreation area. As of June 25, 2016, AES had received 23 responses (19 in support and three not in support of the proposal) and 24 responses were still pending.

Staff notes that the proposed vacation does not create a conflict with past or current Zoning Ordinances or proffers. In 2014, the Board of Supervisors approved a proffer amendment eliminating the need for a recreation lot and comprehensive drainage analysis for the properties behind Gatehouse Farms subdivision (Gilley Property); please note that the recreation lot eliminated via that proffer amendment is not related to the passive recreation area that is the subject of this current request.

Vacation of Subdivision Designation on a Recorded Plat for a Passive Recreation Area in Gatehouse Farms September 13, 2016
Page 2

### MH/JR/ab

RecAreaGateFarms-mem

# Attachments:

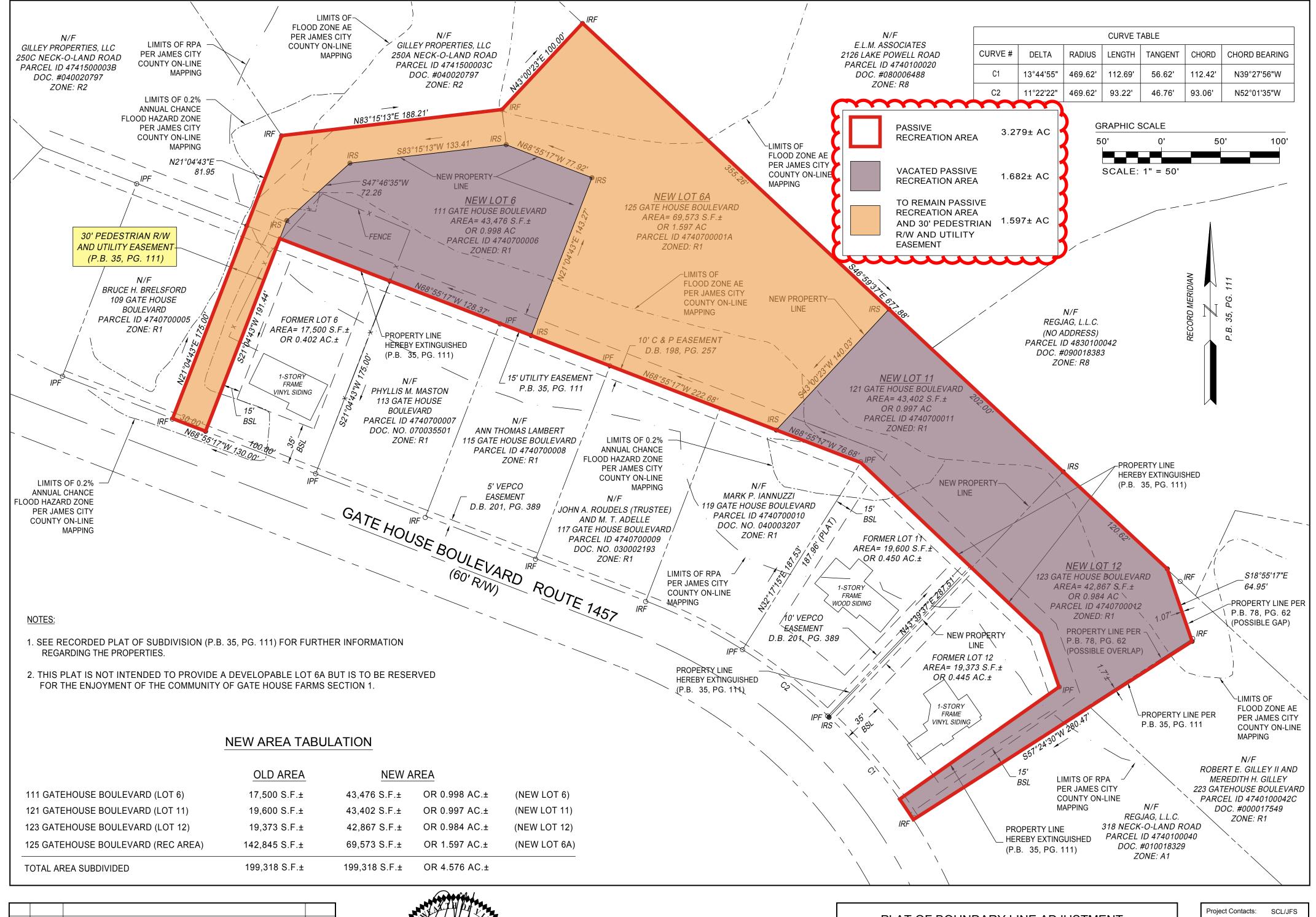
- 1. Ordinance
- 2. Exhibit titled "Plat of Boundary Line Adjustment and Lot Line Extinguishment, lots 6, 11, 12 and the Passive Recreation Area of Gatehouse Farms Section I"
- 3. Location Map
- 4. Location Map showing current configuration of lots 6,11,12 and passive recreation area
- 5. Location Map showing proposed configuration of lots 6, 11, 12 and passive recreation area
- 6. Approved Plat for Gatehouse Farms Section I
- 7. Letter from a Gatehouse Farms resident

AN ORDINANCE TO VACATE A PORTION OF THAT CERTAIN SUBDIVISION PLAT ENTITLED "PLAT OF GATE HOUSE FARMS – SECTION I, UNITED VIRGINIA DEVELOPMENT CORP., ADRIAN D. BAILEY, JR. – PRESIDENT, JAMES CITY COUNTY, VIRGINIA" AND MORE PARTICULARLY DESCRIBED AS THE VACATION OF A PORTION OF THE PASSIVE RECREATION AREA DESIGNATION AT 125 GATE HOUSE BOULEVARD IN GATE HOUSE FARMS.

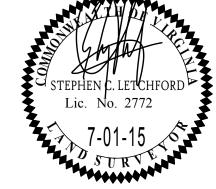
- WHEREAS, Andrew Hill, Clifton F. Guertin, Jr. and Charles Weir (the "Applicants") own a parcel of property located at 125 Gate House Boulevard, further identified as James City County Real Estate Tax Map No. 4740700001A (the "Property"); and
- the Property is designated as passive recreation area on a plat titled "PLAT OF GATE HOUSE FARMS SECTION I, UNITED VIRGINIA DEVELOPMENT CORP., ADRIAN D. BAILEY, JR. PRESIDENT, JAMES CITY COUNTY, VIRGINIA," dated October 1979 and recorded in the Clerk's Office of the Circuit Court of James City County, Virginia as Plat Book 35, page 111 (the "Plat"); and
- WHEREAS, the Applicants have submitted an application to vacate certain lines, words, numbers and symbols on the Plat; and
- WHEREAS, notice that the Board of Supervisors of the County of James City, Virginia, would consider such application has been given pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended; and
- WHEREAS, pursuant to such notice the Board of Supervisors held a public hearing and considered such application on the 13th day of September 2016, and the Board of Supervisors was of the opinion that the vacation would not result in any inconvenience and is in the interest of public welfare.
- NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of the County of James City, Virginia, that a portion of that certain plat of Gatehouse Farms Section I, recorded on November 27, 1979 in the Clerk's Office of the Circuit Court of James City County, Virginia, at Plat Book 35, Page 111, be so vacated as to permit the recordation of a new plat that will serve to remove certain lines, words and symbols, and thereby vacating the designation of "PASSIVE RECREATION AREA" on the above-referenced plat.
- BE IT FURTHER ORDAINED that a new plat entitled "PLAT OF BOUNDARY LINE ADJUSTMENT AND LOT LINE EXTINGUISHMENT, LOTS 6, 11, 12 AND THE PASSIVE RECREATION AREA OF GATE HOUSE FARMS SECTION I, JAMESTOWN DISTRICT, COUNTY OF JAMES CITY, VIRGINIA," prepared by AES Consulting Engineers, and hereby made a part of this ordinance, be put to record in the aforesaid Clerk's Office.

This ordinance shall be in full force and effect	ect from the date of its adoption	n.
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	Michael Chairma			visors
ATTEST:		VOTE	S	
ATTEST.		AYE	NAY	ABSTAIN
	MCGLENNON			
	LARSON			
Bryan J. Hill	ONIZUK			
Clerk to the Board	SADLER			
	HIPPLE			
Adopted by the Board of Sup	ervisors of James City County, Virg	inia, this	13th day	of September
2016.	<i>y y y</i>	,	J	1



2	10-08-15	REVISED LOTS , RECREATION AREA AND CREATED NEW LOT 6A	JFS
1	9-4-15	ADDED HATCHING TO SHOW RECREATION AREA TO REMAIN	JFS
Rev.	Date	Description	Revised By





5248 Olde Towne Road, Suite 1 Williamsburg, Virginia 23188 Phone: (757) 253-0040 Fax: (757) 220-8994 www.aesva.com

Hampton Roads | Central Virginia | Middle Peninsula

PLAT OF BOUNDARY LINE ADJUSTMENT
AND LOT LINE EXTINGUISHMENT
LOTS 6, 11, 12 AND THE PASSIVE RECREATION AREA OF
GATE HOUSE FARMS - SECTION I

Project Number: W10382

Scale: Date: 7/01/15

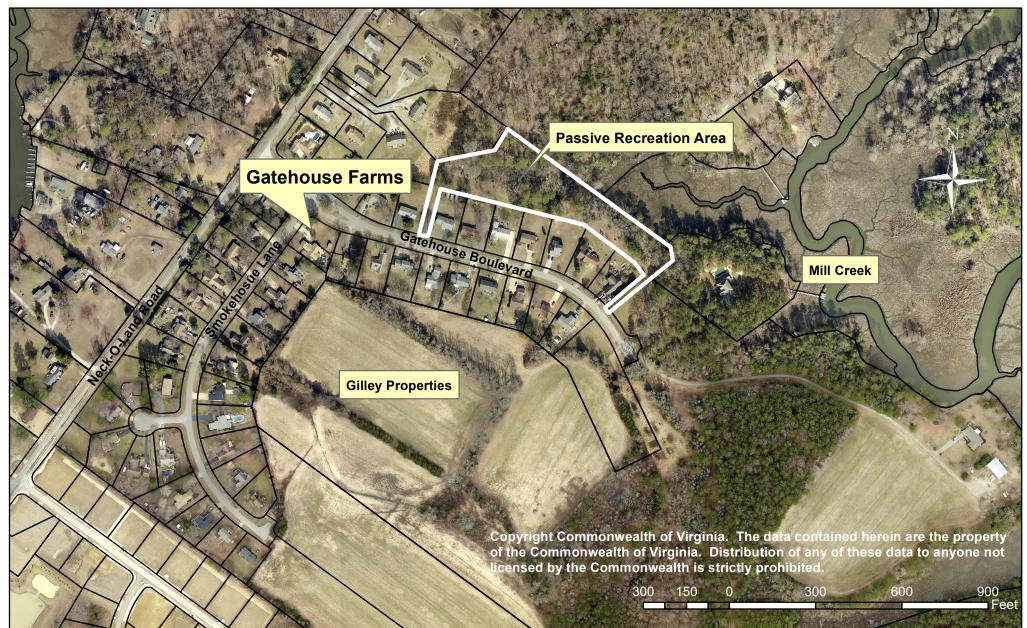
Sheet Number

2 OF 2

JAMESTOWN DISTRICT COUNTY OF JAMES CITY VIRGINIA

# Vacation of Passive Recreation Area in Gatehouse Farms Subdivison





# Current configuration of lots 6, 11, 12 and passive recreation area





# Proposed configuration of lots 6, 11, 12 and passive recreation area





ום שושם מו WECK-O-CAND 1 STATE OF VIRGINIA, WINNES CITY COUNTY (3) (8) 443 04 48 W. AND USE TABULATION ETHERS STANDAY 18 1981 100 2 " gateritany ENGINEERS / SURVEYORS CERTIFICATE 19.50.00,00 IL (3) **(f)** (8) STATE OF VIRSINIA, JAMES CITY COUNTY PL-15-19-04 3 RESTRICTIONS 8-12-89 Small Engineering, Inc. GATE HOUSE FARMS - SECTION Section's UNITED VIRGINIA DEVELOPMENT CORP. S (S) 5P 602 PLAT OF OCTOBER , 1979 100

# HEATH, OVERBEY, VERSER & OLD, P.L.C.

Attorneys and Counselors at Law

LEONARD C. HEATH, JR. SHAWN W. OVERBEY JOSEPH F. VERSER W. HUNTER OLD

Direct Dial No. (757) 243-1461 Email Address: <a href="mailto:lheath@hovplc.com">lheath@hovplc.com</a> The Atrium Building 11832 Rock Landing Drive Suite 201 Newport News, VA 23606

Tel. No.: (757) 599-0734 Fax No.: (757) 599-0735

J. HARRISON POWELL, II

May 13, 2016

RECEIVED

MAY 16 2016

County Attorney

Stephen C. Letchford, LS AES Consulting Engineers 5248 Olde Towne Road, Suite 1 Williamsburg, VA 23188

S-0029-2015, Gatehouse Farms Section 1, Lots 6, 11, 12 and Passive Recreation Area (Boundary Line Extinguishment/Adjustment)

Dear Mr. Letchford:

RE:

I thank you for your letter dated April 25, 2016. My wife and I are the owners of Lot 14, also known as 118 Gate House Blvd. I have not performed an independent title search and am relying simply on the limited documentation and information provided in your letter. However, it appears that your clients have purchased a property that is encumbered with a restrictive covenant or negative easement for a passive recreation area. These types of areas have been recommended in James City County for many years and after a quick search of the internet, I found a document entitled Recommended Model Development Principles for James City County, Virginia that was prepared in November 2004 and funded in part by the U.S. EPA Chesapeake Bay Program, the Peninsula Housing and Builders Association, and others. In that report, the following recommendation is stated:

A portion of open space in new residential developments should be managed in a natural condition. It should be specified how it will be managed (public, private, park, etc.). In higher density zoning districts, open space should consist of a balance between natural areas and passive or active recreation areas.

I note from the plat that you provided that the passive recreation area that your clients purchased apparently has two access points off Gate House Blvd. The first is the west of Lot 12 and the second is between Lots 5 and 6. From the plat, it appears that the lot owners in the neighborhood, for which the passive recreation area was created, should be able to freely walk across this designated area.

I am perplexed as to why anyone would have purchased the lot in the first place given this encumbrance. However, what peaks my curiosity even more, and what is not mentioned in your letter, is why your clients would like to subdivide this passive recreation area. The Parcel simply cannot be developed in any commercially viable fashion. My concern is that the true value of this property, which has been encumbered for the benefit of all of the lot owners in the neighborhood, will be lost if it is subdivided. The pure nature of the passive recreation area is that it should be uniform in how it is

# Heath, Overbey, Verser & Old, P.L.C.

Page 2

controlled and preserved. This uniformity will be lost if there are three separate owners of three separate sections, with three separate agendas.

While your letter suggests that the neighbors should discuss the plan with your staff at AES, or other neighbors, the letter does not recommend what everyone really should do and that is consult with their lawyers about the legal significance of the passive recreation area restrictive covenant/negative easement and the true impact that subdividing this area might have.

For all of these reasons, I would object to any effort to subdivide the lot encumbered with the passive recreation restrictive covenant/negative easement. I have enclosed your form so indicating this objection and I am also providing a copy of this letter to the Board of Supervisors and Mr. Adam Kinsman, James City County Attorney.

Respectfully,

Learnerd C. Heath gr. Itmr

Leonard C. Heath, Jr.

LCH:tmr Enclosure

cc: Board of Supervisors

Adam Kinsman, Esq., James City County Attorney V

# To the James City County, Board of Supervisors

	I Listard C. Italy a current owner of 1 Gatehouse Farms Section I community;	18 Gale Maise Blad, being part of the
	I have no personal issue with, or wish to block the proportion of the Charles Wier or Mr. Andrew Hills legally acquired proper Area, on that plat by Small Engineering, Inc, recorded in Planta Charles Wier or Mr. Andrew Hills legally acquired proper Area, on that plat by Small Engineering, Inc, recorded in Planta Charles Wier or Mr. Andrew Hills legally acquired property and the property of the p	ty, formerly referred to as Passive Recreation
X	I would like express my desire NOT to allow my neight property referred to as Passive Recreation Area, on that pla Book 35 at Page 111	pors to legally subdivide their portion of the at by Small Engineering, Inc, recorded in Plat
	he cof	5/in/40/4
	Signature	Date
11.5	Signature	Date

# **AGENDA ITEM NO. I.1.**

# **ITEM SUMMARY**

DATE: 9/13/2016

TO: The Board of Supervisors

FROM: Grace A. Boone, Assistant General Services Director

SUBJECT: Contract Award/Contingency Transfer - Palmer Lane Office Building 1

Alterations

# **ATTACHMENTS:**

Description Type

Memorandum Cover Memo
Resolution Resolution

# **REVIEWERS:**

Department	Reviewer	Action	Date
General Services	Boone, Grace	Approved	8/26/2016 - 1:53 PM
Publication Management	Burcham, Nan	Approved	8/26/2016 - 1:59 PM
Legal Review	Kinsman, Adam	Approved	8/29/2016 - 11:21 AM
Board Secretary	Mellen, Sue	Approved	8/31/2016 - 11:55 AM
Board Secretary	Purse, Jason	Approved	9/6/2016 - 8:14 AM
Board Secretary	Fellows, Teresa	Approved	9/6/2016 - 8:20 AM

#### MEMORANDUM

DATE: September 13, 2016

TO: The Board of Supervisors

FROM: Grace A. Boone, Assistant Director of General Services

SUBJECT: Contract Award/Contingency Transfer - Palmer Lane Office Building 1 Alterations -

\$158,793

This project consists of alterations to Palmer Lane Building 1 located at 5300 Palmer Lane. Palmer Lane Building 1 is approximately 5,002 square feet.

Palmer Lane Building 1 will be renovated for use as the Voter Registration Building. The work under this project consists of the minor demolition of existing walls. The new work will include a platform lift for accessibility to the second floor, exterior door opening, replacement of floor finishes, painting and electrical work necessary for alterations.

The two firms listed below submitted bids for the renovation work. David A. Nice Builders, Inc. was the lowest responsive and responsible bidder in the amount of \$158,793.

<u>Firm</u>	<u>Amount</u>
Conrad Brothers of Virginia, Inc.	\$271,000
David A. Nice Builders, Inc.	\$158,793

The current funding for this project is \$143,000; however, the total budget need for this project is \$183,000. The Department of General Services is requesting \$40,000 be transferred from Contingency to the Facilities Maintenance Building Improvement account.

Staff recommends approval of the attached resolution that awards the contract to David A. Nice Builders, Inc. and approves the transfer of funds.

GAB/ab CA-PalmerLnBld1-mem

Attachment

# **RESOLUTION**

# <u>CONTRACT AWARD/CONTINGENCY TRANSFER – PALMER LANE</u>

# **BUILDING 1 ALTERATIONS - \$158,793**

WHEREAS,	the James City County Department of Ger Palmer Lane Building 1 renovation locate			•	e bid for the	
WHEREAS,	S, two bids were submitted and David A. Nice Builders, Inc. was the lowest responsive and responsible bidder; and					
WHEREAS,	, previously authorized budget funds of \$143,000 are available to partially fund this project; and					
WHEREAS,	the total budget need for this project is \$1	83,000; and				
WHEREAS,	staff recommends that \$40,000 be trae Maintenance Building Improvement according		ntingenc	y to th	e Facilities	
NOW, THER	NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the contract award to David A. Nice Builders, Inc. in the amount of \$158,793, as well as the Contingency transfer of \$40,000 for the Palmer Lane Building 1.					
		Michael J. Hippl				
		Chairman, Board		rvisors		
ATTEST:	I	MCGLENNON LARSON	VOTES AYE	NAY	ABSTAIN	
Bryan J. Hill	S	ONIZUK SADLER				
Clerk to the E	Board H	HIPPLE				
September, 20	Adopted by the Board of Supervisors of 016.	James City Count	y, Virgin	ia, this	13th day of	
CA-PalmerLr	nBld1-res					

# **AGENDA ITEM NO. I.2.**

# **ITEM SUMMARY**

DATE: 9/13/2016

TO: The Board of Supervisors

FROM: Russell C. Seymour, OED Director & EDA Secretary

SUBJECT: Approval of EDA Revenue Bond Issuance for the benefit of Virginia United

Methodist Homes of Williamsburg, Inc. (dba WindsorMeade)

# **ATTACHMENTS:**

	Description	Type
۵	Memorandum	Cover Memo
D	Resolution	Resolution
D	Application to the EDA	Exhibit
D	TEFRA Package	Exhibit

# **REVIEWERS:**

Department	Reviewer	Action	Date
Economic Development	Seymour, Russell	Approved	9/1/2016 - 8:31 AM
Publication Management	Colonna, Tina	Approved	9/1/2016 - 8:43 AM
Legal Review	Kinsman, Adam	Approved	9/1/2016 - 8:55 AM
Board Secretary	Fellows, Teresa	Approved	9/1/2016 - 8:56 AM
Board Secretary	Purse, Jason	Approved	9/6/2016 - 8:13 AM
Board Secretary	Fellows, Teresa	Approved	9/6/2016 - 8:19 AM

#### MEMORANDUM

DATE: September 13, 2016

TO: The Board of Supervisors

FROM: Russell C. Seymour, Office of Economic Development Director and Secretary to the

**Economic Development Authority** 

SUBJECT: Approval of Economic Development Authority Revenue Bond Issuance for the Benefit of

Virginia United Methodist Homes of Williamsburg, Inc. (dba WindsorMeade)

Mr. David Richardson, of McGuire Woods and on behalf of Virginia United Methodist Homes of Williamsburg, Inc. (dba WindsorMeade) (the "Borrower"), has requested that the Economic Development Authority of the County of James City (the "Authority") consider and approve the attached financing application for tax-exempt financing.

The Borrower proposes the issuance of one or more series of the Authority's revenue bonds (the "Bonds") for the purpose of assisting the Borrower: 1) to finance costs associated with the renovation and expansion of the health center facility for the Borrower's 460,276-square-foot continuing care retirement community (the "Community"), located on an approximately 106-acre tract of land at 3975 WindsorMeade Way, which is at the intersection of Monticello Avenue and WindsorMeade Way in James City County, Virginia; and 2) to finance costs related to a debt service reserve fund, costs of issuance, working capital, routine capital expenditures of the Community and other expenses in connection with the issuance of the Bonds (collectively, the "Project").

Subsequent to the Authority holding a public hearing at its August 11, 2016 meeting, and its approval of the Borrower's application, the Borrower respectively requests the that Board approve the Plan of Finance and the issuance of the Bonds in conformity with the Code of Virginia and the Internal Revenue Code.

RCS/nb WindsorMeadeBond-mem

# Attachments:

- 1. Resolution
- 2. Bond Financing Application to the EDA
- 3. TEFRA Package

#### **RESOLUTION**

# OF THE BOARD OF SUPERVISORS OF

### **JAMES CITY COUNTY, VIRGINIA**

- WHEREAS, the Economic Development Authority of James City County, Virginia (the "Authority") has approved the application of Virginia United Methodist Homes of Williamsburg, Inc. (the "Borrower"), a nonstock, not-for-profit Virginia corporation, requesting that the Authority issue up to \$7,000,000 of its revenue bonds in one or more series at one time or from time to time (the "Bonds") to provide funds to the Borrower:
  - to finance costs associated with the renovation and expansion of the health center facility for the Borrower's 460,276-square-foot continuing care retirement community (the "Community"), located on an approximately 106-acre tract of land at 3975 WindsorMeade Way, which is at the intersection of Monticello Avenue and WindsorMeade Way in James City County, Virginia, and
  - 2) to finance costs related to a debt service reserve fund, costs of issuance, working capital, routine capital expenditures of the Community and other expenses in connection with the issuance of the Bonds (collectively, the "Plan of Finance"); and
- WHEREAS, on August 11, 2016, the Authority held a public hearing regarding the Plan of Finance; and
- WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds and Section 15.2-4906 of the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended ("Act") sets forth the procedure for such approval; and
- WHEREAS, the Authority issues its bonds on behalf of James City County, Virginia (the "County"), the facilities to be financed and refinanced with the proceeds of the Bonds are located in the County and the Board of Supervisors of James City County, Virginia (the "Board"), constitutes the highest elected governmental unit of the County; and
- WHEREAS, the Authority has recommended that the County approve the Plan of Finance and the issuance of the Bonds; and
- WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia that:

- 1) The Board approves the issuance of the Bonds, in an aggregate principal amount up to \$7,000,000 by the Authority for the benefit of the Borrower, solely to the extent required by Section 147(f) of the Code and Section 15.2-4906 of the Act, to permit the Authority to assist in accomplishing the Plan of Finance.
- 2) The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Plan of Finance or the Borrower. In accordance with Section 15.2-4909 of the Act, the Bonds shall not be deemed to constitute a debt or a pledge of the faith and credit or taxing power of the Commonwealth or any political subdivision thereof, including the Authority and the County.
- 3) This resolution shall take effect immediately upon its adoption.

	Michael J. Hipp Chairman, Boa		ervisors	
ATTEST:		VOTE <u>AYE</u>		ABSTAIN
1111251.	MCGLENNON	<u>AIE</u>	<u>INA I</u>	<u>ADSTAIN</u>
D 1 17''	LARSON ONIZUK			
Bryan J. Hill Clerk to the Board	SADLER HIPPLE			

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of September, 2016.

EDAWMeadeBonds-res

#### ECONOMIC DEVELOPMENT AUTHORITY OF THE COUNTY OF JAMES CITY

# APPLICATION STATEMENT

# A. <u>APPLICANT</u>:

1. Legal name of applicant and state of incorporation:

Virginia United Methodist Homes of Williamsburg, Inc. dba WindsorMeade of Williamsburg

2. Address and location of principal office:

5101 Cox Road; Suite 225; Glen Allen, VA 23060

3. Telephone number:

804-474-8700

4. Names and address of officers:

Christopher P. Henderson, President 5101 Cox Road; Suite 225 Glen Allen VA 23060

Thomas R. Harrison, Jr., Chairman 5101 Cox Road; Suite 225 Glen Allen VA 23060

5. To whom correspondence should be directed:

Christopher P. Henderson, President

6. Name and address of counsel for applicant:

### **Bond Counsel:**

David Richardson II, Esq. McGuire Woods Gateway Plaza 800 East Canal Street Richmond, VA 23219-3916

# General Counsel:

Thomas Cooper, Esq. Kane, Jefferies, Cooper & Carollo, LLP 1700 Bayberry Court; Suite 103 Henrico, VA 23226-3762 7. Indicate name, state of incorporation and relationship of all direct or indirect parent companies of applicant.

Virginia United Methodist Homes, Inc. (incorporated in the Commonwealth of Virginia) is the sole member of WindsorMeade

- B. STATEMENT OF BENEFITS TO JAMES CITY COUNTY AND THE COMMONWEALTH OF VIRGINIA FROM THIS PROJECT:
  - 1. State what new employment opportunities will be created as a result of this project, including number, types of jobs and estimated payroll.

WindsorMeade will be expanding and renovating health services to create a more homelike environment. The expansion will add ten new private nursing residents, and create a new eighteen assisted living based memory support household. This expansion will create the following new jobs and estimated payroll for the County:

Job Title	Number of FTEs	Estimated Payroll June 2017
LPNs	4.2	\$ 259,000
CNAs	11.2	368,895
Maintenance Worker	0.5	20,755
Driver	0.5	17,407
Custodian	0.50	14,220
Laundry Worker	0.20	6,224

2. Estimate all local taxes by type and amount projected to be paid to James City County as a result of this project.

Estimated construction costs are \$5,285,240. That figure divided by 100 and multiplied by WindsorMeade's tax rate of \$0.84 = \$44,396.

3. Specifically, state other potential benefits which will accrue to the inhabitants of James City County and the State of Virginia, including economic, social, or other non-monetary benefits.

The expansion has been designed with the following goals:

- Expand the size of the Health Center to better meet actuarially projected demand for health services from WindsorMeade's independent living residents as the age and their care needs increase
- In conjunction with WindsorMeade's "Person First" initiative, provide health care services in a true household setting that supports resident dignity and choice.
- Provide dedicated memory care facilities and enhanced programming for residents.

# C. IDENTIFICATION AND DESCRIPTION OF PROPOSED PROJECT:

1. General location of proposed project in County.

3900 Windsor Hall Drive; Williamsburg, VA 23188 This is off Monticello Avenue near New Town

2. Describe the type of facility which you are applying for financing. What manufacturing or other processes will be conducted at the project?

Life Plan Community (formerly called Continuing Care Retirement Community)

3. Are you applying for pollution control bonds? If so, please state the types of pollution generated by your facility and briefly describe the type of equipment which you propose to meet your pollution problems.

No

- 4. Describe the proposed arrangement to finance the cost of construction or acquisition of the project. Briefly detail a projected time schedule.
  - Bank Tax Exempt Financing
  - Construction to begin July 25, 2016
  - Construction to end June 19, 2017
- 5. If the applicant non-owns the project site, indicate: N/A
  - (a) Date of purchase
  - (b) Purchase price
  - (c) Balance of existing mortgage
  - (d) Holder of mortgage
- 6. If the applicant is not the owner of the project site, does the applicant have an option to purchase the site and any buildings on the site? If yes, indicate: N/A
  - (a) Date option agreement signed with owner
  - (b) Purchase price under option
  - (c) Expiration date of option

- 7. Has the applicant entered into a contract to purchase the site? If yes, indicate: N/A
  - (a) Date signed
  - (b) Purchase price
  - (c) Settlement date
- 8. Present owner of the site of the project, and the relationship between the present legal owner and the applicant.

# N/A Virginia United Methodist Homes of Williamsburg, Inc. owns the site

- 9. If pollution control bonds are issued, please indicate: N/A
  - (a) Whether the total project is designed for any significant purpose other than the control of pollution, i.e., does the project result in an increase in production or capacity, or in a material extension of the useful life of a manufacturing or production facility or a part thereof.
  - (b) Estimated incremental cost of the project if the project is for the purpose of controlling pollution and for a significant purpose other than controlling pollution.
- 10. Status of plans for the project. Please indicate architect, engineer, general contractor and major subcontractors.

WindsorMeade will be expanding and renovating health services to create a more homelike environment. The expansion will add ten new private nursing residents, and create a new eighteen assisted living based memory support household

Architect: SFCS Architects
General Contract – W.M. Jordan
Owners Representative – Steve Schmitt
Financial Consultant – Sawgrass Partners
IPA (Integrated Pre-feasibility Analysis) Process - ActionPact

1.1	. Has	construction work on this			
	(a)	Site clearance	yes	_ no	% complete
	(b)	Foundation	yes	no	% complete
	(c)	Footings	yes	_ no	% complete
	(d)	Steel	yes	_ no	% complete
	(e)	Masonry work	yes	no	% complete
	(f)	Other (describe below)	yes	_ no	% complete
12		principal items or categor  Curniture, fixtures and e		to be acqui	red as part of the project.
		Turniture, fixtures and e	quipment:		
			quipment:		d? If yes, indicate: <b>No</b>
		any of the above equipme	quipment: ent been ordered of Date ordered	or purchase	d? If yes, indicate: <b>No</b>
		Turniture, fixtures and earns of the above equipments	quipment: ent been ordered of Date ordered	or purchase	d? If yes, indicate: <b>No</b>
		any of the above equipments	quipment: ent been ordered of  Date ordered	or purchase	d? If yes, indicate: <b>No</b>
		any of the above equipments	quipment: ent been ordered of  Date ordered	or purchase	d? If yes, indicate: <b>No</b>

14. State the proposed uses of bond proceeds.

# **Description of Cost**

Land	\$ <u>0</u>
Buildings	5,388,000
Equipment	451,000
Architecture/Engineering	1,021,000
Interest during construction Bond discount	<u>0</u>
Costs of financing	140,000
Other (please explain)	
Face amount of issue	\$ 7,000,000

- 15. Have any of the above expenditures already been made by the applicant? If yes, indicate particulars:
  - Architect/Engineering Fees of \$735,000
- 16. Have any of the above expenditures been incurred but not paid by the applicant? If yes, indicate particulars:
  - No
- 17. Are costs of working capital, moving expenses, work in process, or stock in trade included in the proposed uses of bond proceeds?
  - N/A
- 18. Will any of the funds to be borrowed through the Authority be used to repay or refinance an existing mortgage or outstanding loan?
  - No
- 19. If any space in the project is to be leased to third parties, indicate total square footage of the project, amount to be leased to each tenant, and proposed use by each tenant.
  - No

20. Type and amount of outstanding bonds. State the type and amount of outstanding bonds or other obligations, if any, on the present facilities or any other facilities of the applicant. Include the amount of annual payments required and the year when the bonds will be paid off.

	Stated	Effective	Maturity		Original Issue
Bond Issue	Interest Rate	Interest Rate	Date	Par Value	Discount
2013A – Senior Bonds	6%	7%	6/1/2043	\$30,000,160	\$3,741,730
2013A – Subordinate Bonds	2%	12%	6/1/2048	9,703,660	9,387,677
2013B – Senior Bonds	6%	5.50%-7.00%	6/1/2042	6,500,000	480,777
2013C – Senior Bonds	4%	5.98%-7.87%	6/1/2028	2,000,000	500,165

• Annual payments will differ each year, but current maximum annual debt service is \$3,065,000.

# 21. Brief description of existing facilities:

- (a) Describe the location and type of existing facilities (including, if applicable, pollution abatement equipment now provided, its design, capacity, and year constructed.) Indicate if the existing facilities are to be abandoned or will continue in use as part of the proposed new facility.
  - WindsorMeade is located in James City County, specifically at 3900 Windsor Hall Drive, Williamsburg, VA 23188.
  - WindsorMeade is a Life Plan Community (formerly Continuing Care Retirement Community)
  - Pollution abatement equipment is N/A
  - Existing facilities will continue to be used
- (b) Estimated first year annual operation and maintenance cost of any existing facility and the proposed facility.
  - Existing facility annual operations = \$13,615,926
  - Proposed facility annual operations = \$1,000,000
- (c) Age and condition of existing buildings, if any improvements included within this project are to be made thereto, and whether owned in fee or leased.
  - Age of existing community is approximately 8 years.
  - Routine capital is expected and nothing within this project.

- 22. Will the construction, occupation, operation or use of the project involve the creation of any pollutants or other emissions, or the use or manufacture of any toxic or hazardous substances? Will operation of the project involve consumption or use of large amounts of electricity, water, gas or other services as products customarily furnished by utilities? Will construction or operation of the project have any impact upon local businesses or residents, such as emission of odors, traffic in and out of the project, or storage of large amounts of materials at the project site? Please provide particulars.
  - No

# D. FINANCIAL:

- 1. Future financing plans other than this project.
  - There are currently no other future financing plans for this project.
- 2. Description of present debt, guaranty, long term contracts, prior liens, and other contingent liabilities.
  - WindsorMeade's liabilities consist of the following:
    - Normal accounts payable items, resident refunds owed, bonds, future refundable fees of independent living residents, and deferred revenue from the non-refundable portion of entrance fees.
- 3. Proposed immediate and long term capital expenditures.
  - WindsorMeade has budgeted \$6.7M in capital expenses over the next five years.
- 4. Commercial banking connections and for how long a period.
- WindsorMeade has had a banking relationship with Union Bank since 2005, BB&T since 2013, and is beginning a relationship with SunTrust Bank effective July 2016.

- 5. Attach to application the following financial statements for each of the preceding three (3) years (does not include personal financial statement).
  - (a) Statement of financial condition.
  - (b) Profit and loss statement.
  - (c) Statement of surplus.

If the applicant is a new or recently formed business entity, without recent financial statements, the applicant should furnish the financial information required by the application for each principal shareholder, partner or other principal of the applicant. If the applicant is a subsidiary corporation without its own financial statements, financial statements of the parent corporation or consolidated financial statements may be submitted in lieu of financial statements for the applicant. If the obligations of the applicant will be guaranteed by any person or business entity, then financial statements of such guarantor should also be included with the application. Pro forma financial statements, if available, should be submitted with the application. Since this application will become a part of the public records of the Authority, in the event the applicant does not desire financial records not otherwise available to the public to be included in the public record, please so indicate so such records may be returned to the applicant.

6. Has the applicant, any proposed guarantor, or any of their principal partners or shareholders ever declared bankruptcy or been involved in any bankruptcy or insolvency proceeding, whether voluntary or involuntary? If so, describe particulars.

# The Restructuring:

WindsorMeade recently emerged form a voluntary Chapter 11 reorganization, resulting in significant debt reduction, and improving WindsorMeade's financial and business models. The restricting was completed in only 92 days – a testament to collaboration among all stakeholders, who shared a desire to protect residents' interest and quickly restore WindsorMeade to financial stability.

# Introduction:

In fall 2012, WindsorMeade began the process of restructuring its debt obligations due to resident occupancy challenges caused by the 2008 economic and housing market collapse. In February 2013, WindsorMeade reached an agreement with a majority of its secured creditors to restructure and refinance its existing debt obligations by May 31, 2013 ("the Restructuring"). To implement the Restructuring, WindsorMeade pursued a voluntary Chapter 11 reorganization proceeding on March 1, 2013 with the U.S. Bankruptcy Court for the Eastern District of Virginia, Richmond Division (the "Court") and filing with the Court a Chapter 11 plan of reorganization (the "Plan"). The Plan was approved by an overwhelming majority of affected creditors and confirmed by the Court. Pursuant to orders entered on May 16, 2013 and May 30, 2013, the financial transactions provided for in the Plan were closed on May 31, 2013. On September 20, 2013, the Court entered its Final Decree, closing the bankruptcy case.

# Financial Restructuring:

As a result of the Restructuring, WindsorMeade's prior senior debt (\$61.7 million) was reduced to below \$39 million, with payments spread over 30 years. Subordinated debt of \$9.7 million was also issued. In total, almost \$38 million of debt was eliminated. During the Restructuring, WindsorMeade and its advisers engaged in extensive financial analysis, leading to eh development of business plans and financial models suited to the post-recession economy from which the Plan was developed.

# WindsorMeade Capital Structure:

The following table outlines the current debt outstanding of WindsorMeade:

	Stated	Maturity	
Bond Issue	Interest Rate	Date	Par Value
2013A – Senior Bonds	6%	6/1/2043	\$30,000,160
2013A – Subordinate Bonds <sup>1</sup>	2%	6/1/2048	9,703,660
2013B – Senior Bonds	6%	6/1/2042	6,500,000
2013C – Senior Bonds	4%	6/1/2028	2,000,000

<sup>1</sup>Principal and interest payments on the Series 2013A Subordinate Bonds will not be in fixed amounts but will be entirely dependent upon the amount of WindsorMeade's Excess Funds. Interest on the Series 2013A Subordinate Bonds is due and payable each October 1, in an amount equal to Excess Funds. From October 1, 2014 until October 1, 2027, to the extent WindsorMeade does not have sufficient Excess Funds to pay accrued interest on the Series 2013A Subordinate Bonds for the applicable interest accrual period, accrued and unpaid interest accretes into the principal amount of the Series 2013A Subordinate Bonds. Commencing October 1, 2021 and each October 1 thereafter until maturity, interest and principal on the Series 2013A Subordinate Bonds is due and payable in an amount equal to Excess Funds. After the accretion period ends on June 1, 2027, to the extent WindsorMeade

does not have an obligation to make loan payments, interest on the Series 2013A Subordinate Bonds shall be deferred to the following October 1, and such interest shall bear interest until paid at the same rate set forth in the Series 2013A Subordinate Bond Indenture. If the Series 2013A Subordinate Bonds have not already been paid or redeemed in full, the final payment made on the Series 2013A Subordinate Bonds will be in the amount of the final payment on the Subordinate Bonds, which states on October 1, 2048, the entire outstanding and unpaid principal and accrued interest thereon, unless sooner prepaid, shall be due and payable.

On July 14, 2016, WindsorMeade entered into an Amendment to the Loan Agreement with bondholders stating WindsorMeade would pay the annual interest on the Series 2013A Subordinate Bonds from 2016 – 2025. In return the bondholders agree to not measure the debt service coverage ratio under the fiscal quarter ending August 31, 2020.

Additionally, WindsorMeade has a revolving loan agreement with VUMH in a principal amount up to \$5,600,000 (the "Revolver"). The term of the Revolver will end on May 31, 2023. Any monies advanced under the revolver will bear interest at 4.00%. WindsorMeade is required to make quarterly interest installments on advances under the Revolver on each March, 1, June 1, September 1 and December 1, commencing with the first day of the first quarter following a first advance. WindsorMeade is required to make quarterly principal payments on amounts advanced under the revolver, but only to the extent that they amount of such payments will not cause WindsorMeade's Days' Cash on Hand to go lower than 120 Days'. As of May 31, 2016, no monies have been drawn under the revolver.

# Conclusion:

With the Restructuring, WindsorMeade has removed almost \$38 million of debt from its balance sheet, allowing it to move forward under a rigorously tested business/financial model geared to the new economy. WindsorMeade will enjoy the liquidity support of a revolving credit facility up to \$5.6 million provide by Virginia United Methodist Homes, Inc

To date WindsorMeade's operations have outperformed the projections developed as part of the plan of reorganization. Overall occupancy for the community has improved significantly since the Restructuring and as of May 31, 2016 174 of 181 (96.1%) of the Independent Living Units were occupied.

- 7. Has any underwriter, broker or investment banker been retained by applicant in connection with this proposed bond issue? If so, who?
  - Tommy Brewer (Ziegler) and Aaron Rulnick (HJ Sims) are the lead investment bankers for this financing and will be assisted by Adam Garcia (Ziegler).
- 8. Please indicate the person or institution to whom the bonds will be sold or any persons or institutions which have indicated an interest in purchasing the bonds.
  - This is a Direct bank purchase of tax exempt bonds (non-bank qualified). SunTrust is the provider.

# E. MISCELLANEOUS:

- 1. Is the applicant or any major shareholder or partner presently involved in any litigation, investigation or proceeding? If so, please describe.
  - No
- 2. Is the applicant or any major shareholder or partner of the applicant, or any other person working for the applicant in this proposed financing subject to any order, decree or judgment of any court or administrative or other governmental agency or body? If so, please describe.
  - No
- 3. Is the applicant, or any of its shareholders or partners, or any guarantor, or any other person representing applicant in connection with this proposed financing, involved in any investigation, litigation or proceeding relating to the issuance or sale of securities or any applicable banking laws or regulations? Have any of the foregoing persons ever been involved in any such investigation, litigation or proceeding? If so, please describe details in full.
  - No
- 4. Is the applicant subject to regulation (other than in the ordinary course of business) by any Federal or State administrative agencies or bodies? If so, please provide details.
  - Life Plan Community's or Continuing Care Retirement Communities are regulated by the Bureau of Insurance at the Virginia State Corporation Commission
  - Assisted Living is regulated by the Department of Social Services
  - Health Center is regulated by the Department of Health

# F. AGREEMENT:

To induce the Economic Development Authority of the County of James City to consider this application, it is understood and agreed by the applicant:

- 1. To pay all cost and expenses incurred in connection with this applicant, either from the proceeds of Industrial Revenue Bonds which might be approved for the project by the Authority or in the event such assistance is not approved or forthcoming, to pay all cost and expenses from its own resources.
- 2. To pay in addition to all cost and expenses, a nonrefundable applicant fee to the Authority of \$400.00, to be paid at the time of submittal of this application.
- 3. To pay in addition to all costs, expenses and an application fee, a closing fee to the Authority of \$1,000.00. Such closing fee is to be paid at the closing of the bond transaction.
- 4. To pay in addition to all costs, expenses application fee, and a closing fee, an administrative fee of either (check one):
  - X  $\frac{1}{2}$  of 1% of the bond amount up to \$5 million, plus  $\frac{1}{10}$  of 1% of the bond amount over \$5 million, with a total minimum fee of \$1,250, said fee to be paid at closing; or
  - \_\_\_\_\_\_1/8 of 1% of the declining principle bond balance annually at the end of each calendar year for the life of the bond, said fee to be guaranteed by a binding promissory note at closing.

Administrative fees may be included in the bond issue.

- 5. To comply with the Authority's Rules and Procedures, a copy of which has been received by the applicant.
- 6. That all statements and information furnished with this application or on supporting papers are true and correct to its best knowledge and belief.
- 7. To advise the Authority in writing immediately of any material changes to the information contained in this application.
- 8. That it understands the conditions of this application, and that there is no guarantee of approval of this application by the Authority.

This application is approved and submitted by <u>Christopher P. Henderson</u> (Authorized Agent) of the <u>Virginia United Methodist Homes of Williamsburg, Inc.</u> (Official Name of Applicant) on this <u>22</u> day of <u>June</u>, 2016

WITNESS:

Kevin L. Salminen by its Chief Financial Officer DATE:7/22/2016

# FISCAL IMPACT STATEMENT FOR PROPOSED INDUSTRIAL REVENUE BOND FINANCING

Date: July 22, 2016

To the Board of Supervisors of James City County, Virginia

Name of Applicant: Virginia United Methodist Homes of Williamsburg, Inc. Facility: Refinancing of the acquisition, construction and equipping of the new continuing care retirement community

1.	Max	cimum amount of financing sought	\$	7,000,000
2.		mated taxable value of the facility's real property to be structed in the municipality	\$	5,700,000
3.	Esti	mated real property tax per year using present tax rates	\$_	47,880
4.	Estin tax 1	mated personal property tax per year using present rates	\$_	5,000
5.	Estitax 1	mated merchants' capital tax per year using present rates	\$_	0
6.	(a)	Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality	\$_	87,000
	(b)	Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality	\$_	2,250,700
	(c)	Estimated dollar value per year of services that will be purchased from Virginia companies within the locality	\$_	120,300
	(d)	Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality	\$_	3,135,700
7.	Esti	mated number of regular employees on year round basis		160
8.	Ave	rage annual salary per employee	\$_	55,000
		Chairman Fee		omic Development
		Chairman, Lo		TITLE TO A LATO DITTALL

Authority of James City County, Virginia

If one or more of the above questions do not apply to the facility indicate by writing N/A (not applicable) on the appropriate line.

Apply-1.doc

# August 11, 2016

Board of Supervisors of James City County, Virginia 101 Mounts Bay Road Williamsburg, Virginia 23185

# Economic Development Authority of James City County, Virginia Proposed Financing for Virginia United Methodist Homes of Williamsburg, Inc.

Virginia United Methodist Homes of Williamsburg, Inc. (the "Borrower"), a nonstock, not-for-profit Virginia corporation, whose principal place of business is 3975 WindsorMeade Way, James City County, Virginia, has requested that the Economic Development Authority of James City County, Virginia (the "Authority"), issue up to \$7,000,000 of its revenue bonds, in one or more series at one time or from time to time (the "Bonds"), the proceeds of which will be loaned to the Borrower:

- (1) to finance costs associated with the renovation and expansion of the health center facility for the Borrower's 460,276 square foot continuing care retirement community (the "Community"), located on an approximately 106-acre tract of land at 3975 WindsorMeade Way, which is at the intersection of Monticello and WindsorMeade Way in James City County, Virginia, and
- (2) to finance costs related to a debt service reserve fund, costs of issuance, working capital, routine capital expenditures of the Community and other expenses in connection with the issuance of the Bonds (collectively, the "Plan of Finance").

As set forth in the inducement resolution of the Authority attached hereto, the Authority has authorized the issuance of the Bonds to accomplish the Plan of Finance. The Authority has conducted a public hearing on the Plan of Finance and has recommended that you approve the Plan of Finance and the issuance of the Bonds by the Authority as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code").

Attached hereto is (1) a certificate evidencing (A) the conduct of the public hearing and (B) the inducement resolution adopted by the Authority regarding the Plan of Finance, (2) the Fiscal Impact Statement required pursuant to Section 15.2-4907 of the Virginia Code and (3) the form of resolution suggested by bond counsel to evidence your approval.

Secretary

Economic Development Authority of James City County, Virginia

# **CERTIFICATE**

The undersigned Secretary of the Economic Development Authority of James City County, Virginia (the "Authority") hereby certifies as follows:

- 1. A meeting of the Authority was duly called and held on Thursday, August 11, 2016, at 8:00 a.m., before the Authority, in the Main Conference Room of 101-D, James City County Government Center, 101 Mounts Bay Road, Williamsburg, Virginia 23185, pursuant to proper notice given to each Director of the Authority before such meeting. The meeting was open to the public. The time of the meeting and the place at which the meeting was held provided a reasonable opportunity for persons of differing views to appear and be heard.
- 2. The Chair announced the commencement of a public hearing on the application of Virginia United Methodist Homes of Williamsburg, Inc., a nonstock, not-for-profit Virginia corporation, and that a notice of the hearing was published once a week for two successive weeks in a newspaper having general circulation in James City County, Virginia (the "Notice"), with the second publication appearing not less than six days nor more than twenty-one days prior to the hearing date. A copy of the Notice is attached and has been filed with the minutes of the Authority and is attached as <u>Exhibit A</u>.
  - 3. A summary of the statements made at the public hearing is attached as Exhibit B.
- 4. Attached as <u>Exhibit C</u> is a true, correct and complete copy of the inducement resolution (the "Resolution") adopted at such meeting of the Authority by a majority of the Directors present at such meeting. The Resolution constitutes all formal action taken by the Authority at such meeting relating to matters referred to in the Resolution. The Resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on this date.

WITNESS my hand and the seal of the Authority, as of August 11, 2016.

Secretary, Economic Development Authority of

James City County, Virginia

[SEAL]

Exhibits:

- A Copy of Certified Notice
- B Summary of Statements
- C Approving Resolutions

# COMMONWEALTH OF VIRGINIA CITY OF NEWPORT NEWS

4345043

This day, personally appeared before me, George Hunt, and made oath as follows:

- 1. He/She is employed in the Office Services Department of the Daily Press, LLC., a newspaper publishing company in the City of Newport News, Virginia.
- 2. The annexed advertisement of Order No. 4345043 was published for 2 insertion(s) in the Daily Press on the following dates:

Aug 04, 2016; Jul 28, 2016

#### Sold To:

Mcguire Woods LLP (James Ctr Richmond, VA) - CU00077710 Gateway Plaza 800 East Canal Street

Richmond, VA 23219-3916

#### Bill To:

Mcguire Woods LLP (James Ctr Richmond, VA) - CU00077710 Gateway Plaza 800 East Canal Street

Richmond, VA 23219-3916

orge Hund 8/4/2016
Date

Subscribed and sworn to before me:

This <u>4</u> day of <u>August</u> 20 <u>16</u>,

My commission expires: September 30, 2017

Signature of Notary Public

Registration Number:

305169



TRACY D. BYRD NOTARY PUBLIC Commonwealth of Virginia Reg. #305169 My Commission Expires September 30, 2017

# NOTICE OF PUBLIC HEARING ON PROPOSED REVENUE BOND FINANCING BY ECONOMIC DEVELOPMENT AUTHORITY OF JAMES CITY COUNTY, VIRGINIA

Notice is hereby given that the Economic Development Authority of James City County, Virginia (the "Authority"), will hold a public hearing on the application of Virginia United Methodist Homes of Williamsburg, Inc., a nonstock, not-for-profit Virginia corporation (the "Borrower"), whose address is 3900 Windsor Hall Drive, James City County, Virginia 23188, requesting the Authority issue up to \$7,000,000 of its revenue bonds (the "Bonds"), in one or more series from time to time, the proceeds of which the Authority will loan to the Borrower (1) to finance costs associated with the renovation and expansion of the health center facility for the Borrower's 460,276 square foot continuing care retirement community (the "Community"), located on an approximately 106-acre tract of land at 3900 Windsor Hall Drive, James City County, Virginia, and (2) to finance costs related to a debt service reserve fund, costs of issuance, working capital, routine capital expenditures of the Community and other expenses in connection with the issuance of the Bonds (collectively, the "Plan of Finance").

THE ISSUANCE OF THE BONDS AS REQUESTED BY THE BORROWER WILL NOT CONSTITUTE A DEBT OR PLEDGE OF THE FAITH AND CREDIT OF THE COMMONWEALTH OF VIRGINIA OR ANY OTHER POLITICAL SUBDIVISION THEREOF, INCLUDING THE AUTHORITY AND JAMES CITY COUNTY, VIRGINIA, AND NEITHER THE FAITH AND CREDIT NOR THE TAXING POWER OF THE COMMONWEALTH OF VIRGINIA OR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING JAMES CITY COUNTY, VIRGINIA, WILL BE PLEDGED TO THE PAYMENT OF SUCH BONDS BUT WILL BE PAYABLE SOLELY FROM THE REVENUES DERIVED FROM THE BORROWER AND PLEDGED TO THE PAYMENT THEREOF.

The public hearing, which may be continued or adjourned, will be held at 8:00 o'clock a.m. on Thursday, August 11, 2016, before the Authority, in the Main Conference Room of 101-D, James City County Government Center, 101 Mounts Bay Road, Williamsburg, Virginia 23185. Any person interested in the issuance of the Bonds or the facilities to be refinanced with the Bond proceeds may appear at the hearing and present his or her views. Information regarding the Borrower's request is on file and is open for inspection at the Authority's office at 101 Mounts Bay Road, Williamsburg, Virginia 23185 during business hours.

of James City County, Virginia

TRACY D. BYRD
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #305169
'ity Commission Expires
September 30, 2017

4345043

# **EXHIBIT B**

# **Summary of Statements**

Representatives of Virginia United Methodist Homes of Williamsburg, Inc. appeared before the Authority to describe the project and the proposed bond issue. No one appeared in opposition to the proposed bond issue.

RESOLUTION OF THE ECONOMIC DEVELOPMENT AUTHORITY OF JAMES CITY COUNTY, VIRGINIA, PROVIDING INITIAL APPROVAL OF THE ISSUANCE OF UP TO \$7,000,000 OF REVENUE BONDS FOR THE BENEFIT OF VIRGINIA UNITED METHODIST HOMES OF WILLIAMSBURG, INC.

- A. The Economic Development Authority of James City County, Virginia (the "Authority"), is empowered by the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), to issue its revenue bonds to finance or refinance the construction and equipping of facilities for the residence or care of the aged to protect and promote the health and welfare of the inhabitants of the Commonwealth of Virginia.
- B. The Authority has received a request from Virginia United Methodist Homes of Williamsburg, Inc., a nonstock, not-for-profit Virginia corporation (the "Borrower"), to issue its revenue bonds, in one or more series at one time or from time to time, to provide funds to the Borrower:
- (1) to finance costs associated with the renovation and expansion of the health center facility for the Borrower's 460,276 square foot continuing care retirement community (the "Community"), located on an approximately 106-acre tract of land at 3975 WindsorMeade Way, which is at the intersection of Monticello and WindsorMeade Way in James City County, Virginia, and
- (2) to finance costs related to a debt service reserve fund, costs of issuance, working capital, routine capital expenditures of the Community and other expenses in connection with the issuance of the Bonds (collectively, the "Plan of Finance").
- C. Preliminary plans for the Plan of Finance have been described to the Authority and a public hearing has been held as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended;
- D. The Borrower has represented that the estimated cost of undertaking the Plan of Finance will require an issue of revenue bonds, in one or more series at one time or from time to time, in the aggregate principal amount not to exceed \$7,000,000;
- E. (1) No Director of the Authority is an officer or employee of the Borrower or James City County, Virginia (the "County"), (2) each member has, before entering upon his duties during his or her present term of office, taken and subscribed to the oath prescribed by Section 49-1 of the Code of Virginia of 1950, as amended and (3) at the time of their appointments and at all times thereafter, including the date hereof, all of the members of the Board have satisfied the residency requirements of the Act.
- F. No Director of the Authority has any personal interest or business interest in the Borrower, the Bonds, or any of the transactions contemplated therein or has otherwise engaged in conduct prohibited under the Conflict of Interests Act, Chapter 31, Title 2.2 of the Code of Virginia of 1950, as amended in connection with this resolution or any other official action of the Authority in connection therewith.

# NOW, THEREFORE, BE IT RESOLVED BY THE ECONOMIC DEVELOPMENT AUTHORITY OF JAMES CITY COUNTY, VIRGINIA:

- 1. It is hereby found and determined that the Plan of Finance will be in the public interest and will promote the commerce, safety, health, welfare, convenience or prosperity of the Commonwealth of Virginia, the County and their citizens and in particular will promote the providing of health care facilities and other facilities for the residence and care of the aged in accordance with their special needs.
- 2. The Authority hereby agrees to assist the Borrower in undertaking the Plan of Finance by issuing its revenue bonds, in one or more series at one time or from time to time, in an aggregate principal amount not to exceed \$7,000,000 upon terms and conditions mutually agreeable to the Authority and the Borrower. The bonds will be issued pursuant to documents satisfactory to the Authority. The bonds may be issued in one or more series at one time or from time to time.
- 3. It having been represented to the Authority that it is necessary to proceed immediately with the Plan of Finance, and the planning therefor, the Authority agrees that the Borrower may proceed with the Plan of Finance, enter into contracts for land, construction, materials and equipment for the Project, and take such other steps as it may deem appropriate in connection with the Plan of Finance, provided, however, that nothing in this resolution shall be deemed to authorize the Borrower to obligate the Authority without its consent in each instance to the payment of any moneys or the performance of any acts in connection with the Plan of Finance. The Authority agrees that the Borrower may be reimbursed from the proceeds of the bonds for all expenditures and costs so incurred by it, provided such expenditures and costs are properly reimbursable under the Act and applicable federal laws.
- 4. At the request of the Borrower, the Authority approves McGuireWoods LLP, Richmond, Virginia, as Bond Counsel in connection with the issuance of the Bonds.
- 5. All costs and expenses in connection with the undertaking of the Plan of Finance, including the fees and expenses of Bond Counsel and Authority Counsel, shall be paid by the Borrower or, to the extent permitted by applicable law, from the proceeds of the bonds. If for any reason such bonds are not issued, it is understood that all such expenses shall be paid by the Borrower and that the Authority shall have no responsibility therefor.
- 6. The Authority recommends that the governing body of the County approve the issuance of the bonds for the purpose of undertaking the Plan of Finance.
- 7. No bonds may be issued pursuant to this resolution until such time as the issuance of the bonds has been approved by the governing body of the County.
  - 8. This resolution shall be effective immediately.
- 9. The authorizations granted in this resolution shall continue in full force and effect for a period of two years after adoption, unless specifically extended by the Authority.

# **CERTIFICATE**

The undersigned Secretary of the Economic Development Authority of James City County, Virginia (the "Authority"), hereby certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Directors of the Authority at a meeting duly called and held on August 11, 2016, in accordance with law, and that such resolution has not been repealed, revoked, rescinded or amended but is in full force and effect on the date hereof.

WITNESS the following signature and seal of the Authority as of August 11, 2016.

Secretary, Economic Development Authority of

James City County, Virginia

# FISCAL IMPACT STATEMENT FOR PROPOSED INDUSTRIAL REVENUE BOND FINANCING

Date: July 22, 2016

To the Board of Supervisors of James City County, Virginia

Name of Applicant: Virginia United Methodist Homes of Williamsburg, Inc.

Fa re	cilit; tiren	y: Refinancing of the acquisition, construction and equippin nent community	gc	of the new continuing care	
1.	Max	kimum amount of financing sought	\$	7,000,000	
2.	Esti	mated taxable value of the facility's real property to be structed in the municipality	\$	5,700,000	
3.	Esti	mated real property tax per year using present tax rates	\$_	47,880	
4.	Esti tax 1	mated personal property tax per year using present rates	\$_	5,000	
5.	Esti	mated merchants' capital tax per year using present rates	\$_	<u> </u>	
6.	(a)	Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality	\$_	<u>87,000</u>	
	(b)	Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality	\$_	2,250,700	
	(c)	Estimated dollar value per year of services that will be purchased from Virginia companies within the locality	\$_	120,300	
	(d)	Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality	\$_	3,135,700	
7.	Esti	mated number of regular employees on year round basis		160	
8.	Ave	rage annual salary per employee	\$_	55,000	
		Chairman, Elec	no	mic Development	
Authority of James City County, Vi-					

Apply-1.doc

applicable) on the appropriate line.

If one or more of the above questions do not apply to the facility indicate by writing N/A (not

At a regular meeting of the Board of Super	rvisors of James City County, Virginia, held on
September 13, 2016, the following Board member	s were recorded as present:
PRESENT:	
Ms. Sadler, Mr. Onizuk, Ms. Larson, Mr. McGlen	non, and Mr. Hipple
On motion by	, the attached Resolution was adopted
by a majority of the members of the Board of St	upervisors by a roll call vote, the votes being
recorded as follows:	
MEMBER	
<u>MEMBER</u>	<u>VOTE</u>
Sadler	
Onizuk	
Larson	
McGlennon	
Hipple	_
<b>FF</b>	

# [Proposed Form of Board of Supervisors Resolution]

# RESOLUTION OF THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA

WHEREAS, the Economic Development Authority of James City County, Virginia (the "Authority") has approved the application of Virginia United Methodist Homes of Williamsburg, Inc. (the "Borrower"), a nonstock, not-for-profit Virginia corporation, requesting that the Authority issue up to \$7,000,000 of its revenue bonds in one or more series at one time or from time to time (the "Bonds") to provide funds to the Borrower:

- (1) to finance costs associated with the renovation and expansion of the health center facility for the Borrower's 460,276 square foot continuing care retirement community (the "Community"), located on an approximately 106-acre tract of land at 3975 WindsorMeade Way, which is at the intersection of Monticello and WindsorMeade Way in James City County, Virginia, and
- (2) to finance costs related to a debt service reserve fund, costs of issuance, working capital, routine capital expenditures of the Community and other expenses in connection with the issuance of the Bonds (collectively, the "Plan of Finance").

WHEREAS, on August 11, 2016, the Authority held a public hearing regarding the Plan of Finance;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds and Section 15.2-4906 of the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended ("Act") sets forth the procedure for such approval;

WHEREAS, the Authority issues its bonds on behalf of James City County, Virginia (the "County"), the facilities to be financed and refinanced with the proceeds of the Bonds are located in the County and the Board of Supervisors of James City County, Virginia (the "Board"), constitutes the highest elected governmental unit of the County;

WHEREAS, the Authority has recommended that the County approve the Plan of Finance and the issuance of the Bonds; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Board.

# NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA:

- 1. The Board approves the issuance of the Bonds, in an aggregate principal amount up to \$7,000,000, by the Authority for the benefit of the Borrower, solely to the extent required by Section 147(f) of the Code and Section 15.2-4906 of the Act, to permit the Authority to assist in accomplishing the Plan of Finance.
- 2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Plan of Finance or the Borrower. In accordance with Section 15.2-4909 of the Act, the Bonds shall not be deemed to constitute a debt or a pledge of the faith and credit or taxing power of the Commonwealth or any political subdivision thereof, including the Authority and the County.
  - 3. This resolution shall take effect immediately upon its adoption.

Adopted by the Board of Supervisors of James City County, Virginia, on September 13, 2016.

Clerk

Board of Supervisors of James City County, Virginia

[SEAL]

# **AGENDA ITEM NO. I.3.**

# **ITEM SUMMARY**

DATE: 9/13/2016

TO: The Board of Supervisors

FROM: Russell C. Seymour, OED Director & EDA Secretary

Concurrence with Issuance of Revenue and Refunding Bonds by Qualified Small

SUBJECT: Issuers in Mathews County, Lancaster County, City of Williamsburg and

Northampton County, to assist Williamsburg Landing, Inc., Located in James

City County, Virginia

# **ATTACHMENTS:**

	Description	Type
	Memorandum	Cover Memo
	Resolution	Resolution
ם	TEFRA Package	Exhibit

# **REVIEWERS:**

Department	Reviewer	Action	Date
Economic Development	Seymour, Russell	Approved	9/1/2016 - 8:30 AM
Publication Management	Colonna, Tina	Approved	9/1/2016 - 8:44 AM
Legal Review	Kinsman, Adam	Approved	9/1/2016 - 8:56 AM
Board Secretary	Fellows, Teresa	Approved	9/1/2016 - 8:56 AM
Board Secretary	Purse, Jason	Approved	9/6/2016 - 8:13 AM
Board Secretary	Fellows, Teresa	Approved	9/6/2016 - 8:19 AM

#### MEMORANDUM

DATE: September 13, 2016

TO: Board of Supervisors

FROM: Russell C. Seymour, Office of Economic Development Director and Secretary to the

**Economic Development Authority** 

SUBJECT: Concurrence with Issuance of Revenue and Refunding Bonds by Qualified Small Issuers in

Mathews County, Lancaster County, City of Williamsburg and Northampton County, to assist

Williamsburg Landing, Inc., Located in James City County, Virginia

Mr. Kevin White, Kaufman & Canoles, Bond Counsel for Williamsburg Landing, Inc., has supplied the following information for your consideration.

# **Transaction Overview**

Williamsburg Landing, Inc. (the "Company") intends to borrow the proceeds of certain bank-qualified (BQ) bonds (described below) to finance: 1) the construction, renovation and equipping of expanded memory care, assisted living and rehabilitation units and facilities at the Woodhaven Health Complex, owned by the Company and located at 5700 Williamsburg Landing Drive in James City County and the acquisition of certain real property in connection with the same (the "Project"); 2) payment of costs of issuance of the BQ bonds; 3) payment of capitalized interest during construction; and 4) funding of any reasonably required reserve fund for the BQ bonds (collectively, the "Plan of Finance").

# **Bank-Qualified Bonds**

The Company has been advised that the Economic Development Authority of James City County, Virginia (the "JCC Authority"), and James City County (the "County") will not be a "qualified small issuer" under Section 265(b) of the Internal Revenue Code for calendar year 2016.

Therefore, the Company has asked the Economic Development Authority (EDA) of Mathews County, Virginia, the EDA of Lancaster County, Virginia, the EDA of the City of Williamsburg, Virginia, and the Joint Industrial Development Authority of Northampton County and its incorporated towns (collectively, the "Qualified Small Issuers") to be the conduit issuers (\$10,000,000 each) of \$40,000,000 in aggregate principal amount of bank-qualified bonds to be issued on or before September 20, 2016 (collectively, the "BQ Bonds").

The availability of Qualified Small Issuers is key to the Company incurring debt at attractive BQ Bond rates.

# **Benefits to County Residents**

Issuance of the BQ Bonds will facilitate cost-efficient expansion of the Company's facilities in the County. The Project is expected to provide additional employment, healthcare and other benefits to County residents. Neither the JCC Authority nor the County will have any liability for payment of the BQ Bonds.

Concurrence with Issuance of Revenue and Refunding Bonds by Qualified Small Issuers in Mathews County, Lancaster County, City of Williamsburg and Northampton County, to assist Williamsburg Landing, Inc., Located in James City County, Virginia
September 13, 2016
Page 2

# **Concurrence and TEFRA Approvals**

The Internal Revenue Code and the United States Treasury Regulations require approval (known as "TEFRA approval") of this transaction by each jurisdiction in which a financed facility is located. The JCC Authority held a public hearing at its August 11, 2016 meeting, and approved the concurrence. The County Board of Supervisors are asked to provide approval for the BQ Bonds, concurring with the issuance of the BQ Bonds by the Qualified Small Issuers.

# Conclusion

Approval by the JCC Authority of the transactions described above is authorized by Virginia's Industrial Development and Revenue Bond Act, is consistent with the JCC Authority's historical willingness to assist the Company and will benefit residents of the County. Bond Counsel and a representative from the Company will attend the Board of Supervisors meeting on September 13, 2016 and be available to answer any questions.

RCS/nb AssistWburgLand-mem

# **Attachments**

- 1. Resolution
- 2. TEFRA Package

# RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY,

# VIRGINIA, TO CONCUR WITH AND APPROVE THE ISSUANCE OF REVENUE BONDS BY

# CERTAIN QUALIFIED SMALL ISSUERS OF OTHER JURISDICTIONS FOR THE BENEFIT OF

# WILLIAMSBURG LANDING, INC.

WHEREAS, the Board of Supervisors of the County of James City, Virginia (the "Board"), has been advised that there has been described to the Economic Development Authority of James City County, Virginia (the "Authority"), the plan of Williamsburg Landing, Inc. (the "Company"), whose principal place of business is located in the County of James City, Virginia (the "County") at 5700 Williamsburg Landing Drive, Williamsburg, Virginia 23185, for the issuance by: a) the Economic Development Authority of Mathews County, Virginia (the "Mathews Authority") of its Revenue Bond in a principal amount not to exceed \$10,000,000 (the "Series 2016A Bond"); b) the Economic Development Authority of Lancaster County, Virginia (the "Lancaster Authority") of its Revenue Bond in a principal amount not to exceed \$10,000,000 (the "Series 2016B Bond"); c) the Economic Development Authority of the City of Williamsburg, Virginia (the "Williamsburg Authority") of its Revenue Bond in a principal amount not to exceed \$10,000,000 (the "Series 2016C Bond"); and d) the Joint Industrial Development Authority of Northampton County and its Incorporated Towns (the "Northampton Authority") of its Revenue Bond in a principal amount not to exceed \$10,000,000 (the "Series 2016D Bond") (collectively, the "Bonds"), the proceeds of which will be loaned to the Company and applied to finance the costs of: i) the construction, renovation and equipping of expanded memory care, assisted living and rehabilitation units and facilities at the Woodhaven health complex owned by the Company and located at 5700 Williamsburg Landing Drive in James City County, and the acquisition of certain real property in connection with the same; ii) the payment of costs of issuance of the Bonds; iii) the payment of capitalized interest during construction; and iv) the funding of any reasonably required reserve fund for the Bonds; and

WHEREAS, the Board has been advised that: a) the Mathews Authority held a public hearing with respect to the Series 2016A Bond on May 3, 2016, and adopted a resolution to issue such bond (the "Mathews Authority Resolution"); b) the Lancaster Authority held a public hearing with respect to the Series 2016B Bond on August 2, 2016, and adopted a resolution to issue such bond (the "Lancaster Authority Resolution"); c) the Williamsburg Authority held a public hearing with respect to the Series 2016C Bond on July 13, 2016, and adopted a resolution to issue such bond (the "Williamsburg Authority Resolution"); and d) the Northampton Authority held a public hearing with respect to the Series 2016D Bond on June 21, 2016, and adopted a resolution to issue such bond (the "Northampton Authority Resolution"), all in accordance with the requirements of the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2 of the Code of Virginia of 1950, as amended (the "Act") and the Internal Revenue Code of 1986, as amended (the "Code"); and

- WHEREAS, because the Project is located entirely within the boundaries of the County: i) Section 15.2-4905 of the Act requires that the Board concur with the adoption of the Northampton Authority Resolution, the Mathews Authority Resolution, the Lancaster Authority Resolution, and the Williamsburg Authority Resolution as a condition precedent to the issuance of the Bonds; and ii) the Code requires that the highest elected governmental officials of the County approve the issuance of the Bonds as a condition precedent to the treatment of the interest on the Bonds as exempt from federal income taxation; and
- WHEREAS, the Board has been advised that the Authority held a public hearing with respect to the Bonds at its meeting on August 11, 2016, and that after such hearing the Authority adopted a resolution recommending that the Board approve and concur with the issuance of the Bonds by the Northampton Authority, the Mathews Authority, the Lancaster Authority and the Williamsburg Authority; and
- WHEREAS, a reasonably detailed summary of the comments expressed at the Authority's public hearing with respect to the Bonds, a statement in the form prescribed by Section 15.2-4907 of the Act, and a copy of the Authority's resolution recommending that the Board approve and concur with the issuance of the Bonds, have been filed with the Board.
- NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia that:
  - 1. The foregoing recitals are hereby incorporated in and deemed a part of, this Resolution.
  - 2. The Board approves and concurs with the issuance of the Bonds by the Northampton Authority, the Mathews Authority, the Lancaster Authority and the Williamsburg Authority to the extent required by the Code and the Act.
  - 3. The approval of and concurrence with the issuance of the Bonds, as required by the Code and the Act, does not constitute an endorsement to any prospective owners of the Bonds of the creditworthiness of the Company or the ability of the Company to repay the Bonds. Neither the Authority nor the County shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto, and neither the faith or credit nor the taxing power of the County shall be pledged thereto.
  - 4. This Resolution shall take effect immediately upon its adoption.

The undersigned hereby certifies that the above Resolution was duly adopted by an affirmative vote of a quorum of the members of the Board of Supervisors of the County of James City, Virginia, at a regular meeting duly called and held on September 13, 2016, and that such Resolution is in full force and effect on the date hereof.

	Michael J. Hipp Chairman, Boar		ervisors	
ATTEST:				
	MCGLENNON LARSON ONIZUK	<u>AYE</u> 		ABSTAIN
Bryan J. Hill Clerk to the Board	SADLER HIPPLE			

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of September, 2016.

RevBondsWLand-res

# RESOLUTION OF THE ECONOMIC DEVELOPMENT AUTHORITY OF JAMES CITY COUNTY, VIRGINIA, TO CONCUR WITH AND APPROVE THE ISSUANCE OF REVENUE BONDS BY CERTAIN QUALIFIED SMALL ISSUERS OF OTHER JURISDICTIONS FOR THE BENEFIT OF WILLIAMSBURG LANDING, INC.

WHEREAS, there has been described to the Economic Development Authority of James City County, Virginia (the "Authority") the plan of Williamsburg Landing, Inc. (the "Company"), whose principal place of business is located in James City County, Virginia (the "County"), at 5700 Williamsburg Landing Drive, Williamsburg, Virginia 23185, for the issuance by (a) the Economic Development Authority of Mathews County, Virginia (the "Mathews Authority") of its Revenue Bond, Series 2016A, in a principal amount not to exceed \$10,000,000, (b) the Economic Development Authority of Lancaster County, Virginia (the "Lancaster Authority") of its Revenue Bond, Series 2016B, in a principal amount not to exceed \$10,000,000, (c) the Economic Development Authority of the City of Williamsburg, Virginia (the "Williamsburg Authority") of its Revenue Bond, Series 2016C, in a principal amount not to exceed \$10,000,000, and (d) the Joint Industrial Development Authority of Northampton County and its Incorporated Towns (the "Northampton Authority") of its Revenue Bond, Series 2016D, in a principal amount not to exceed \$10,000,000 (collectively, the "Bonds"), the proceeds of which will be loaned to the Company and applied to finance the costs of (i) the construction, renovation and equipping of expanded memory care, assisted living and rehabilitation units and facilities at the Woodhaven health complex owned by the Company and located at 5700 Williamsburg Landing Drive in James City County, and the acquisition of certain real property in connection with the same, (ii) the payment of costs of issuance of the Bonds, (iii) the payment of capitalized interest during construction, and (iv) the funding of any reasonably required reserve fund for the Bonds (collectively, the "Plan of Finance");

WHEREAS, the Company, in its appearance before the Authority, has (a) described the expected debt service cost savings relating to the issuance of the Bonds as "qualified tax-exempt obligations" by the Mathews Authority, the Northampton Authority, the Lancaster Authority, and the Williamsburg Authority (collectively with their local governments, the "Qualified Small Issuers"), each of which is expected to be a "qualified small issuer" as defined in Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), for calendar year 2016, (b) described the benefits to be derived by residents of the County from the issuance of the Bonds as "qualified tax-exempt obligations" by qualified small issuers under Section 265(b)(3) of the Code, and (c) requested that the Authority recommend to the Board of Supervisors of the County (the "Board") that it concur with the issuance of the Bonds by the Qualified Small Issuers as required by Section 15.2-4905 of the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2 of the Code of Virginia of 1950, as amended (the "Act"); and

WHEREAS, a public hearing with respect to the foregoing was properly noticed pursuant to the Act and the Code, and was held by the Authority on the date hereof prior to the adoption of this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ECONOMIC DEVELOPMENT AUTHORITY OF JAMES CITY COUNTY, VIRGINIA:

- 1. It is hereby found and determined that the issuance of the Bonds and the use of the proceeds thereof in the manner described above will serve the purposes of the Act.
- 2. To assist the Company in the Plan of Finance, the Authority hereby recommends to the Board that it concur with the issuance of the Bonds by the Qualified Small Issuers in accordance with the Act and approve the issuance of the Bonds as required by the Code. The Authority hereby directs the Chairman or Vice Chairman of the Authority, either of whom may act, to submit to the Board a fiscal impact statement in the form prescribed by Section 15.2-4907 of the Act, a reasonably detailed summary of the comments expressed at the public hearing held at this meeting as required by Section 15.2-4906 of the Act, and a copy of this Resolution.
- 3. All costs and expenses in connection with the Plan of Finance described herein, including the fees and expenses of the Authority and the fees and expenses of Bond Counsel, counsel for the Authority, counsel for the Company and counsel for each purchaser of the Bonds, shall be paid from the proceeds of the Bonds to the extent permitted by law or from funds provided by the Company. If for any reason the Bonds is not issued, it is understood that all such fees and expenses shall be paid by the Company and that the Authority shall have no responsibility therefor.
- 4. The Authority's officers shall perform such other actions as may be required to implement its undertakings as set forth above, including, without limitation, that the Chairman, Vice Chairman, Secretary and Assistant Secretary of the Authority, any of whom may act, are authorized and directed to execute and deliver any documents or certificates reasonably required by Bond Counsel or the purchasers of the Bonds in connection with the Plan of Finance.
- 5. The Authority, including its directors, officers, employees, agents and counsel, shall not be liable and hereby disclaims all liability to any person for any damages, direct or consequential, resulting from the failure of the Qualified Small Issuers to issue the Bonds or for any other reason.
- 6. The Authority's or the Board's concurrence with the issuance of the Bonds does not constitute an endorsement to a prospective owner of the Bonds of the creditworthiness of the Company or the ability of the Company to repay the Bonds. Neither the Authority nor the County shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto, and neither the faith or credit nor the taxing power of the County shall be pledged thereto.
  - 7. This Resolution shall take effect immediately upon its adoption.

The undersigned hereby certifies that the above Resolution was duly adopted by the directors of the Economic Development Authority of James City County, Virginia at a meeting duly called and held on August 11, 2016, and that such Resolution is in full force and effect on the date hereof.

Dated: (Lug // , 2016

Secretary, Economic Development

Authority of James City County, Virginia

# SUMMARY OF PUBLIC HEARING STATEMENTS

At 8:07 a.m. on August 11, 2015, the Chairman of the Economic Development Authority of James City County, Virginia (the "Authority") announced the commencement of a public hearing held at 101-D Mounts Bay Road, Williamsburg, Virginia 23185, on the approval and concurrence by James City County, Virginia (the "County"), with the proposed issuance by each of the following authorities of their tax-exempt bank qualified revenue bonds, each in a principal amount not to exceed \$10,000,000 and collectively in a principal amount not to exceed \$40,000,000 (collectively, the "Bonds"): (a) the Economic Development Authority of Mathews County, Virginia, (b) the Economic Development Authority of Lancaster County, Virginia, (c) the Economic Development Authority of the City of Williamsburg, Virginia, and (d) the Joint Industrial Development Authority of Northampton County and its Incorporated Towns, the proceeds of which would be loaned to Williamsburg Landing, Inc. (the "Company"), a 501(c)(c) organization whose principal place of business is located in the County at 5700 Williamsburg Landing Drive, and applied to finance the costs of (i) the construction, renovation and equipping of expanded memory care, assisted living and rehabilitation units and facilities at the Woodhaven health complex owned by the Company and located at 5700 Williamsburg Landing Drive in the County, and the acquisition of certain real property in connection with the same, (ii) the payment of costs of issuance of the Bonds, (iii) the payment of capitalized interest during construction, and (iv) the funding of any reasonably required reserve fund for the Bonds.

Kevin A. White, Esquire, of Kaufman & Canoles, a Professional Corporation, Bond Counsel for the Company, appeared at the public hearing explained to the Authority the nature of the transaction and the legal requirements pertaining to the governmental approval process, and the limitation of the Authority's liability with respect to the same, and invited questions from the directors of the Authority.

No members of the public spoke at the public hearing in support of or opposition to the Bonds and the Chairman closed the public hearing at 8: 11 a.m.

# FISCAL IMPACT STATEMENT

Name of Applicant:

Williamsburg Landing, Inc.

Facility:

Revenue and Refunding Bonds (Bank Qualified)

1.	Max	imum amount of financing sought*	\$ 40,000,000
2.		nated taxable value of the facility's real property to be tructed in the locality	s 41,000,000
3.	Estir	nated real property tax per year using present tax rates	s 344,000
4.	Estir tax r	nated personal property tax per year using present ates	s NA
5.	Estin tax n	nated merchants capital tax per year using present ates	\$ N/A
6.	(a)	Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality	\$ <u>27,000</u>
	(b)	Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality	s 3,000
	(c)	Estimated dollar value per year of services that will be purchased from Virginia companies within the locality	s 1500
	(d)	Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality	s 500
7.	Estin	nated number of regular employees on year round basis	<u>344</u>
8.	Aver	age annual salary per employee	\$ 30,644

<sup>\*</sup> Financing is being sought through BQ issuers in Mathews, Northampton, Lancaster and Williamsburg.

Dated: August 11, 2016

WILLIAMSBURG LANDING, INC.

ECONOMIC DEVELOPMENT AUTHORITY OF JAMES

CITY COUNTY, VIRGINIA

14958887v1

At a regular meeting of the Board of Super	visors of James City County, Virginia, held on
September 13, 2016, the following Board members	s were recorded as present:
PRESENT:	
Ms. Sadler, Mr. Onizuk, Ms. Larson, Mr. McGlenn	non, and Mr. Hipple
On motion by	the attached Resolution was adopted
by a majority of the members of the Board of St	apervisors by a roll call vote, the votes being
recorded as follows:	
MEMBER	<u>VOTE</u>
Sadler	
Onizuk	
Larson	
McGlennon	
Hipple	

# RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, TO CONCUR WITH AND APPROVE THE ISSUANCE OF REVENUE BONDS BY CERTAIN QUALIFIED SMALL ISSUERS OF OTHER JURISDICTIONS FOR THE BENEFIT OF WILLIAMSBURG LANDING, INC.

WHEREAS, the Board of Supervisors of the County of James City, Virginia (the "Board"), has been advised that there has been described to the Economic Development Authority of James City County, Virginia (the "Authority"), the plan of Williamsburg Landing, Inc. (the "Company"), whose principal place of business is located in the County of James City, Virginia (the "County") at 5700 Williamsburg Landing Drive, Williamsburg, Virginia 23185, for the issuance by (a) the Economic Development Authority of Mathews County, Virginia (the "Mathews Authority") of its Revenue Bond in a principal amount not to exceed \$10,000,000 (the "Series 2016A Bond"), (b) the Economic Development Authority of Lancaster County, Virginia (the "Lancaster Authority") of its Revenue Bond in a principal amount not to exceed \$10,000,000 (the "Series 2016B Bond"), (c) the Economic Development Authority of the City of Williamsburg, Virginia (the "Williamsburg Authority") of its Revenue Bond in a principal amount not to exceed \$10,000,000 (the "Series 2016C Bond"), and (d) the Joint Industrial Development Authority of Northampton County and its Incorporated Towns (the "Northampton Authority") of its Revenue Bond in a principal amount not to exceed \$10,000,000 (the "Series 2016D Bond") (collectively, the "Bonds"), the proceeds of which will be loaned to the Company and applied to finance the costs of (i) the construction, renovation and equipping of expanded memory care, assisted living and rehabilitation units and facilities at the Woodhaven health complex owned by the Company and located at 5700 Williamsburg Landing Drive in James City County, and the acquisition of certain real property in connection with the same, (ii) the payment of costs of issuance of the Bonds, (iii) the payment of capitalized interest during construction, and (iv) the funding of any reasonably required reserve fund for the Bonds;

WHEREAS, the Board has been advised that (a) the Mathews Authority held a public hearing with respect to the Series 2016A Bond on May 3, 2016, and adopted a resolution to issue such bond (the "Mathews Authority Resolution"), (b) the Lancaster Authority held a public hearing with respect to the Series 2016B Bond on August 2, 2016, and adopted a resolution to issue such bond (the "Lancaster Authority Resolution"), (c) the Williamsburg Authority held a public hearing with respect to the Series 2016C Bond on July 13, 2016, and adopted a resolution to issue such bond (the "Williamsburg Authority Resolution"), and (d) the Northampton Authority held a public hearing with respect to the Series 2016D Bond on June 21, 2016, and adopted a resolution to issue such bond (the "Northampton Authority Resolution"), all in accordance with the requirements of the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2 of the Code of Virginia of 1950, as amended (the "Act") and the Internal Revenue Code of 1986, as amended (the "Code");

WHEREAS, because the Project is located entirely within the boundaries of the County, (i) Section 15.2-4905 of the Act requires that the Board concur with the adoption of the Northampton Authority Resolution, the Mathews Authority Resolution, the Lancaster Authority

Resolution, and the Williamsburg Authority Resolution as a condition precedent to the issuance of the Bonds, and (ii) the Code requires that the highest elected governmental officials of the County approve the issuance of the Bonds as a condition precedent to the treatment of the interest on the Bonds as exempt from federal income taxation;

WHEREAS, the Board has been advised that the Authority held a public hearing with respect to the Bonds at its meeting on August 11, 2016, and that after such hearing the Authority adopted a resolution recommending that the Board approve and concur with the issuance of the Bonds by the Northampton Authority, the Mathews Authority, the Lancaster Authority, and the Williamsburg Authority; and

WHEREAS, a reasonably detailed summary of the comments expressed at the Authority's public hearing with respect to the Bonds, a statement in the form prescribed by Section 15.2-4907 of the Act, and a copy of the Authority's resolution recommending that the Board approve and concur with the issuance of the Bonds, have been filed with the Board;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA:

- 1. The foregoing recitals are hereby incorporated in, and deemed a part of, this Resolution.
- 2. The Board approves and concurs with the issuance of the Bonds by the Northampton Authority, the Mathews Authority, the Lancaster Authority, and the Williamsburg Authority to the extent required by the Code and the Act.
- 3. The approval of and concurrence with the issuance of the Bonds, as required by the Code and the Act, does not constitute an endorsement to any prospective owners of the Bonds of the creditworthiness of the Company or the ability of the Company to repay the Bonds. Neither the Authority nor the County shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto, and neither the faith or credit nor the taxing power of the County shall be pledged thereto.
  - 4. This Resolution shall take effect immediately upon its adoption.

	The	undersigned	hereby	certifies	that	the	above	Resolution	was	duly	adopte	d by	/ an
affirm	ative '	vote of a quo	rum of t	he memb	ers o	f the	Board	of Supervis	ors o	f the C	County	of Ja	mes
City, V	<b>Virgin</b>	ia, at a regula	ar meeti	ng duly	called	land	held o	on Septembe	er 13,	, 2016	, and t	hat s	such
Resolu	ition i	s in full force	and eff	ect on the	date	her	eof.						

Dated:	, 2016	
		Clerk, Board of Supervisors of the County of
		James City, Virginia

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

# **ITEM SUMMARY**

DATE: 9/13/2016

TO: The Board of Supervisors

FROM: Bryan J. Hill, County Administrator

SUBJECT: County Administrator's Report

**ATTACHMENTS:** 

Description Type

Report Cover Memo

**REVIEWERS:** 

Department Reviewer Action Date

Board Secretary Fellows, Teresa Approved 9/6/2016 - 5:06 PM

# MEMORANDUM

DATE: September 13, 2016

TO: The Board of Supervisors

FROM: Bryan J. Hill, County Administrator

SUBJECT: County Administrator's Report

The following is a summary of activities that took place August 3, 2016 through September 6, 2016:

# August 3, 2016 (Wednesday)

Attended Hampton Roads Planning District Commission Chief Administrative Officers meeting

# August 4, 2016 (Thursday)

• Met with Paul Holt, Community Development Director

# August 5, 2016 (Friday)

- Met with Brad Rinehimer, Police Chief
- Met with Rebecca Vinroot, Social Services Director

# August 8, 2016 (Monday)

- Community site visits:
  - Met with residents in Grove
  - Met with Ryan Ashe, Fire Chief
  - Visited Station 2 (C shift)
  - Visited 4933 Westmoreland Drive
  - Visited Lafayette Apartments; JCSA debris clearing
  - Visited Season's Trace
  - Visited residents at Forest Glen
  - Visited Cranston's Mill Pond
- Phone interview with Jacquelyn Bengfort
- Met with Sue Mellen, FMS Director
- Met with Patrick Teague, HR Assistant Director
- Met with Renee Dallman, Senior Communications Specialist

# August 9, 2016 (Tuesday)

- Met with John Carnifax, Parks & Recreation Director
- Met with Doug Powell, JCSA Manager

County Administrator's Report September 13, 2016 Page 2

# August 10, 2016 (Wednesday)

- Met with John Hopke, Hopke & Associates
- Met with Dominion Virginia Power: Max Bartholomew, Regional Policy Director Eastern State & Local Affairs - VA; Steve Chafin - Director of Electric Transmission Planning & Strategic Initiatives and Stephenie Harrington - Electric Transmission Projects Communication Manager
- Attended farewell for Dr. Constantino

# August 11, 2016 (Thursday)

- Met with Ruth Larson, James City County Board member
- Met with David Jarman; JPA/water process cost
- Conference call with Clarion, strategic plan consultant
- Attended Executive Leadership Team meeting
- Met with Doug Powell, JCSA Manager

# August 12, 2016 (Friday)

- Attended Coffee with County Administrator, staff event
- Met with Jody Puckett, Communications Director

# August 18, 2016 (Thursday)

Met with Senator Tommy Norment

# August 19, 2016 (Friday)

- Met with Brad Rinehimer, Police Chief
- Met with Rebecca Vinroot, Social Services Director
- Met with Patrick Teague, HR Assistant Director
- Met with Doug Powell, JCSA Manager

# August 22, 2016 (Monday)

- Met with Ryan Ashe, Fire Chief
- Attended Technical Advisory Group meeting
- Attended Strategic Planning Advisory Group

# August 23, 2016 (Tuesday)

- Met with Sue Mellen, FMS Director
- Met with John McGlennon, James City County Board member
- Attended 23rd Regional Forum on Economic Development

# August 24, 2016 (Wednesday)

- Met with pastor Jim Nickols, Our Saviour's Evangelical Reformation Church
- Met with Doug Powell, JCSA Director
- Met with John Hopke, Hopke & Associates and Richard Platt: Running Center

County Administrator's Report September 13, 2016 Page 3

# August 25, 2016 (Thursday)

- Met with pastor Mark Morrow, Crosswalk Community Church
- Attended Business and Community Input meeting; food truck ordinance, DRC

# August 26, 2016 (Friday)

- Attended Coffee with County Administrator, staff event
- Met with Delegate Monty Mason
- Attended VMRC meeting with Doug Powell, JCSA Manager
- Attended Employee Picnic
- Attended 4th Friday Concert Series

# August 30, 2016 (Tuesday)

- Met with Rebecca Vinroot, Social Services Director
- Met with Paul Holt, Community Development Director
- Met with COL NAO Jason Kelly, U. S. Army Corps of Engineer

# August 31, 2016 (Wednesday)

- Attended Regional Meeting with Hampton Roads General Assembly Caucus with Chairman Michael Hipple
- Met with Paul Holt, Community Development Director and Todd Tyree, WATA Director
- Williamsburg Radio sport show

# September 1, 2016 (Thursday)

- Met with Jim Spore, Reinvent Hampton Roads President and Chief Executive Officer
- Met with Doug Powell, JCSA Manager
- Met with Ryan Ashe, Fire Chief
- Met with John Carnifax, Parks & Recreation Director

# September 2, 2016 (Friday)

- Met with Brad Rinehimer, Police Chief
- Met with Communications staff: annual report
- Met with Ruth Larson and visited Marina in Poquoson

# September 3, 2016 (Saturday)

- Traveled through Roberts District, Grove ditch maintenance; Neck-O-Land
- Visited Chickahominy Haven
- Visited Stations 2 and 3

County Administrator's Report September 13, 2016 Page 4

# September 6, 2016 (Tuesday)

- Met with John Horne, General Services Director
- Met with William Porter, WRL Board Chair
- Met with Sue Mellen, FMS Director
- Met with Patrick Teague, HR Assistant Director

BJH/nb CAReport091316-mem

# **AGENDA ITEM NO. M.1.**

# **ITEM SUMMARY**

DATE: 9/13/2016

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: 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 and regarding the Williamsburg Area Arts Commission

# **ATTACHMENTS:**

Description Type

# **REVIEWERS:**

Department	Reviewer	Action	Date		
Board Secretary	Fellows, Teresa	Approved	8/31/2016 - 4:41 PM		
Board Secretary	Purse, Jason	Approved	9/6/2016 - 8:14 AM		
Board Secretary	Fellows, Teresa	Approved	9/6/2016 - 8:19 AM		
Publication Management	Burcham, Nan	Approved	9/6/2016 - 8:24 AM		
Legal Review	Kinsman, Adam	Approved	9/6/2016 - 4:00 PM		
Board Secretary	Fellows, Teresa	Approved	9/6/2016 - 4:12 PM		
Board Secretary	Purse, Jason	Approved	9/6/2016 - 4:20 PM		
Board Secretary	Fellows, Teresa	Approved	9/6/2016 - 4:20 PM		

# AGENDA ITEM NO. N.1.

# **ITEM SUMMARY**

DATE: 9/27/2016

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: Adjourn until 4 pm on September 27, 2016 for the Work Session

**REVIEWERS:** 

Department Reviewer Action Date

Board Secretary Fellows, Teresa Approved 9/6/2016 - 5:10 PM