

A G E N D A
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
February 13, 2018
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - William Holt, a 5th grade student at Norge Elementary and a resident of the Powhatan District

E. PUBLIC COMMENT

F. PRESENTATIONS

1. StormReady Recognition for James City County

G. CONSENT CALENDAR

1. Minutes Adoption
2. Gilley Conservation Easement - Approval of Accessory Structures
3. Continuation Grant Award - Policing in the 21st Century - Recruiting and Hiring Initiative - \$12,669
4. Continuation Grant Award - Policing in the 21st Century - Technology Initiative - \$12,444
5. Grant Award- VDEM State Homeland Security Program- \$46,098
6. Contract Award - Deere Circle Restoration Project - \$123,456
7. Contract Award - Cooley Road Stream Restoration - \$221,150
8. Regional Stormwater Program MOA
9. Proposed Street Name Change - Collington Lane to Gayle Lane
10. Resolution of Appreciation - Jack Edwards

H. PUBLIC HEARING(S)

I. BOARD CONSIDERATION(S)

J. BOARD REQUESTS AND DIRECTIVES

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. Monthly Report

L. 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
2. Board of Zoning Appeals Appointments

3. Planning Commission Appointment
4. Board of Equalization Appointment
5. Thomas Nelson Community College Board
6. Discussion of the award of a public contract involving the expenditure of public funds, where discussion in an open session would adversely affect the bargaining position of the public body pursuant to Section 2.2-3711 (A)(29) of the Code of Virginia

M. ADJOURNMENT

1. Adjourn until 4 p.m. on February 27, 2018 for the Work Session

ITEM SUMMARY

DATE: 2/13/2018

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Pledge Leader - William Holt, a 5th grade student at Norge Elementary and a resident of the Powhatan District

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	2/5/2018 - 2:07 PM

ITEM SUMMARY

DATE: 2/13/2018

TO: The Board of Supervisors

FROM: Sara Ruch, Emergency Manager

SUBJECT: StormReady Recognition for James City County

James City County has been approved as a StormReady Community and the National Weather Service, in Wakefield, would like to make a presentation to the board of a StormReady sign and certificate. StormReady is a National Weather Service program that promotes preparing communities for increasing vulnerability to extreme weather and water events that might occur in their communities. StormReady, a community must:

- Establish a 24-hour warning point and emergency operations center
- Have more than one way to receive severe weather warnings and forecasts and to alert the public
- Create a system that monitors weather conditions locally
- Promote the importance of public readiness through community seminars
- Develop a formal hazardous weather plan, which includes training severe weather spotters and holding emergency exercises.

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	2/1/2018 - 8:32 AM

ITEM SUMMARY

DATE: 2/13/2018
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Deputy Clerk
SUBJECT: Minutes Adoption

Minutes for Approval:

- January 2, 2018 Organizational Meeting
- January 9, 2018 Regular Meeting
- January 23, 2018 Work Session
- February 14, 2017 Regular Meeting

ATTACHMENTS:

	Description	Type
☐	010218 BOSOrg-mins	Minutes
☐	010918 BOS-mins	Minutes
☐	012318 BOSWork-mins	Minutes
☐	021417 BOS-mins	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	2/1/2018 - 8:36 AM

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
ORGANIZATIONAL MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
January 2, 2018
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. ORGANIZATIONAL MEETING

1. Organizational Meeting of the Board of Supervisors

A motion to Appoint Individuals to Boards and Commissions was made by Sue Sadler and the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Ms. Sadler made a motion to appoint Ms. Larson for Chairman of the Board for 2018. The motion passed by a unanimous voice vote.

A motion to Appoint Individuals to Boards and Commissions was made by Michael Hipple and the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Hipple made a motion to appoint Mr. Icenhour for Vice Chairman of the Board for 2018. The motion passed by a unanimous voice vote.

2. Adoption of Meeting Calendar

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Porter suggested a Joint Meeting between the Schools, the City of Williamsburg and the County on March 16 at 9 a.m. at Legacy Hall.

3. Commission/Committee Appointments

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

It was noted that Ms. Sadler would continue to serve on the Community Action Agency Board of Directors until 2022.

Mr. Hipple will continue to serve on three committees he currently sits on with leadership roles (Hampton Roads Transportation Planning Organization, Hampton Roads Planning District Commission and Hampton Roads Transportation Accountability Committee) and was appointed to the Hampton Roads Military and Federal Facilities Alliance.

Ms. Larson suggested putting the School Liaison assignment on hold until she can speak with Dr. Herron, Superintendent of Williamsburg-James City County schools, and find out what they are looking for because it did not have administrative participation which is essential. She stated that she is happy to continue on the Historic Triangle Collaborative.

Mr. McGlennon noted that he is hopeful the school liaison committee will do more formal and frequent meetings this year.

Ms. Sadler agreed to serve on the Agricultural and Forestal District Advisory Committee and Economic Development Authority.

Ms. Larson agreed to serve on the Williamsburg Area Destination Marketing Committee and the Greater Williamsburg Area Chamber and Tourism Alliance.

Mr. Icenhour agreed to serve on the Greater Peninsula Workforce Development Consortium and the Peninsula Council for Workforce Development.

Mr. McGlennon agreed to serve on the Virginia Peninsula Regional Jail Authority, the Williamsburg Land Conservancy, the High Growth Coalition and Williamsburg Area Medical Assistance Corp.

Ms. Larson volunteered to be an Alternate for all of the committees and the Board members agreed.

4. Appointment of Clerk and Deputy Clerk to the Board

A motion to Approve was made by Michael Hipple and the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

5. Seating Assignments

The Chairman always sits to the right of the County Administrator on the dais. The rest of the Board members drew numbers to determine the seating assignments on the dais. The results of the draw were as follows: 2) Mr. Hipple, 3) Ms. Sadler, 4) Mr. Icenhour and 5) Mr. McGlennon.

6. Bank Resolution Amendment

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

D. BOARD CONSIDERATION(S)

None

E. CLOSED SESSION

None

F. BOARD REQUESTS AND DIRECTIVES

Ms. Larson welcomed Mr. Icenhour to the Board.

G. ADJOURNMENT

1. Adjourn until 5 p.m. on January 9, 2018, for the Regular Meeting

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
January 9, 2018
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

John J. McGlennon, Roberts District
James O. Icenhour, Jr., Vice Chairman, Jamestown District
P. Sue Sadler, Stonehouse District
Michael J. Hipple, Powhatan District
Ruth M. Larson, Chairman, Berkeley District

William C. Porter, Interim County Administrator
Adam R. Kinsman, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Kara Kinsman, a 3rd-grade student at Matoaka Elementary School and a resident of the Berkeley District

E. PUBLIC COMMENT

1. Mr. Andrew Lloyd Williams, 120 Captain Graves, addressed the Board in regard to the Hampton Roads Sanitation District (HRSD) sanitary sewer force main replacement.
2. Mr. Chris Swynford, Esquire, 4384 Landfall Drive, addressed the Board in regard to affordable, potable water.
3. Ms. Barbara Henry, 141 Devon Road, addressed the Board in regard to the Public Comment section of Board meetings, the starting time of the meetings and online County checkbook.
4. Mr. Michael McGurk, 117 Jeffersons Hundred, addressed the Board in regard to Carter's Grove Country Road and the lack of response by HRSD.
5. Mr. Joseph Swanenburg, 3026 The Point Drive, addressed the Board in regard to the start time of the Board of Supervisors meetings, water in the County and stormwater issues.

At approximately 5:23 p.m., Ms. Larson recessed the Board in order to conduct the James City Service Authority Board of Directors Meeting.

At approximately 5:29 p.m., Ms. Larson reconvened the Board of Supervisors.

F. PRESENTATIONS

None

G. CONSENT CALENDAR

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

Mr. Icenhour referenced acceptance of streets and questioned the length of time before the streets are completed. He suggested an inventory of streets in the pipeline and the length of time they have been there.

Ms. Larson asked Mr. Porter if he could obtain that information.

Mr. Porter replied that he could.

1. Minutes Adoption
2. Contract Award for Banking Services
3. Dedication of the Streets in the Cottages at Stone Haven Subdivision
4. Dedication of the Streets in Section 5 of the White Hall Subdivision
5. Olde Towne Medical and Dental Center Addition of Nurse Practitioner/Physician's Assistant
6. Confirming Declaration and Ending of Local Emergency

H. PUBLIC HEARING(S)

1. Pre-Budget Public Hearing - FY 2019-2020 Biennial Budget

Ms. Sue Mellen, Director of Financial and Management Services, stated that the purpose of this Public Hearing is to invite comments and suggestions from citizens for the upcoming County Budget. She further stated that the comments and suggestions made at this Pre-Budget Public Hearing will help guide staff in preparing a budget proposal for the Board's review in April and May. She noted the County website shows the Budget timeline and request for funding from outside agencies. She further noted that emails with directions had been sent to people that normally received County funding and stated that funding requests are due by January 19. She remarked that the website will be updated with information for citizens throughout the process. She commented that no Board action is required at this time.

Ms. Larson inquired about the format for the upcoming April 11-14 Board of Supervisors community meetings and requested that Ms. Mellen email that information.

Ms. Larson opened the Pre-Budget Public Hearing.

1. Mr. Jay Everson, 103 Branscome Blvd., addressed the Board in regard to the School Board Capital Improvements Program.
2. Mr. Joseph Swanenburg, 3026 The Point Drive, addressed the Board in regard to previous points regarding stormwater and going into the Budget as well as money allotted for an electronic checkbook registry.

As there were no other registered speakers, Ms. Larson closed the Public Hearing.

2. SUP-0013-2017. The Kensington School

A motion to Approve was made by Sue Sadler, the motion result was Passed.

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

Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

Mr. Scott Whyte, Senior Landscape Planner II, stated that Ms. Rachel Salmon had applied for a Special Use Permit (SUP) to open a second location for The Kensington School day-care center as indicated in the documents included in the Agenda Packet.

Mr. Tim O'Connor, Planning Commission member, stated the Planning Commission voted 6-0 in favor of approving this application at its December meeting.

Ms. Larson opened the Public Hearing.

1. Ms. Jennifer Andrews-Weckerly, Rector at Hickory Neck Episcopal Church, 8300 Richmond Road, addressed the Board in regard to The Kensington School.

As there were no other registered speakers, Ms. Larson closed the Public Hearing.

3. ZO-0002-2017. Zoning Ordinance Revisions to Permit Short-Term Residential Rentals

A motion to Deny was made by John McGlennon, the motion result was Passed.

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

Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

Mr. Paul Holt, Director of Community Development, stated that staff understands there may be some advantages to discussing these proposed ordinance amendments in more detail, possibly at a future work session. He further stated that should the Board desire, staff is prepared to present the Board with the staff report and recommendations of the Planning Commission this evening, but to provide the Board with the opportunity to review this item at an upcoming work session, staff recommends to postpone the consideration of this matter to the May 22 work session. He commented that if the Board decides to postpone this item, it must still open the Public Hearing as these amendments had been advertised for tonight's meeting.

Mr. O'Connor stated that he would leave this item to the Board's guidance and was present in case the Board had any questions.

Ms. Larson opened the Public Hearing.

1. Mr. James Bradley, 104 Malvern Circle, addressed the Board in opposition to Item No. 3, ZO-0002-2017.
2. Ms. Beth Hull, 116 Lake Drive, addressed the Board in opposition to Item No. 3, ZO-0002-2017.

As there were no other registered speakers, Ms. Larson closed the Public Hearing.

Mr. McGlennon stated that he appreciated the suggestion of bringing this issue to the Board of Supervisor's work session in May, and embraces the idea of ways to address the question of short-term rentals; however, he believes it is important to address the ordinance amendments this evening in order to send a message that the Board did not have in mind the creation of by-right short-term rentals in all residential zoning districts. He further stated that he hopes to deny the ordinance amendments this evening.

General discussion ensued regarding this item.

Mr. Icenhour stated that he appreciated staff answering all his questions provided by email and he has spoken with many residents and homeowner associations and finds no support for this within the community. He further stated that he agreed with Mr. McGlennon and prefers to see this item denied and started again with a clean slate.

Ms. Sadler stated that her concern with this item is that the County is very diverse and to have a cookie-cutter approach to this would be a mistake. She further stated that hearing these items on a case-by-case basis gives the public the opportunity to voice its support or concerns. She remarked that supporting the SUP process makes sense for the community.

Ms. Larson reiterated that Mr. McGlennon's motion was a Denial and asked for the roll to be called on a Denial.

Mr. McGlennon confirmed that a "yes" vote would be to Deny the Ordinance amendments.

Ms. Larson replied correct and stated that she would like this to be brought into a work session. She gave kudos to the Lakewood neighborhood for doing a good job of staying involved and obtaining information on the Richmond level.

4. SUP-0011-2017. 3001 Ironbound Road Tourist Home

A motion to Approve was made by John McGlennon, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

Ms. Roberta Sulouff, Senior Planner, stated that Mr. Armando Contreras had applied for an SUP to allow for the operation of a tourist home at 3001 Ironbound Road as indicated in the documents included in the Agenda Packet.

Mr. O'Connor stated that the concerns of the Planning Commission were that this would not have an on-site manager and that rentals be limited to a one contract party per evening. He further stated that another concern was that there was not a good way to enforce noise as a condition, as that could be handled by the County Police. He noted that the Planning Commission voted 6-0 in favor of approving this application.

Mr. McGlennon inquired if the reason this case came before the Board of Supervisors was due to someone reporting that the tourist home was operating without a license.

Ms. Sulouff replied that it did come forward as a combination, meaning there was a complaint from a random source; however, the applicant wanted to come through the Conceptual Plan process.

Mr. McGlennon inquired if it was coming through at the same time.

Ms. Sulouff replied that she believed the applicant had planned to start the process due to prior cases.

Mr. Icenhour inquired about the language of the Ordinance where a condition states one party at one time, noting that it is a three-bedroom home; therefore, would three to six people be allowed.

Ms. Sulouff replied correct.

Mr. Icenhour inquired if they could stay for one night up to a maximum period of 30 days under the transient definition.

Ms. Sulouff replied that the definition of transient he was referring to is only the proposed draft language, not a definition in the existing Zoning Ordinance.

Mr. Icenhour inquired if there is a maximum length of stay allowed.

Ms. Sulouff replied that there is not a maximum length of stay for transient as defined by the current Ordinance.

General discussion ensued regarding the length of stay in relation to this item.

Ms. Larson opened the Public Hearing.

1. Mr. Armando Contreras, 116 Holly Hills Drive, although Mr. Contreras was present the spokesperson for Mr. Contreras was Ms. Marianne Lamier, addressed the Board in regard to Item No. 4, SUP-0011-2017.

Mr. McGlennon asked Mr. Contreras if he had any problems with a reasonable limitation on the amount of time an individual party could stay at the home.

Ms. Lamier stated that personally there was no problem with it; however, whether it was one or two months she believed it was intended as short-term.

Ms. Larson stated her concern of the County Police dealing with a noise complaint at what would be treated as a hotel.

General discussion ensued regarding this topic.

As there were no other registered speakers, Ms. Larson closed the Public Hearing.

Mr. Kinsman stated that this is an SUP for a tourist home, which is defined as a dwelling where lodging or lodging and meals are provided for compensation for up to five rooms which are open to transients. He further stated that the Zoning Ordinance does not define transients, but had looked to other sections of the County Code for that definition and Section 20-15,

Definitions for Transient Lodging Tax gives the definition of transient being an individual or group of same individuals, who for a period of fewer than 30 consecutive days, obtains lodging in any hotel. He remarked that it is fine to put a 30-day limit in the SUP, but he is able to get there through the Ordinance anyway.

5. ZO-0001-2017. Amendments to the Zoning Ordinance, Division 3, Floodplain Area Regulations

A motion to Approve was made by James Icenhour Jr, the motion result was Passed.

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

Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

Ms. Christy Parrish, Zoning Administrator, stated that in response to recent guidance from the Federal Emergency Management Agency Region III and the Department of Conservation and Recreation, staff has identified the need to update the Floodplain Ordinance to address the construction regulations of small accessory structures in the special flood hazard area as indicated in the documents included in the Agenda Packet.

Mr. O'Connor stated that the Planning Commission recommended approval in a vote of 6-0.

Mr. McGlennon inquired if there are concerns about the possibility of pollution as a result of what may be stored within these facilities if they are in the floodplain during storms.

Ms. Parrish replied that there is a section in the Instruction Standards that does not allow certain chemicals, etc., to be stored in these facilities to ensure that there is not an issue with leakage.

Mr. McGlennon inquired if there was a way of enforcing that.

Ms. Parrish replied that they can be sited, depending on the situation.

Mr. McGlennon inquired if there is a fine associated if the person is improperly storing material and how many of these structures there are or would be.

General discussion ensued regarding Item No. 5, ZO-0001-2017.

Ms. Larson opened the Public Hearing.

As there were no registered speakers, Ms. Larson closed the Public Hearing.

6. SUP-0028-2016. Solar Electrical Generation Facility at Norge

A motion to Approve was made by Sue Sadler, the motion result was Passed.

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

Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

A video was shown regarding this item.

Mr. O'Connor stated that this application was heard twice by the Planning Commission with amendments from the first application. He further stated that there was one descending vote, which was from Mr. Wright, who was more in favor because it was in the Primary Service Area (PSA) of reserving that for residential construction.

Ms. Larson opened the Public Hearing.

1. Mr. Dennis Cotner, 127 Wilson Circle, addressed the Board in opposition to Item No. 6, SUP-0028-2016.
2. Mr. Joseph Wilke, 4 Mile Course, addressed the Board in support of Item No. 6, SUP-0028-2016.
3. Mr. Sean Lawler, 172 Old Church Road, addressed the Board in support of Item No. 6, SUP-0028-2016.
4. Mr. Peter Toomey, Applicant and Senior Manager of Business Development for SunPower Devco, LLC, 102 West 38th Street, NY, addressed the Board in regard to Item No. 6, SUP-0028-2016 and gave an overview of a presentation he provided.

Mr. Icenhour inquired if the owner of this is Whisper Ridge, LLC.

Mr. Toomey replied correct.

Mr. Icenhour inquired about arrangements between Whisper Ridge, LLC and SunPower Devco, LLC, regarding a lease. He further inquired regarding approvals or agreements with Dominion Energy as well as landscaping concerns.

General discussion ensued regarding this item.

Mr. Hipple inquired would Dominion Energy be located on-site.

Mr. Toomey replied yes, there would be a project substation on-site.

Mr. Hipple inquired if the main line that is currently viewed for Dominion Energy, except larger, would be the only thing seen from Route 60.

Mr. Toomey replied correct.

As there were no other registered speakers, Ms. Larson closed the Public Hearing.

Ms. Sadler stated that she attended several public meetings held, along with Mr. McGlennon and Ms. Larson, and felt that the relocation of the entrance point of the construction remedied the majority of the construction traffic and issues with the bus stops. She further stated that Mr. Purse took her and Ms. Larson to a solar farm in Isle of Wight County and commented that the noise level was virtually silent. She sought confirmation of a Letter of Intent with Crosswalk Church for the off-site parking. She emphasized the necessity for buffering by use of landscaping and fencing.

Mr. McGlennon stated that ways of generating energy with methods that are more environmentally friendly are always being sought, and given the fact that this parcel would return to its original state, it gives a sense of confidence that better ways to preserve the agricultural lands that still exist in the County. He further stated that this proposal gives the County good opportunities to allow for the development of alternative sources of energy and to reduce the reliance on forms that are destructive to the environment, noting that he supports this proposal.

Mr. Hipple stated that he agreed with Mr. McGlennon regarding farmland perhaps being reused as farmland in the future and stressed that this renewable resource needs to be considered. He encouraged solar farm usage on area lands in the County.

Mr. Icenhour expressed his concern of this being a large prime piece of property that is zoned A-1, but is located inside the PSA. He further stated that this is where development is wanted to occur and noted the current struggle is to decide how to pay for current infrastructure on some of the developments already approved. He remarked that this provides a good, viable option to use this land in a way that allows a second chance to preserve it and noted his support.

Ms. Larson expressed her appreciation to Ms. Sadler for her time and energy into this issue keeping everyone informed. She extended her appreciation to Mr. Purse for providing the fieldtrip to the solar farm and agreed with Ms. Sadler's remarks concerning the level of noise or lack thereof. She remarked that the area is an older established, generational neighborhood and the Board took that into consideration.

I. BOARD CONSIDERATION(S)

1. Z-0004-2017. Powhatan Terrace Proffer Amendment

A motion to Approve was made by Michael Hipple, the motion result was Passed.

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

Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

Ms. Savannah Pietrowski, Senior Planner, stated that on March 25, 2008, the Board of Supervisors rezoned approximately 16.5 acres of land located at 1676 and 1678 Jamestown Road from LB, Limited Business, and R-2, General Residential, to R-2, General Residential, with proffers, and with an SUP for a Cluster Overlay. She further stated that Powhatan Terrace was approved for the construction of six 2-story buildings containing a total of 36 townhouse units at a gross density of 2.18 units per acre as indicated in the documents included in the Agenda Packet.

Mr. O'Connor stated that this was an opportunity to create affordable housing opportunities in the community and was in keeping with the Comprehensive Plan.

Mr. Icenhour inquired who the owner is of the property.

Ms. Pietrowski replied that the current property owner is JRT Properties, LLC.

Mr. Icenhour stated that Housing Partnerships has asked to change the provisions of an SUP that goes back ten years and inquired about the financing option arrangements. He asked if there was a representative of the owner present this evening.

Ms. Pietrowski replied yes.

Mr. Icenhour asked the owner what is the financial arrangement, was he selling to Housing Partnerships, stating his concern about altering the conditions of an SUP and then finding out 8 or 9 years later that perhaps the deal did not go through for instance and now there is an amended SUP out there that may not have anything to do with Housing Partnerships because it is not tied to them.

The owner stated that they are obtaining special financing to buy the property, that he will not retain ownership and therefore is not familiar with what they are doing.

Ms. Brandie Weiler, Executive Director of Housing Partnerships, Inc., stated that this would not happen until 2019 and would wait to go before the state for funding.

General discussion ensued regarding Item No. 1, Z-0004-2017.

Mr. McGlennon inquired to Mr. Kinsman regarding protections as to this amendment still allowing the County to meet the general expectations that the Board had going into this proposal.

Mr. Kinsman stated that this is a rezoning and these are proffers, and they run with the land, not the current or future owner. He further stated that there would be no way of specifically tying this to Housing Partnerships or anyone in particular, if this is changed the result would be that it changed from sale units to rental units, with three remaining as for-sale units.

Mr. Icenhour inquired would everything else remain the same including the proffers.

Mr. Kinsman replied that all the original proffers from 2008 remain and stated that this is an application to change one phrase from “for sale” to “rent or sale.” He noted that this required a level of trust with Housing Partnerships, as he could not legally force that deal to go through.

General discussion ensued regarding this topic.

J. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon referred back to a previous Public Comment item regarding the HRSD and noted that it is a failure to meet the conditions of restoring the country road and the easement they had received. He asked to express to HRSD concern that it seems to feel it needs to wait another month before resuming a schedule that is already at least six months out of date and to ask it to move more rapidly. He stated that it would be fundamental to the Board to receive a regular weekly report on progress that has been made in the restoration.

Mr. Porter stated that he has emailed the Executive Director and asked for a progress report along with Mr. Holt requesting this information from the Construction Manager for HRSD. He noted that they had each asked for weekly updates.

Mr. Icenhour referred to his previous comment regarding the inventory of roads and noted that they were approximately 3.5 years from construction to acceptance and expressed concern to the timeline. He stressed the need to have a handle on all of these so that there would not be any that slip through the crack so to speak.

Mr. Holt addressed this issue and discussion ensued regarding this matter.

Mr. Hipple stated that he had no further remarks.

Ms. Larson expressed her gratitude to staff for its help during the recent snowstorm and preparing for this meeting, and expressed her thanks to Ms. Teresa Fellows. She further expressed appreciation to the Planning Commission and staff for the job they do. She noted that a better communication line is needed. She further noted she would like discussion in a work session regarding things that the Board of Supervisors would like to start looking at, in an effort to avoid a lot of unnecessary work for staff, before returning the item to the Board.

Mr. Porter stated that perhaps the Board would need progress reports from the Planning Commission on Ordinances that had been put forward in order to see statuses and could then be given clarity if they are indeed on the right path.

Ms. Larson agreed and thanked Mr. O'Connor for his attendance this evening.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Porter reported the following holiday closings in observance of Martin Luther King, Jr., day:

- The County offices will be closed on Monday, January 15;
- The Courthouse will be closed on Friday, January 12 and Monday, January 15;
- The Recreation Center and the Abram Frink Community Center will be open during regular hours;
- All County parks will remain open, please check the County website for the Parks stores and offices.

Mr. Porter noted that the public is invited to the Neighborhood Forum, January 10, 6:30 p.m., at the James City County Recreation Center, with Ms. Amy Jordon, Economic Development Director, as the featured speaker. He stated that Master Police Officer Alan McDowell will provide an update on upcoming events and programs hosted by the Police Department as well as crime prevention tips. He noted that if there are any questions to call Ms. Latara Branch, Civic Engagement Coordinator, at 259-4986. He remarked that the final Fort Eustis Land Use Study Community Workshop will be held Tuesday, January 16, from 6-8 p.m., at the Abram Frink Community Center multi-purpose room. He further remarked that Christmas tree recycling will end January 31 and noted that tree's will be accepted at the County's three Convenience Centers.

Ms. Larson noted that the Board is on WMBG between 5 or 5:15 p.m., on Wednesday's for approximately five to ten minutes, giving County updates and encouraged citizens to follow the County public information social media.

L. CLOSED SESSION

A motion to Enter a Closed Session was made by John McGlennon, the motion result was Passed.

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

At approximately 7:39 p.m., the Board entered Closed Session.

At approximately 7:55 p.m., the Board re-entered Open Session.

1. Closed Session Certification

A motion to Certify the Closed Session was made by John McGlennon, the motion result was Passed.

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

Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

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 pertaining to the Planning Commission, Thomas Nelson Community College Board, and Social Services Advisory Board

A motion to Appoint Individuals to Boards and Commissions was made by John McGlennon, the motion result was Passed.

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

Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

Mr. McGlennon made a motion to reappoint Mr. Rich Krapf to the Powhatan Seat on the Planning Commission and to appoint Mr. Frank Polster to the Jamestown Seat on the Planning Commission. Both terms will begin on February 1, 2018 and expire on January 31, 2022.

Mr. McGlennon made a motion to appoint Ms. Pat Russo to the Social Services Advisory Board for a four-year term that would expire on January 30, 2022.

The Board asked that the Thomas Nelson Community College Board Appointment and the appointment for the At-Large Seat on the Planning Commission be brought back at its January 23 Work Session.

M. ADJOURNMENT

1. Adjourn until 9 a.m. on January 20, 2018, for the Board Retreat

A motion to Adjourn was made by Michael Hipple, the motion result was Passed.

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

Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

At approximately 7:56 p.m., Ms. Larson adjourned the Board.

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
WORK SESSION
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
January 23, 2018
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

Michael J. Hipple, Powhatan District-Absent
P. Sue Sadler, Stonehouse District-Absent
James O. Icenhour, Jr., Vice Chairman, Jamestown District
John J. McGlennon, Roberts District
Ruth M. Larson, Chairman, Berkeley District

William C. Porter, Interim County Administrator
Adam R. Kinsman, County Attorney

C. BOARD DISCUSSIONS

Ms. Larson referenced the Board of Supervisors Retreat that was held on January 20 and stated that the meeting times were made an Action Item and it was decided that the beginning times would stay at 4:00 p.m. for the work sessions and 5:00 p.m. for the regular meetings.

1. Resolution in Opposition to Senate Bill 405 and House Bill 1258

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

AYES: 3 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Icenhour Jr, Larson, McGlennon

Absent: Hipple, Sadler

Mr. Kinsman stated that the County is a member of the Virginia Association of Counties and he was told that they are trying to get people to speak against House Bill 1258 and Senate Bill 405. He noted that together these Bills eliminate local control over the installation/operation of wireless structures. He remarked that they offered a model resolution which he tweaked to fit James City County and has included it in the Agenda Packet.

General discussion ensued regarding this matter.

2. Appropriation of Funding - Capital Improvement Program Fund - \$648,847
Contract Award - Replacement Fire Pumper

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

AYES: 3 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Icenhour Jr, Larson, McGlennon

Absent: Hipple, Sadler

Fire Chief Ryan Ashe stated that the memorandum and resolution are included in the Agenda Packet.

Mr. McGlennon inquired if there are now two contracts for pieces of equipment.

Chief Ashe replied correct, there was an existing order that was modified to make it two fire pumpers.

Mr. Icenhour inquired if that will make it faster to receive the trucks.

Chief Ashe replied yes, that will bring the down time to about half of what it could have been.

3. Pocahontas Trail Corridor Study Update

Mr. Paul Holt, Director of Community Development, stated that following recent transportation corridor studies, specifically the study area of Fire Station 2 going down to James River Elementary School, is known for congestion, prepensely to be shut down for accidents, steep roadside ditches and fast moving traffic. He stated that the Virginia Department of Transportation (VDOT) brought on its consultant, RK&K, to assist the County in developing a plan and further stated that the meeting held today only needed a decision point, not an action point.

Mr. Jeff Kuttesch, Consultant with RK&K, gave an overview of a PowerPoint presentation that is included in the Agenda Packet.

Mr. Holt expressed his thanks to the Steering Committee members for their good job of community outreach, door hangers and ideas they have contributed.

Mr. McGlennon inquired about signalization interest.

Mr. Kuttesch replied that they have not heard much at this point; however, they anticipate more feedback.

Mr. McGlennon stated that one of the efforts that has been discussed is to combine this with stormwater improvements that are going to occur and inquired if that will drive some aspect of the prioritization.

Mr. Kuttesch replied that it certainly could and discussed this concept.

General discussion ensued regarding this matter.

Mr. McGlennon inquired if there is a possibility of approaching the Department of Rail and Public Transportation for funding for the Williamsburg Area Transit Authority (WATA).

Mr. Porter noted that when traveling east, individuals frequently had to exit in puddles and further noted that there are no sidewalks; therefore, a shelter cannot be added because it would have to be handicap accessible.

Mr. Holt stated that there are some companion efforts going on and information gathered from WATA, along with ideas of creating bus pull-offs in order to get buses out of travel lanes as one method to help with traffic congestion. He noted that the

partnership with WATA had been very helpful throughout this effort.

Mr. McGlennon inquired about communication with Dominion Energy regarding burying lines in the area discussed.

Mr. Holt replied that this project had some very expensive elements, such as the cost in getting ready for sidewalks and bike trails, which required moving everything underground.

Mr. McGlennon inquired about the range of potential cost and timeframe for this project.

Mr. Kuttesch replied that it is still too early to specify the figures for the cost or timeframe.

Mr. McGlennon inquired about the acquisition of right-of-way.

Mr. Kuttesch replied that VDOT has initiated an engineering grade survey on the corridor, which will allow for a good handle on the true right-of-way impacts.

Mr. McGlennon referenced the east side, where the initial project boundary was the elementary school, and inquired how far down this problem is addressed.

Mr. Kuttesch replied that at least down to Windy Hill and the shopping area. He stated that a benefit of going east of the elementary school is the current three-lane option and noted that the corridor is setup to continue that improvement.

Mr. Icenhour inquired about the Skiffes Creek connector, its effect on the project, heavy truck traffic, the cost share funding status and the area length of the corridor connection.

General discussion ensued regarding Item No. 3.

4. Pre-Budget Discussion

Leading off the PowerPoint presentation, Ms. Sharon Day, Assistant Director of Financial and Management Services, gave a brief overview of the presentation included in the Agenda Packet. General discussion ensued regarding the items within this portion of the presentation.

Next, Ms. Rebecca Vinroot, Director of Social Services, continued the presentation with a brief overview of the Social Services portion that is included in the Agenda Packet.

Following Ms. Vinroot, Mr. Holt continued the presentation with a brief overview of the Community Development portion as included in the Agenda Packet. General discussion ensued regarding this focus of the presentation.

Next, Ms. Grace Boone, Director of General Services, continued with the presentation and gave a brief overview of the portion that regarded General Services and is included in the Agenda Packet.

Following Ms. Boone, Police Chief Brad Rinehimer continued the presentation with a brief overview of the area of the presentation that regarded the Police Department.

General discussion ensued regarding this portion of the presentation as included in the Agenda Packet.

Next, Fire Chief Ryan Ashe continued the presentation with a brief overview of the area of the presentation that regarded the Fire Department. General discussion ensued regarding this area of the presentation as included in the Agenda Packet.

Following Chief Ashe, Mr. John Carnifax, Director of Parks & Recreation, continued the presentation with a brief overview of the section of the presentation that regarded Parks & Recreation as included in the Agenda Packet.

Next, Mr. Patrick Page, Director of Information Resources Management (IRM), continued the presentation with an overview of the portion of the presentation that regarded IRM as included in the Agenda Packet.

Following Mr. Page, Ms. Amy Jordan, Director of Economic Development, continued the presentation with a brief overview of the section of the presentation that regarded Economic Development as included in the Agenda Packet.

Next, Mr. Patrick Teague, Director of Human Resources, continued the presentation with a brief overview of the area of the presentation that regarded Human Resources as included in the Agenda Packet. General discussion ensued regarding this focus of the presentation.

Ms. Day wrapped-up the presentation with a summary of the County's FY 19-20 budget timeline.

Ms. Larson and the Board members expressed their thanks to all the departments on their presentations.

D. CLOSED SESSION

None

E. ADJOURNMENT

1. Adjourn until 5 p.m. on February 13, 2018, for the Regular Meeting

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

AYES: 3 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Icenhour Jr, Larson, McGlennon

Absent: Hipple, Sadler

At approximately 5:50 p.m., Ms. Larson adjourned the Board.

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
February 14, 2017
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

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

Bryan J. Hill, County Administrator
Jason Purse, Assistant County Administrator
Adam R. Kinsman, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Sheriff Bob Deeds led the Board and citizens in the Pledge of Allegiance.

E. PUBLIC COMMENT

1. Mr. Dexter Laughlin, 3701 Mesa River, addressed the Board in regard to bond performance in Monticello Woods.
2. Mr. Gary Carlile, 3724 Mesa River, addressed the Board in regard to paving of streets in Monticello Woods.
3. Ms. Betty Walker, 101 Locust Place, addressed the Board in regard to the Federal Reserve, Public/Private Partnership.
4. Ms. Prudy Rees, 4009 Owl Creek, addressed the Board in regard to road completion in Monticello Woods.
5. Mr. Dennis Stricker, 4155 Ambassador Circle, addressed the Board in regard to Monticello Woods.
6. Mr. Michael Nussear, 3723 Mesa River, addressed the Board in regard to default on final street paving of Monticello Woods by developer Mr. L. Waltrip, II.
7. Ms. Sally Starr, 4001 Owl Creek, addressed the Board in regard to paving of roads in Monticello Woods.

8. Ms. Kasey Pittman, 4015 Owl Creek, addressed the Board in regard to Monticello Woods paving.
9. Mr. Chris Henderson, 101 Keystone, addressed the Board in regard to the Board meetings start time, concerns about this meetings Consent Calendar Item Nos. 8 and 9.

F. PRESENTATIONS

Mr. Onizuk stated that the Eagle Scouts presentation will not take place this evening due to a communication mix-up. He expressed his thanks to Sheriff Deeds for giving the Pledge of Allegiance and further expressed his thanks to Ms. Robin Bledsoe, Planning Commission Jamestown District Representative and Mr. Rossie Carroll, Residency Administrator for the Virginia Department of Transportation, for their attendance this evening.

G. CONSENT CALENDAR

1. Minutes Adoption - January 3, 2017 Organizational Meeting and January 10, 2017 Regular Meeting

A motion to Approve was made by Michael Hipple and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

2. Grant Award - Office of Emergency Medical Services (OEMS) Rescue Squad Assistance Fund (RSAF) VP-C01/12-16 Special Grant - \$26,670

A motion to Approve was made by Michael Hipple and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

3. Grant Award - Policing in the 21st Century - Recruiting and Hiring Initiative - \$15,857

A motion to Approve was made by Michael Hipple and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

4. Grant Award - Policing in the 21st Century - Technology Initiative - \$12,444

A motion to Approve was made by Michael Hipple and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

5. Grant Award - Commonwealth Attorney - V-STOP Grant Program Fund - \$57,585

A motion to Approve was made by Michael Hipple and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

6. Appointment of Courtney Uhlig as a James City County Animal Control Officer

A motion to Approve was made by Michael Hipple and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

7. Contract Award - James City County Library Best Management Practice Retrofit Project - \$206,000

A motion to Approve was made by Michael Hipple and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

8. Contract Award - Brook Haven Stream Restoration - \$458,251

A motion to Approve was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

9. Contract Award - Winston Terrace Stream Restoration - \$268,672

A motion to Approve was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

Discussion ensued regarding Item Nos. 8 and 9.

Ms. Sadler inquired about the Total Maximum Daily Load (TMDL) credit.

Mr. Darryl Cook, Stormwater Engineer, stated that there are easements for the project that are maintained in perpetuity and are receiving TMDL credits.

Ms. Sadler asked for a definition of a TMDL for the citizens.

Mr. Cook defined a TMDL as a Total Maximum Daily Load and stated that in Virginia there is a plan that has to be implemented as part of the stormwater permit and credits are given for reducing erosion or pollutants getting into the bay.

Mr. McGlennon inquired if the neighborhood had experienced flooding in the past.

Mr. Cook replied yes and stated that this project will help address flooding issues for several of the properties.

Mr. McGlennon inquired if the same was true for properties adjacent to the Winston Terrace and James Square Condominium projects.

Mr. Barry Moses, Capital Project Coordinator and Project Manager for the Winston Terrace Project, stated yes, the project will reduce sediment that has affected downstream properties.

Mr. McGlennon stated that it is important for citizens to understand various motivations for stream restorations with the obvious being clean water. He commented that clean water is important for the economy as well as the quality of life in the community and inquired if either project has benefited from the state's stormwater local assistance fund.

Mr. Cook and Mr. Moses replied yes, both neighborhoods.

Mr. McGlennon stated that we are extending the County citizens funding to a much greater degree and are able to address some significant issues; therefore, he is glad to be able to support these two projects.

Ms. Sadler pointed out that the project amount is \$268,000 and the amount for the property is \$225,000 and commented citizens should be aware that is approximately \$493,000 for the project.

Mr. Moses replied that is correct and added that the construction money is shared funds from a grant from the state.

Ms. Sadler expressed her thanks.

Mr. Hipple stated that impervious cover such as sidewalks, pavement, houses, shopping centers and streets are damaging streams; therefore, basically what had been done in the past is now trying to be fixed for the future.

Mr. Moses replied that is correct and added that a lot of the erosion associated with the Winston Terrace project is from a subdivision that was built prior to stormwater regulations.

Mr. Hipple commented that he does not understand how anyone can disagree with cleaning the bay, keeping streams and waterways healthy or fixing current issues.

Ms. Larson stated that the Williamsburg Crossing area has received more burden and asked if they are functioning adequately from that construction.

Mr. Moses replied yes, that a current development would have to meet stormwater requirements that would mitigate the increase in runoff from the impervious area.

Mr. McGlennon stated that Mr. Chris Henderson suggested to wait until the state and national government sort out their opinions about various issues and further stated that there will not be much profit by waiting for those levels of government to act. He noted that even with the utilization of executive orders, those do not necessarily survive scrutiny by the judiciary or the reactions of the legislature and further noted that he would rather make progress on keeping the waters clean and addressing flood issues.

Ms. Sadler stated she is willing to support these issues tonight based on the flooding; however, she is interested in following what is happening in the General Assembly as Mr. Henderson referenced.

Mr. Onizuk referenced Mr. McGlennon's comment that there are multi-purposes for stormwater initiatives and stated that previously when the Board directed Mr. Hill and his staff to look at the County stormwater programs it was very specific that the priority had to be shovel-ready projects where there was a significant positive benefit to citizens. He further stated that there will be a specific benefit to communities and citizens serviced with the added economic benefit of positive impacts on our waterways. He noted that these are needed projects and appreciates staff's focus on stormwater that makes sense and satisfies other needs in the community.

10. Contract Award - Mobile Command Vehicle - \$146,142

A motion to Approve was made by Michael Hipple and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

H. PUBLIC HEARING(S)

1. Pre-Budget Public Hearing - FY 2018 Budget

Mr. Hill stated that the biannual budget process was adopted in May 2016, noting that in the process there was a 2018 budget submission, and commented he was moving forward on that submission without any changes.

Mr. Onizuk opened the Public Hearing.

1. Ms. Sally Wolfe, 150 Ridings Cove, addressed the Board as a group speaker for the Williamsburg Area Arts Commission (WAAC) in regard to continued funding for WAAC.
2. Mr. Frank Polster, 420 Hempstead Road, addressed the Board in regard to the pre-budget public hearing.
3. Ms. Judith Fuss, 3509 Hunter's Ridge, addressed the Board in regard to the budget.
4. Mr. Jay H. Everson, 103 Branscome Blvd., addressed the Board in regard to pre-budget public hearing.
5. Mr. Frank Abbott, 301 Par Drive, addressed the Board in regard to compiling a report on 40 years of investigations of Governor's Land Archaeological District.
6. Mr. Chris Henderson, 101 Keystone, addressed the Board in regard to the budget.

Mr. Onizuk closed the Public Hearing.

Mr. McGlennon clarified that Mr. Hill and County staff will be working on a budget proposal to be released publically and following that release a series of community meetings were planned to allow citizens the opportunity to learn more about the budget process and ask questions. He inquired to Mr. Onizuk if that is correct.

Mr. Onizuk replied that is correct and stated that the Board had its in-depth pre-budget presentation from staff at its last meeting. He reinforced that this is the second year of a two-year budget and stated that the Board will reexamine and adjust where needed and reiterated that an outreach to the citizens is planned with each supervisor going out into their community district, inviting citizen's personal interaction as a group through presentation and one-on-one to give their input, recommendations and help to the Board in the budget process. He further stated that the dates are being finalized and will then be announced.

2. AFD-10-86-1-2016, Christenson's Corner AFD Addition, 7751 Newman Rd.

A motion to Approve was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

Mr. Alex Baruch, Planner, gave an overview of the memorandum, ordinance and attachments included in the Agenda Packet.

Mr. Onizuk opened the Public Hearing.

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

Mr. Onizuk checked the audience for Ms. Bledsoe; however, she stepped out to take a phone call.

3. AFD-07-86-1-2016, Mill Creek AFD Addition, 101 and 121 Ivy Hill Rd.

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

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

Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

Mr. Alex Baruch, Planner, gave an overview of the memorandum, ordinance and attachments included in the Agenda Packet.

Mr. Onizuk inquired if Ms. Bledsoe had any comments.

Ms. Bledsoe stated no comments.

Mr. Onizuk opened the Public Hearing.

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

4. AFD-01-94-1-2016, Wright's Island AFD Addition, 6550 and 6520 Menzels Rd.

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

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

Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

Ms. Lauren White, Planner, gave an overview of the memorandum, ordinance and attachments included in the Agenda Packet.

Mr. Onizuk asked Ms. Bledsoe if she had any comments.

Mr. Onizuk opened the Public Hearing.

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

5. SUP-0027-2016, Top Notch Tree Service

A motion to Approve w/ Conditions was made by John McGlennon and the motion result was Passed.

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

Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

Mr. Scott Whyte, Senior Landscape Planner II, gave an overview of the memorandum, resolution and attachments included in the Agenda Packet.

Mr. Hipple inquired about the accomplishment delay making sure the Special Use Permit (SUP) was fulfilled during the timeline provided.

Mr. Whyte replied that he would have to refer to Mr. Thomas Napier, but felt it was due to not knowing the extent of time it would take to get this accomplished.

Mr. Hipple asked Mr. Napier to please come forward and asked him the circumstances of why this was not fulfilled during the time period allotted.

Mr. Napier replied that he did not know what to do as no one had given him guidance.

Mr. Hipple inquired if he was referring to staff or people he hired to do the work.

Mr. Napier replied the people he hired to do the work and remarked that he had never seen a plan and was told that a plan was submitted and then was denied.

Mr. Hipple inquired did he mean that the people he hired turned in a plan but staff had denied the plan.

Mr. Napier replied yes and commented this is what they told him, but then he heard that no one had submitted a plan; therefore, he did not know what to do.

Mr. McGlennon inquired if he was still working with the same people.

Mr. Napier replied yes and remarked that he felt he should change. He further remarked that he had done a lot of work there and had gotten a lot cleaned up.

Mr. McGlennon asked Mr. Whyte the length of time this project should take with a competent firm working on this process for a site plan to be developed on this type of property.

Mr. Whyte replied that it depends on how proactive they are, but generally speaking a year is more than a sufficient amount of time. He stated that he had spoken with the design group and was assured that they had done a lot of work on the site plan and would be submitting very quickly.

General discussion ensued regarding Item No. 5.

Mr. Hill noted that there is currently a timeline and checklist guideline to get this process completed available to all applicants.

Ms. Bledsoe stated that the Planning Commission recently reviewed this case with Mr. Napier bringing his design team to the meeting. She further stated that in 2014 Mr. Napier brought this item before the Planning Commission and noted that at that time the property was a huge mess. She further noted that the Planning Commission had recently commended him on what has been done since 2014 and remarked that is why the Planning Commission voted unanimously to move it forward to this Board. She stressed that she urged the Board to move forward with this case.

Mr. Onizuk opened the Public Hearing.

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

Mr. McGlennon expressed his concerns with language used in the Resolution for this item which is included in the Agenda Packet that states: "All vehicles and equipment associated with

the Proposal, including but not limited to trucks and trailers, shall be contained behind the residence and shall not be located in any required perimeter buffers or Resource Protection Areas (RPAs), unless an alternative location is approved by the Director of Planning.” He stated that the intention is not to allow this to be placed within the RPA even with the Director of Planning’s approval; therefore, it would be more clear if it was moved one clause earlier and read: “. . .they shall not be located in any required perimeter buffers or Resource Protection Areas (RPAs), and shall be contained behind the residence unless approved by the Director of Planning.” He commented that this revised language clarifies that it was not intended for the parking to take place in the RPA designated territories or perimeter buffers.

6. Lease Amendment - 101 Mounts Bay Rd. Cell Tower

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

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

Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

Mr. Purse gave an overview of the memorandum, resolution and attachments included in the Agenda Packet.

Mr. Onizuk opened the Public Hearing.

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

Mr. Onizuk recognized Ms. Mona Foley, Circuit Court Clerk, in the audience.

I. BOARD CONSIDERATION(S)

1. Colonial Community Corrections (CCC) Elimination of Two Part-Time Positions and Creation of One Permanent Full-Time Position

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

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

Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

Mr. Hal Diggs, Director of Colonial Community Corrections, gave an overview of the memorandum and resolution included in the Agenda Packet.

Mr. McGlennon inquired if this position is funded.

Mr. Diggs replied yes.

2. Authorization of a Full-Time Deputy Sheriff Position

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

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

Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

Sheriff Robert Deeds gave an overview of the memorandum and resolution included in the Agenda Packet and referenced a blurb from the Compensation Board (CB) declaring: “courtroom security standards for staffing by the Commonwealth are defined in budget language that is in the state budget and security requirements within the locally designed and constructed courthouse should be addressed with adequate staffing by the locality.” Sheriff Deeds stated that this was no revelation, as the County and City were apparently aware of this

when three locally-funded positions were added when the office moved to the courthouse approximately 17 years ago. He further stated that two of those three positions were taken away eight years ago, leaving one locally-funded position and the remaining positions being CB funded.

Captain David Hardin stated that for this current year the CB has allowed the funds that were in there to remain until the end of this fiscal year and commented that efforts are continuing towards getting that position back from the CB. He further stated that if that position is taken away, at the end of FY 17 there will be \$9,914 added to the temporary salary, which would be used for a part-time position or a full-time position to offset some of the salary. He explained that the base pay is determined and the County is allowed to keep any monies over that amount in temporary funding and further explained that would be approximately a \$10,000 increase for temporary funding in the FY 18 budget. He noted that this year no one had occupied that position and current funding would allow the hiring of someone right now and be funded out of the temporary salaries. He further noted that essentially this year would be covered and remarked if that position was not given back there would be approximately \$10,000 added to the temporary salary to offset a portion of the salary for a part- or full-time position.

Discussion ensued regarding Item No. 2.

Mr. Hipple expressed his thanks to the Sheriff's Office for all it does for the community. He reaffirmed that there was financial coverage for this year; however, noted that assistance was needed from the County to cover next year and from that point forward. He inquired what the cost would be to the County for an officer.

Ms. Sue Mellen, Director of Financial and Management Services, replied that the CB will reduce its funding by approximately \$45,000, with an estimated net cost to the County of approximately \$29,000 moving forward.

Mr. Hipple reiterated that an officer could be placed in the Courthouse for \$29,000 a year, "all in."

Ms. Mellen replied, yes, "all in" and further explained "all in" because the person that retired would have been making more money and a new recruit would be at a much lower salary.

Mr. Hill clarified Mr. Hipple's question of how much would it cost for one officer, not just the County share, because it is going to cost the County an additional \$29,000 to ensure that the Sheriff gets the officer.

Ms. Mellen replied that with salary and fringe benefits it would be approximately \$75,000.

Mr. Hipple inquired if the CB decides in 2018 that the position is not needed and does not compensate it, then in 2018 it would cost the County \$75,000 "all in" and not \$29,000.

Ms. Mellen stated that the on-going cost is an addition \$29,000 to the County.

Mr. Hipple stated \$29,000 plus the \$45,000 we are already paying so \$74,000 roughly.

Mr. Hill stated that the figure is \$74,000.

Ms. Mellen replied yes, \$74,000.

General discussion ensued regarding Item No. 2.

Mr. McGlennon expressed his thanks for the invitation to tour the jail and offices in the Courthouse and stated that he is uncomfortable making this decision in isolation for next year's budget and subsequently would rather have the opportunity to think about supporting a full-time position. He remarked that it might not make sense to go ahead and do a full-time position this year, but rather make this a part of the whole budget process and commented that the CCC earlier this evening had the funding for its positions now and going forward. He further stated concerns of deciding this evening to remove something off the table in our overall budget considerations, knowing that there are some tough choices to be made down the line.

Sheriff Deed stated that this position has been vacant for 3.5 months and commented that the CB did not have anything to do with building the Courthouse and they made it clear that anything additional for the Courthouse is on the locality. He further commented that waiting for the full budget process would make it July 1 before funds would be available and it is his opinion things are already stretched too tightly.

Mr. McGlennon inquired if he has received any feedback from the City of Williamsburg on the share of the cost of the position.

Sheriff Deed replied he had not.

Mr. McGlennon asked if any requests to the City of Williamsburg had been made.

Sheriff Deed replied that he had conversations with the Manager of the City of Williamsburg.

Mr. McGlennon reiterated that the Sheriff's Office is a joint jurisdictional office.

Sheriff Deeds stated that it is 80/20 or 78/22 and noted that it is based on the population.

Mr. McGlennon stated that he would not be in favor of funding a position without the participation of the City of Williamsburg and would like to have its input.

General discussion ensued on this topic.

Mr. Hipple suggested could there be any services from the County that could be shared with the Sheriff's Office to potentially free-up an officer's time.

General discussion ensued on this suggestion.

Mr. Hipple suggested electronic Warrants and Jury Duty Summons.

General discussion ensued on this suggestion and filling/funding of the Deputy position.

Ms. Larson commented that she emphasized with the position that the Sheriff's Office and localities are put in by elected officials, and expressed her gratitude for a tour she received. She stated that it would be difficult for her to approve this without allowing Mr. Hill an opportunity to go back and see if and where the monies for this position were available, not putting it off until July 1, but rather putting it off one meeting. She inquired about finger printing and notary public service that the Sheriff's Office routinely perform as public services and if the CB has offered any suggestions for coping with less people or any operating suggestions and inquired if the Sheriff's Office is an active advocacy group with Senators and Delegates in Richmond.

General discussion ensued regarding Item No. 2.

Ms. Sadler expressed her gratitude for the tour and commented on the potential vulnerability in

the Sheriff's Office, due to the lack of officers. She stated that she supports safety and security for staff and the public.

Mr. Onizuk stated that the Board Consideration this evening was a fantastic example of the fiscal challenges continually faced in localities and noted this is one of the items previously funded by the state. He further stated that he agreed this should be part of the overall budget discussions and tweaks can be made as needed. He remarked that he does not feel that he is ready to support this item tonight, the biggest hesitation being the City of Williamsburg. He requested for Mr. Hill and the Sheriff to speak with Mr. Collins, Manager of the City of Williamsburg, and expressed his feelings that a 50/50 split with the City would be fair since this is an over and above position outside of the necessity. He noted that he was interested in knowing what the City is willing to do. He stated that the Courthouse is located on property in the City of Williamsburg. He acknowledged that Commonwealth Attorney Nate Green was present in the audience.

Sheriff Deeds stated that yes the Courthouse is located on property in the City of Williamsburg.

General discussion ensued regarding this Item.

Ms. Larson reiterated that she would like this Item to come forward at the next scheduled meeting.

Mr. Hill inquired if this could be an Item at the meeting on March 14, and stated that he would like to speak with Sheriff Deeds on this topic and then speak with Mr. Collins.

Ms. Larson replied yes.

The Board members thanked Sheriff Deeds for the information.

3. VDOT Project No. UPC 100921. Longhill Road Widening - Phase 1, Resolution of Support

A motion to Approve was made by Michael Hipple and the motion result was Passed.

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

Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

Mr. Paul Holt, Director of Community Development, referenced a memorandum, resolution and PowerPoint Presentation included in the Agenda Packet and noted that Mr. Rossie Carroll, Virginia Department of Transportation (VDOT) Residency Administrator, was in the audience able to answer any questions.

Mr. Onizuk thanked Mr. Carroll for his attendance and noted this process was handled very well and had a great citizen input. He stated he was looking forward to Phase I kicking off and mentioned that a citizen had contacted him and expressed they were anxious for Phase II and III.

J. BOARD REQUESTS AND DIRECTIVES

Ms. Larson referred to a recent trip to Richmond mentioning that it was a productive day, but that there would be no increased funding and stated that she refers back to her previous comments. She commented that on February 5 she attended a program at the Unitarian Universalist Church dedication for its new and remodeled spaces.

Mr. Hipple referenced the Five Strategic Initiatives and stated that this Board set in place stormwater educational achievements, economic development and County

appearance keeping those top notch moving forward in its decisions. He stated that Smart Scale money has been beneficial in the County and referenced Hampton Roads Transportation Accountability Committee (HRTAC) and commented on the amazing accomplishments of teamwork and staff. He referenced Monticello Woods and commented that it has gotten a raw deal on the roads from the developer. He stated that there will be a personal budget meeting March 2 with the Planning District Commission (PDC) and February 16 with the HRTAC, Transportation Planning and Organization and PDC. He remarked on the progress of Interstate 64 Phase II coming along and pushing toward Phase III. He referenced the time change of the Board of Supervisor's meetings and commented that the large attendance tonight was proof of its success.

Ms. Larson stated that earlier she sent Board members an email apologizing for not alerting them to action taken at the EDA meeting on Thursday and commented that she had planned to bring it forward this evening. She further stated that the EDA temporarily stopped funding to the Newport News Airport Fund until further discussion and remarked it is something that will be ongoing in their budget for 2018 that is a placeholder, and noted that it is not withdrawing. She further remarked that the EDA is one of several Boards that is always looking for new applicants and there are two EDA positions that become open this year if anyone is interested to go to the website and fill out an application. She congratulated the Board of Supervisors on taking the stormwater issue seriously, working toward a resolution so all citizens can have good property values and not have to worry about their homes eroding. She expressed her gratitude to the citizens in her district still waiting for paving, the people that came out this evening to attend the meeting and also the diligence of Mr. Kinsman on this issue.

Ms. Sadler stated that at a recent work session she mentioned the potential of rolling the real estate tax back by a penny. She commented that if what we are bringing in \$2.5 million exceeding what is budgeted, she suggested that penny could be used to create tax relief for citizens and would still allot extra money for public safety. She expressed her gratitude to citizens, her colleagues and friends for their support over the recent loss of her son-in-law. She encouraged everyone to go out and give blood because it is desperately needed in critical situations.

Mr. McGlennon stated the County is a fast growing community and referenced that it is No. 11 out of 135 in the state. He encouraged citizens to review the County budget as it becomes available.

Mr. Onizuk stated that regarding the Fiscal 2018 budget, the Board is always looking for opportunities for savings and efficiencies. He commented that Monticello Woods is in his district and thanked Mr. Hill, Mr. Kinsman and County staff for working diligently on its issues and expressed his appreciation to the residents that attended the meeting this evening. He briefly spoke about the sequence of events regarding the Monticello Woods issue. He mentioned that the County 2017 Tourism Campaign is currently on target and preparing for the spring. He noted the March 3, 2017, Tourism Forum to be held at Busch Gardens Williamsburg. He referenced the Board's first work session and business meeting with the new meeting structure and stated that he found the meetings to be more productive and very efficient. He further commented that citizen input has impacts at neighborhood forums, annual budget meetings and in the strategic planning process and invited citizens to attend the Board meetings and provide feedback.

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

Mr. Hill noted that the EDA and the County had suspended payments to RAISE, commenting that it had 90 days to discuss the situation and how to move forward. He discussed the 2035 Strategic Plan goals. He invited Mr. Doug Powell, Manager of the James City Service Authority (JCSA) to discuss Goal No. 1.

Mr. Powell stated that the JCSA has successfully negotiated a Groundwater Withdrawal Permit with the Department of Environmental Quality and discussed some of the terms of the permit to the Board.

The Board congratulated Mr. Powell and the staff that worked on this effort.

Mr. Hill commented on future opportunities explored for water source planning. He listed upcoming events ongoing in the County. He asked the Board to amend the calendar to add the joint meeting with the School Board on March 17 at 9 a.m., Room 300 of the Annex Building at James Blair.

L. CLOSED SESSION

A motion to Appoint Individuals to Boards and Commissions was made by John McGlennon and the motion result was Passed.

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

Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

Mr. McGlennon suggested for this to be an Open Session and the Board agreed.

1. Appointment to the Chesapeake Bay Board and Wetlands Board
2. Community Services Coalition Board of Directors-Staff Appointment

Ms. Larson discussed a blood drive to be held at the James City County Recreation Center on March 17, 2017.

M. ADJOURNMENT

1. Adjourn until 4 p.m. on February 28, 2017, for the Work Session

A motion to Adjourn was made by Sue Sadler and the motion result was Passed.

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

Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

ITEM SUMMARY

DATE: 2/13/2018

TO: The Board of Supervisors

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: Gilley Conservation Easement - Approval of Accessory Structures

ATTACHMENTS:

	Description	Type
☐	Memorandum	Staff Report
☐	Attachment 1. Resolution	Resolution
☐	Attachment 2. Property Location Map	Exhibit
☐	Attachment 3. Request from Mr. and Mrs. Gilley	Exhibit
☐	Attachment 4. Exhibit A-Barn Location Map	Exhibit
☐	Attachment 5. Deed of Easement	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	1/28/2018 - 3:33 PM
Development Management	Holt, Paul	Approved	1/28/2018 - 3:33 PM
Publication Management	Burcham, Nan	Approved	1/29/2018 - 7:37 AM
Legal Review	Kinsman, Adam	Approved	1/29/2018 - 1:47 PM
Board Secretary	Fellows, Teresa	Approved	1/30/2018 - 11:11 AM
Board Secretary	Purse, Jason	Approved	2/6/2018 - 9:44 AM
Board Secretary	Fellows, Teresa	Approved	2/6/2018 - 10:01 AM

MEMORANDUM

DATE: February 13, 2018
TO: The Board of Supervisors
FROM: Jose Ribeiro, Senior Planner II
SUBJECT: Gilley Conservation Easement Approval of Structures

Mr. and Mrs. Edwin and Meredith Gilley, on behalf of Merewin Farms, LLC, have submitted a request (Attachment Nos. 3 and 4) to allow the construction of two new accessory structure barns and the continued use of one existing accessory structure barn on property located at 131 Smokehouse Lane and further identified as James City County Real Estate Tax Parcel ID No. 4740100042E. The property is subject to a conservation easement agreement with the County (Attachment No. 5) that allows for the construction of such structures on the property with the prior written consent of the County after consideration by the Board of Supervisors.

According to the request, each new barn will be $\pm 2,000$ square feet in size and will be used for agricultural purposes (e.g. storage of hay and livestock). The existing barn is also 2,000 square feet in size and is used for storage of farm equipment. It was constructed after the conservation easement was recorded, but without the prior approval by the Board of Supervisors.

Consistency with the Conservation Easement

On June 25, 2013, the James City County Board of Supervisors adopted a resolution to acquire a perpetual conservation easement on the Gilley's property through the County's Purchase of Development Rights and Greenspace programs. The Board Memorandum and Deed of Easement cite numerous conservation benefits to the County including water quality protection of Mill Creek through significantly reduced impervious cover, avoidance of neighborhood drainage issues, reduction of vehicle trips on Neck-O-Land and Jamestown Roads, avoidance of secondary fiscal impacts required to serve residential development, protection of natural and scenic resources, conservation of biological diversity and natural wildlife habitat and promotion of agricultural and forestal activities. In order to protect these values, the Deed of Easement establishes limitations on current and future uses on the property. Specifically, item 3(b) of the Deed states, "Accessory structures (as defined by the County Code)...or otherwise incidental to a *bona fide* agricultural or forestal use conducted on the Properties shall be permitted only with the prior written consent of the Grantee." Additional provisions limit barn structure size to 6,000 square feet of building footprint, total impervious surfaces to 10% and location of structures to 100 feet beyond any public road.

Staff finds that all three barns are associated with legitimate agricultural purposes and that they are located on developable areas outside of the flood plain and resource protection area (RPA). Each barn is below the 6,000-square-foot threshold, and the Stormwater Resource Protection Division has confirmed that the total impervious surface area is less than 10% and the overall environmental resource value is retained. The structures are located further than 100 feet from adjacent roads.

RECOMMENDATION

Staff finds that the proposed and existing accessory structure barns are consistent with the terms of the conservation easement and do not have a negative impact on the conservation values of the property. Staff recommends the Board of Supervisors approve the attached resolution.

Gilley Conservation Easement Approval of Structures

February 13, 2018

Page 2

JR/nb

GilleyCESmt-mem

Attachments:

1. Resolution
2. Property Location Map
3. Request from Mr. and Mrs. Gilley
4. Exhibit A - Barn Location Map
5. Deed of Easement

RESOLUTION

GILLEY CONSERVATION EASEMENT APPROVAL OF STRUCTURES

WHEREAS, Merewin Farms, LLC (the “Applicant”) owns a parcel of property located at 131 Smokehouse Lane, further identified as James City County Real Estate Tax Parcel ID No. 4740100042E (the “Property”); and

WHEREAS, the Property is subject to a conservation easement held by the County that allows for the construction of certain future structures on the Property with the prior written consent of the County after consideration by the Board of Supervisors; and

WHEREAS, the Applicant has requested permission to construct three accessory structure barns on the Property for agricultural purposes as shown on Exhibit A; and

WHEREAS, the proposed accessory barns are consistent with the requirements and purposes of the easement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the construction of three accessory structure barns for agricultural purposes at 131 Smokehouse Lane, further identified as James City County Real Estate Tax Parcel ID No. 4740100042E, as shown on Exhibit A.

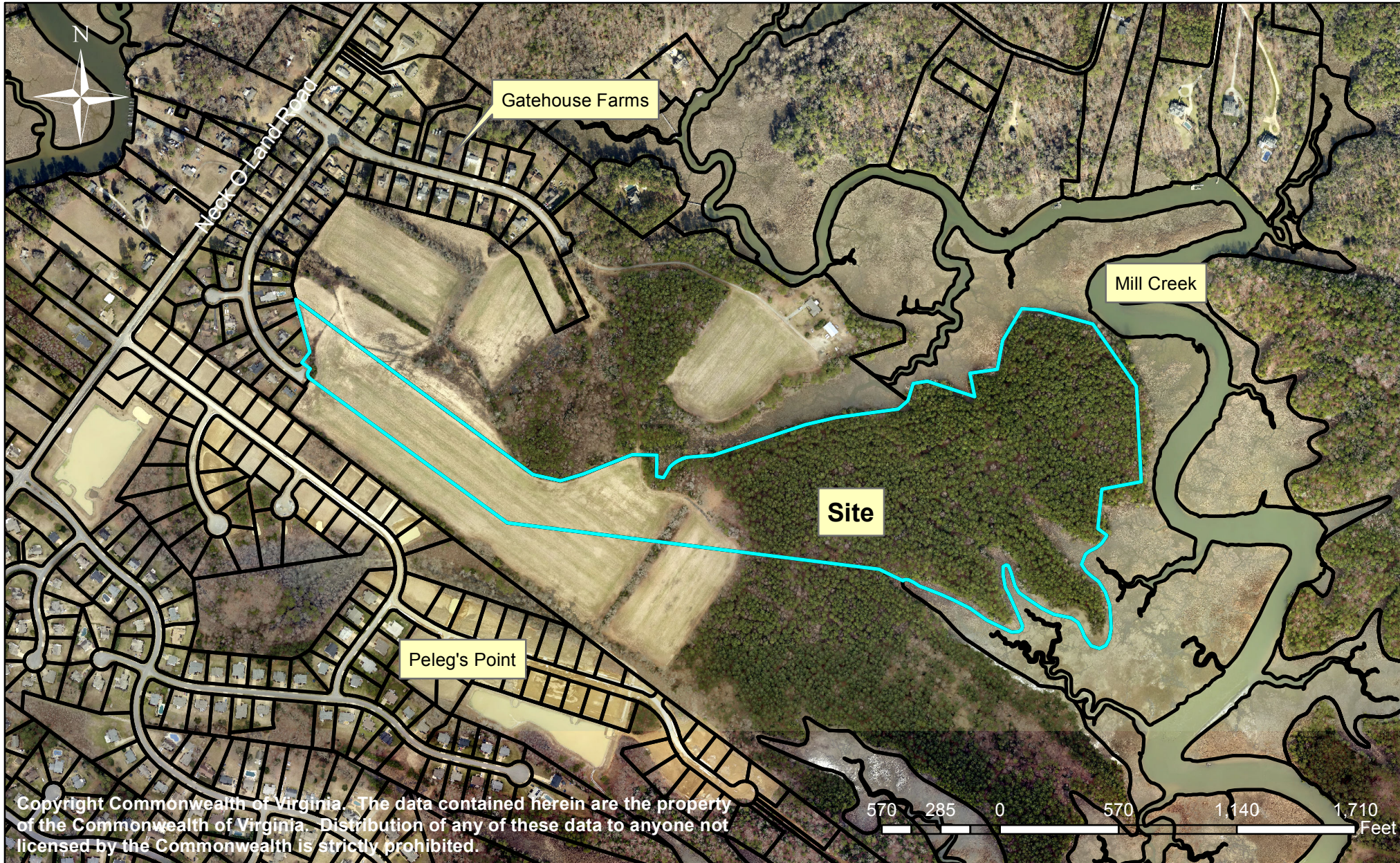
BE IT FURTHER RESOLVED that this resolution shall serve to satisfy the written permission requirement of the conservation easement held by the County and recorded as Instrument No. 140006461 in the Circuit Court for Williamsburg and James City County.

Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:		VOTES		
		<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
	_____	MCGLENNON	_____	_____
	Teresa J. Fellows	ICENHOUR	_____	_____
	Deputy Clerk to the Board	SADLER	_____	_____
		HIPPLE	_____	_____
	LARSON	_____	_____	

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of February, 2018.

Gilley Conservation Easement Approval of Structures



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570 285 0 570 1,140 1,710 Feet

RECEIVED

JAN 09 2018

County Attorney

January 8, 2018

County Attorney
101-D Mounts Bay Road
PO Box 8784
Williamsburg, VA 23187-8784

Dear County Attorney:

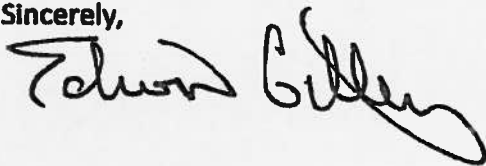
Edwin and Meredith Gilley on behalf of Merewin Farms, LLC are requesting permission to build two (2) accessory structures, each structure is 40x50/2000 sq feet, on our property located at 131 Smokehouse Lane. Parcel id # 47401000042E. One of the structures will be used for hay storage. The other will be for livestock. Both structures are identified on the site map which is enclosed. Minimal to no land disturbance is required. Neither of the structures is located in a flood plain or in the RPA. The two (2) structures that we are requesting to construct are bona fide agricultural buildings as per the permit that we submitted.

The existing barn currently on this parcel was constructed after the PDR and boundary adjustments. This barn is a 40x50/2000 sq feet for farm equipment, repair and storage. The proper permit was submitted and approved; however, we are unsure of its approval by the board of supervisors. The plan with the boundary line adjustments that was in circulation to all necessary country departments for approval, showed this area marked and identified as proposed barn.

With these three (3) structures, our total sq footage is 6,000 sq feet.

We appreciate your time and consideration in this matter.

Sincerely,



Edwin and Meredith Gilley
223 Gate House Blvd.
Williamsburg, VA 23185
Edwin - 757-812-0768

Exhibit A

PLAT OF CORRECTION

SUBDIVISION AND BOUNDARY LINE ADJUSTMENT PLAT
OF THE PROPERTIES OF
REGJAG, L.L.C. & LEIGH ANN GILLEY

JAMES CITY COUNTY JAMESTOWN DISTRICT VIRGINIA
DATE: 06/06/2016 SCALE: 1"=250' JOB #08-109

LandTech Resources, Inc.
Surveying • Engineering • GPS

3925 Midlands Road, Suite E, Williamsburg, Virginia 23188
Phone: (757) 565-1677 Fax: (757) 565-0782
web: landtechresources.com

SHEET: 2 OF 2

JCC CASE: S-0008-2015

AREA TABULATION

PARCEL 1	56.58± AC.
PARCEL 2	56.49± AC.
PARCEL 3	56.63± AC.
TOTAL	169.70± AC.



ADJOINING PROPERTY INFORMATION

- ① PARCEL 'C'
P.B. 45, PG. 54
- ② PARCEL 'B'
P.B. 45, PG. 27
- ③ PARCEL 'A'
P.B. 45, PG. 66

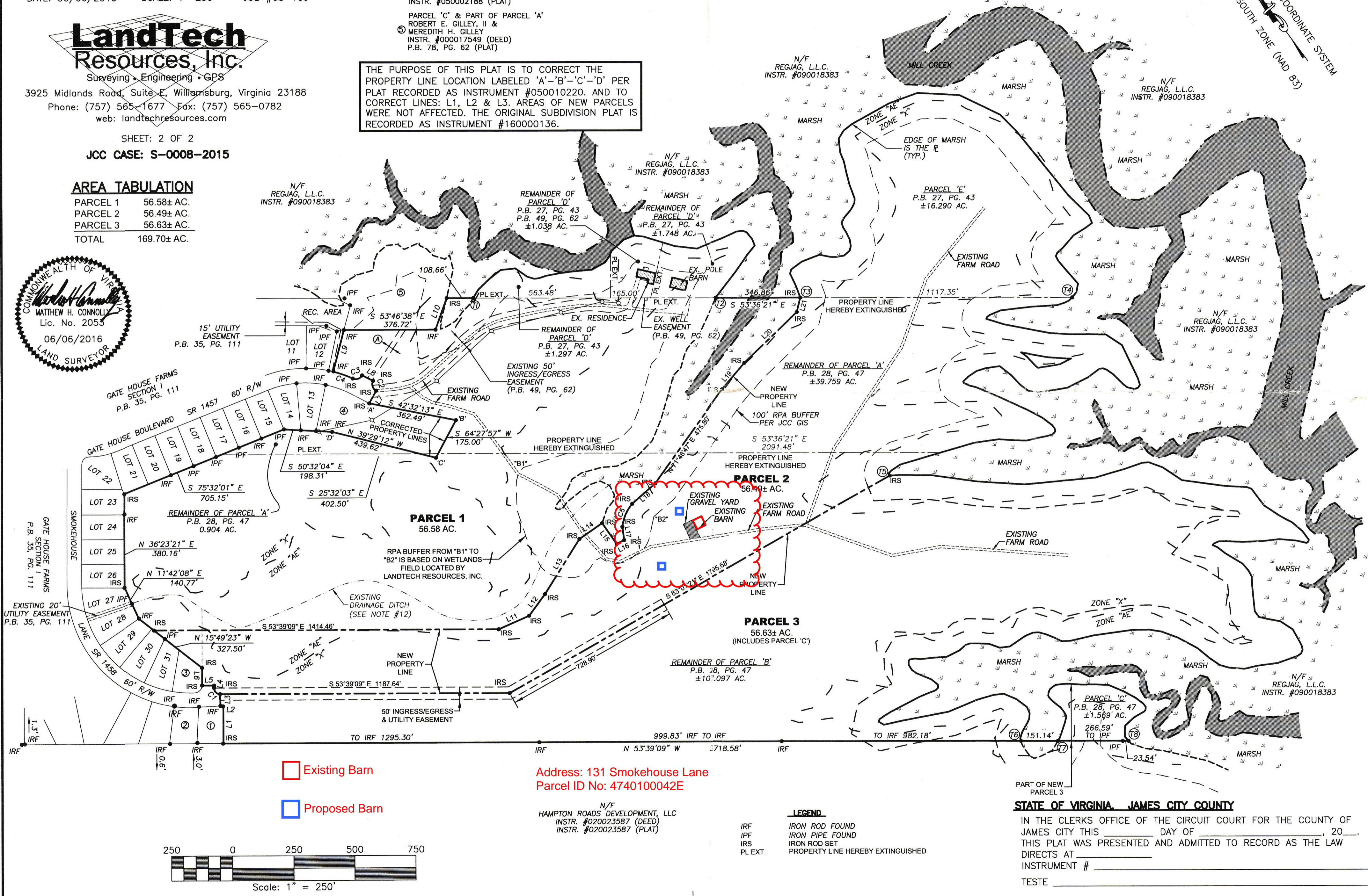
④ EXISTING 20' INGRESS/EGRESS & UTILITY EASEMENT
P.B. 78, PG. 62

- PARCEL 'A-1'
LEIGH ANN GILLEY
- ⑤ INSTR. #080025894 (DEED)
INSTR. #050002188 (PLAT)
- PARCEL 'C' & PART OF PARCEL 'A'
ROBERT E. GILLEY, II &
MEREDITH H. GILLEY
- ⑥ INSTR. #000017549 (DEED)
P.B. 78, PG. 62 (PLAT)

THE PURPOSE OF THIS PLAT IS TO CORRECT THE PROPERTY LINE LOCATION LABELED 'A'-'B'-'C'-'D' PER PLAT RECORDED AS INSTRUMENT #050010220, AND TO CORRECT LINES: L1, L2 & L3. AREAS OF NEW PARCELS WERE NOT AFFECTED. THE ORIGINAL SUBDIVISION PLAT IS RECORDED AS INSTRUMENT #160000136.

GENERAL NOTES:

1. ALL NEW DRIVEWAYS CONSTRUCTED ON THE SHOWN PARCELS SHALL BE CONSTRUCTED ABOVE THE 100 YEAR FLOOD ELEVATION.
2. THE FINISH FLOOR ELEVATION OF ANY NEW RESIDENTIAL STRUCTURES ON THE SHOWN PARCELS SHALL BE A MINIMUM OF 2' ABOVE THE 100 YEAR FLOOD ELEVATION.
3. SETBACKS -
A1
FRONT - 50'
REAR - 35'
SIDE - 15'



Address: 131 Smokehouse Lane
Parcel ID No: 4740100042E

N/F HAMPTON ROADS DEVELOPMENT, LLC
INSTR. #020023587 (DEED)
INSTR. #020023587 (PLAT)

LEGEND
IRF IRON ROD FOUND
IPF IRON PIPE FOUND
IRS IRON ROD SET
PL EXT. PROPERTY LINE HEREBY EXTINGUISHED

PART OF NEW PARCEL 3
STATE OF VIRGINIA, JAMES CITY COUNTY
IN THE CLERKS OFFICE OF THE CIRCUIT COURT FOR THE COUNTY OF JAMES CITY THIS _____ DAY OF _____, 20____, THIS PLAT WAS PRESENTED AND ADMITTED TO RECORD AS THE LAW DIRECTS AT INSTRUMENT # _____
TESTE _____

Prepared by and return to:
County Attorney
101-D Mounts Bay Road
Williamsburg, Virginia 23185

140006461

NOTE TO TITLE EXAMINERS: This conservation and open-space easement contains restrictions on permitted uses and activities on the property described below, which run with the land and are applicable to the property in perpetuity.

April 18, 2014

JCC TAX ID NOS: 4740100040, 4740100041, 4830100042,
4740100042D, 4740100042E and 4740100042F

CONSIDERATION: \$1,175,000.00

THIS DEED IS EXEMPT FROM TAXATION UNDER VIRGINIA CODE
§§ 58.1-811 (A)(3)

DEED OF EASEMENT

THIS DEED OF EASEMENT, made this 18 day of April, 2014, by and between **REGJAG, L.L.C.**, a Virginia limited liability company ("Regjag") and **LEIGH ANN GILLEY, TRUSTEE** under the provisions of the **Leigh Ann Gilley Revocable Living Trust Agreement dated September 3, 2008** ("Gilley", and together with Regjag the "Grantors") and the **COUNTY OF JAMES CITY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the "County" or the "Grantee" and, together with the Grantors, the "Parties").

WITNESSETH:

WHEREAS, Regjag is the owner in fee simple of five parcels of real property located in James City County, Virginia, identified as James City County Real Estate Tax Parcel Numbers 4740100040, 4740100041, 4740100042D, 4740100042E, 4830100042, four of which are further identified by addresses 318 and 320 Neck-O-Land Road and 229 and 231 Gate House Boulevard, one of which (Parcel No.: 4830100042) has no designated address, and all of which are more particularly described in Exhibit A (the "Regjag Properties"); and

WHEREAS, Gilley is the owner in fee simple of one parcel of real property located at 227 Gatehouse Boulevard in James City County, Virginia and further identified as James City County Real Estate Tax Parcel Number 4740100042F, as more particularly described in Exhibit B (the "Gilley Property" and, together with the Regjag Properties, the "Properties"); and

WHEREAS, under the County's Purchase of Development Rights Program (the "PDR Program"), codified as Chapter 16A in the Code of James City County, as amended (the "County Code"), the County is authorized to acquire perpetual conservation easements over qualifying

properties in order to accomplish the purposes of the PDR Program and the Open-Space Land Act (§§ 10.1-1700 *et seq.* of the *Code of Virginia*, 1950, as amended (the “Virginia Code”)); and

WHEREAS, the Grantors and Grantee desire to protect in perpetuity the historic, aesthetic, agricultural and open-space values of the Properties, and Grantors have voluntarily agreed to have the Properties be subject to the terms, limitations, and obligations of this perpetual conservation easement; and

WHEREAS, the County’s acquisition of the conservation easement identified herein furthers the purposes of the PDR Program in that such acquisition, among, other things, assures that the County’s resources are protected and efficiently used, establishes and preserves open space, and furthers the goals of the County’s Comprehensive Plan by protecting the County’s natural and scenic resources, conserving biological diversity and natural wildlife habitat, promoting the continuation of agricultural and forestal activities, and protecting the quality of the County’s surface water and groundwater resources (collectively, “Conservation Values”); and

WHEREAS, the Grantors have offered to sell a conservation easement upon the Properties and the County has agreed to pay the Grantors the sum of One Million One Hundred Seventy-Five Thousand Dollars (\$1,175,000.00) for this conservation easement, such sum being based upon the fair market value of the easement, as determined by a qualified appraiser; and

WHEREAS, the Virginia Department of Agriculture and Consumer Services (“VDACS”) and the County have entered into an Intergovernmental Agreement (the “IGA”) on December 31, 2012 to provide cooperation between VDACS and the County to implement VDACS’s contribution of funds in support of the County’s purchase of agricultural conservation easements.

NOW, THEREFORE, in consideration of the recitals and the mutual benefits, the covenants and terms herein contained, and for other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantors hereby grant, convey, covenant, and agree as follows:

1. GRANT AND CONVEYANCE OF EASEMENT. The Grantors hereby grant and convey to the Grantee and its successors and assigns, with General Warranty and English Covenants of Title, a perpetual conservation easement in gross in, upon, and over the Properties (as are more particularly described in Exhibit A and Exhibit B attached hereto), establishing servitudes, obligations, and limitations restricting in perpetuity the use of the Properties in the manner set forth in this Deed of Easement.

2. EXISTING STRUCTURES. Existing structures on the Properties shall be authorized to continue only as follows:

(a) *Existing residential structures.* The single-family dwelling that exists on the Gilley Property (the “Existing Dwelling”) shown on and more particularly described in the Baseline Study dated September 9, 2013, a copy of which is maintained in the County file (the “Baseline Study”), may continue in its current condition (reasonable wear and tear excepted), may be maintained, repaired, expanded upon up to five thousand (5,000) square feet of building footprint, relocated or replaced with the prior written consent of the Grantee, provided that minor repairs that do not materially alter the existing character of either dwelling (*e.g.*, repair of boards,

shutters, stairs, railings, shingles, windows, trim, moldings, gutters, etc.) may be completed without prior consent of the Grantee.

(b) *Existing non-residential structures.* The non-residential structures that exist on the Properties shown on and more particularly described in the Baseline Study (the "Existing Non-Residential Structures") may continue in their current condition (reasonable wear and tear excepted), and may be maintained, repaired, remodeled, rebuilt or removed. Any expansion, replacement, remodeling, rebuilding, maintenance or repair of any Existing Non-Residential Structure that materially alters its existing location or external character may be completed only with the prior written consent of the Grantee.

3. FUTURE STRUCTURES AND IMPROVEMENTS. No structure or other improvement shall be constructed, placed, situated, permitted or maintained on the Properties except as authorized according to the following:

(a) *Residential structures.* No more than one (1) additional residential dwelling shall be permitted on any future lot containing the Existing Dwelling currently owned by Leigh Ann Gilley. No more than two (2) residential dwellings shall be permitted on each of the two (2) additional lots which can be created on the Regjag Properties.

(b) *Accessory structures.* Accessory structures (as defined by the County Code) incidental to the Existing Dwelling or other dwellings permitted by this deed, or otherwise incidental to a *bona fide* agricultural or forestal use conducted on the Properties shall be permitted only with the prior written consent of the Grantee. Accessory structures shall be subject to the provisions of Section 3(e) below. Fencing not exceeding six feet (6') in height and duck blinds, boat lifts, and structures associated with water dependent activities shall be permitted without prior approval of the Grantee. One pier and shorefront boat launching area for each residence permitted by this deed shall be permitted; piers shall be eight feet (8') above mean high water, with decking not to exceed sixteen feet (16') in width. Piers shall be of a length necessary to reach navigable water. Boat lifts or covers and pier structures shall not exceed a height of twenty feet (20') above mean high water. Permitted accessory structures may be maintained, repaired, remodeled, rebuilt, expanded upon or replaced, provided that any expansion, replacement or remodeling that materially alters its existing location or external character may be completed only with the prior written consent of the Grantee.

(c) *Structure Size.* No single residential structure on the Properties may have a building footprint exceeding four thousand five hundred (4,500) square feet without the prior written consent of the Grantee. Barns permitted with Grantee consent pursuant to Section 3(b) above shall only be permitted upon developable land and shall not exceed six thousand (6,000) square feet of building footprint.

(d) *Impervious Surfaces.* The total area of all impervious surfaces on the Properties shall not exceed ten percent (10%) of the surface area of the Properties.

(e) *Structure Location.* No building or structure shall be located within one hundred feet (100') of any public road without the prior written consent of the Grantee.

(f) *Public or private utilities.* Public or private utilities constructed in whole or in part to serve the Properties shall be permitted. Public or private utilities to be constructed in whole or in part to serve other properties shall not be constructed on, under, or over the Properties unless Grantee determines that the construction and maintenance of such utilities will not impair the Conservation Values of the Properties and gives its prior written approval for such construction and maintenance. Approval or disapproval of such construction and maintenance shall take into consideration the visibility and any other adverse impact of such utilities on the conservation values of the Properties.

4. FUTURE USES. No use may be made of or established on the Properties except as authorized, permitted, and approved in this Deed of Easement.

(a) *Uses permitted by right.* All agricultural and/or forestal production of the Properties, as well as uses that are accessory to such agricultural and/or forestal production, as defined by Virginia Code § 15.2-4302, shall be permitted without the prior written approval of the Grantee to the extent such uses are: (1) permitted by the County Code; and (2) otherwise consistent with the terms and purposes of this Deed of Easement.

(b) *Unlisted uses.* The Grantors may petition the County Board of Supervisors for approval to establish a use which is: (1) not otherwise prohibited herein, (2) consistent with this Deed of Easement, and (3) otherwise permitted on the Properties by the County Code. Nothing in this Deed of Easement shall be construed so as to require the County Board of Supervisors to grant any such petition.

5. CONFIGURATION/SUBDIVISION OF THE PROPERTY. The Properties are currently comprised of six (6) parcels totaling approximately two hundred forty two and one-half (242.5) acres. The Parties acknowledge and agree that it is the intent and purpose of this Deed of Easement that the Properties may be subdivided or the boundary lines reconfigured into no more than three (3) lots or parcels containing developable land, and accordingly no subdivision or boundary line reconfiguration of the Properties shall be made in contradiction of that purpose and intent. Marsh, resource protection areas, wetlands, and other undevelopable property may be divided into one or more parcels in addition to the three (3) lots or parcels referenced above, to permit ownership by a family entity or out conveyance, all in accordance with the restrictions contained herein. Any such parcel(s) of undevelopable land shall not be eligible for development of commercial or residential structures, or any other structure except those associated with hunting or fishing activities. Final parcel boundaries will be set at the time of final subdivision approval. Minor boundary line adjustments are permitted with the prior written approval of the Grantee.

6. GRADING, EXCAVATION, EARTH REMOVAL, BLASTING, AND MINING. No grading, excavation, earth removal, blasting or mining of the Properties shall be made or conducted except as expressly permitted herein. Earth removal, except for activities incidental to a *bona fide* agricultural or forestry operation, and blasting are prohibited on the Properties. The exploration for, or development and extraction of minerals and hydrocarbons by mining or any other method is prohibited on the Properties. Grading and excavation is permitted on the Properties for activities incident to the uses permitted by this Deed of Easement (including, without limitations, driveways serving the lots created hereunder), provided that any

such grading or excavation shall not materially alter the topography of the Properties. Grading and excavation shall be permitted for dam construction to create private conservation ponds with the prior written approval of the Grantee, and grading and excavation shall be allowed during the construction of permitted structures or associated improvements as it relates to such construction. Common and customary agricultural or forestal activities such as plowing, maintenance and repair of existing or permitted farm, driveway, and logging roads and hunting trails, erosion control and restoration of storm damaged, eroded or other degraded areas are permitted activities that do not materially alter the topography of the Properties.

7. MANAGEMENT OF AGRICULTURAL AND FORESTAL RESOURCES.

(a) *Management of Forest.* All silvicultural activities on the Properties shall conform to a Forest Stewardship Plan (the "FSP") prepared by professionals, at Grantor's expense, which FSP shall be approved by the Grantee. The FSP shall include recommended Forest Best Management Practices and other scientifically based recommendations as may be appropriate for protecting the health of the forest, controlling erosion, protecting water quality and providing wildlife habitat. The FSP shall be professionally updated no later than every five (5) years at Grantors' expense. Grantors shall provide Grantee a copy of the FSP and each subsequent FSP update for review and approval. A Pre-Harvest Plan consistent with the FSP shall be submitted by Grantors to the Grantee for approval no earlier than one year nor later than forty-five (45) days prior to the anticipated commencement of any material timber harvest. If an aspect of the harvest activities is inconsistent with one or more purposes of this conservation easement, the Grantee reserves the right to require modifications to the harvest activities that will minimize such impacts. Without limiting the foregoing requirement regarding submission of pre-harvest plans, Grantee shall be notified no later than forty-five (45) days prior to the clearing of over ten (10) acres of forestland for conversion into grassland or crop land or in association with the construction of permitted buildings or the installation of permitted roads or permitted accessory uses.

(b) *Agriculture.* All agricultural activities on the Properties shall conform with a Farm Conservation Plan ("FCP") prepared at Grantor's expense by a qualified agricultural professional. The FCP shall include recommended Agricultural Best Management Practices, an implementation schedule and other scientifically based recommendations as may be appropriate for protecting the soil and natural resources and enhancing water quality. The FCP shall be updated at Grantors' expense no later than every three (3) years by a certified professional and approved as specified above. The Grantors shall provide the Grantee with a copy of the FCP, including updates.

8. ACCUMULATION OF WASTE MATERIAL. There shall be no accumulation or dumping of trash, refuse, or junk (including, without limitation, old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material) on the Properties. This restriction shall not prohibit customary agricultural, horticultural, or wildlife management practices including, but not limited to, establishing brush, compost piles, or the routine and customary short-term accumulation of household trash.

9. NOTICE AND PERMISSION.

(a) *Notice.* Whenever notice is to be given pursuant to any of the provisions of this Deed of Easement, or where a request for required consent or permission is to be submitted to the Grantee, or for a change of notice address, such notice or request for consent or permission shall be in writing and shall be deemed to have been given upon (i) delivery by hand, (ii) three days after deposit in the U.S. mail with postage prepaid, for delivery by certified mail, return receipt requested, or (iii) one day after delivery to a recognized national courier service for overnight delivery to:

If to Grantor: REGJAG LLC
Attn: R. Edwin Gilley II
223 Gatehouse Blvd.
Williamsburg, VA 23185

And

Leigh Ann Gilley
227 Gatehouse Blvd.
Williamsburg, VA 23185

With Copy to: Gregory R. Davis, Esq.
Kaufman & Canoles, P.C.
P.O. Box 6000
Williamsburg, VA 23188

If to County: County Administrator
101-D Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187-8784

With Copy To: County Attorney
101-D Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187-8784

If to VDACS: Virginia Department of Agriculture and Consumer Service
Commissioner's Office
102 Governor Street
Richmond, VA 23219

(b) *Permission.* When permission of the Grantee is sought by the Grantors, the Grantors shall submit such request and any supporting documentation in writing to the County Administrator. The request shall be considered by the Board of Supervisors at a public meeting. If no action is so taken by the Grantee, within sixty (60) days of the date of the request, absent agreement by the parties to the contrary, the Grantors shall have the right to require that the issue be placed on the agenda of the Board of Supervisors at its next meeting. Nothing in this

Deed of Easement shall be construed as obligating the County to give or grant any requested permission.

10. MISCELLANEOUS PROVISIONS.

(a) *No public right-of-access to Properties.* This Deed of Easement does not create, and shall not be construed to create, any right of the public to enter upon or to use the Properties or any portion thereof, except as Grantors may otherwise allow in a manner consistent with the terms of this Deed of Easement and the PDR Program.

(b) *Continuation.* The covenants, terms, conditions, servitudes, and restrictions of this Deed of Easement shall apply to the Properties as a whole, shall run with the land perpetually and be binding, upon the parties, their successors, assigns, successors in title, personal representatives, and heirs, and be shall considered a servitude running with the land in perpetuity.

(c) *Enforcement.* In addition to any remedy provided by law or equity to enforce the terms of this Deed of Easement, the parties shall have the following rights and obligations:

(i) Monitoring. Employees or agents of Grantee may enter the Properties from time to time, at reasonable times, for the purpose of monitoring compliance with the terms of this Deed of Easement. The Grantee shall give fourteen (14) days prior notice before entering the Properties.

(ii) Baseline Data. In order to establish the present condition of the Properties, the Grantee has examined the Properties and prepared an inventory of relevant features, conditions, and improvements included in the Baseline Study which is incorporated herein by this reference. A copy of the Baseline Study has been provided to Grantors, and the original Baseline Study shall be placed and remain on file with Grantee in the Office of the County Attorney. The Grantors and Grantee agree that the Baseline Study is an accurate representation of the Properties at the time of this grant and is intended to serve as an objective information baseline for monitoring compliance with this Deed of Easement. The Grantors and Grantee further agree that in the event a controversy arises with respect to the condition of the Properties or a particular resource thereof, the Grantors and Grantee shall not be foreclosed from utilizing any other relevant document, survey, or report to assist in the resolution of the controversy.

(d) *Action at law inadequate remedy.* The Parties agree that monetary damages would not be an adequate remedy for the breach of any terms, conditions and restrictions herein contained, and therefore, in the event that the Grantors, their successors, assigns, or successors in title violate or breach any of the terms, conditions and restrictions herein contained, the Grantee, its successors, or assigns, in addition to all other remedies available at law and in equity, may institute a suit, and shall be entitled, to enjoin by *ex parte* temporary injunction and/or permanent injunction such violation and to require the restoration of the Properties to its prior condition.

(e) *Restoration.* Upon any breach of the terms of this Deed of Easement by Grantors, their successors, assigns, or successors in title, Grantee may require by written demand to the Grantors, or to the successor owner(s) of the portion(s) of the Properties upon which such breach occurs, if such portion is no longer owned by one of the Grantors, that the Properties be restored promptly to the condition required by this Deed of Easement. Furthermore the Grantee retains the right, but not the obligation, to enter upon the Properties and to restore the Properties to a condition consistent with the terms of this Deed of Easement and assess the costs of such restoration against the owner(s) of the parcel in violation of this Deed of Easement. Such assessed costs, together with collection costs and reasonable attorney's fees, shall be a charge on the land and shall be a continuing lien upon the parcel or parcels for which costs of restoration were assessed. Such assessments for restoration costs, together with collection costs and reasonable attorney's fees, shall also be the personal obligation of the owner(s) of the applicable parcel(s) at the time when the restoration costs were assessed for which Grantee may bring an action at law to recover. No such lien shall affect the rights of a subsequent *bona fide* purchaser for value unless a memorandum of such lien was recorded among the land records prior to such purchase, and such lien shall be subordinate to any deed of trust recorded prior to the recordation of a memorandum of such lien.

(f) *Failure to enforce does not waive right to enforce.* The failure of Grantee to enforce any right, provision, covenant, restriction term or condition of this Deed of Easement shall not constitute a waiver of the right of the Grantee to enforce such right, provision, covenant, restriction, term or condition in the future. All rights, remedies and privileges granted to the Grantee pursuant to any term, provision, covenant, restriction, or condition of this Deed of Easement shall be deemed to be cumulative and the exercise of any one or more thereof shall not be deemed to constitute an election of remedies, nor shall it preclude the Grantee from exercising such other privileges as may be granted by this Deed of Easement, or at law or in equity. Furthermore, the Grantors, and their successors, assign, and successors in title hereby waive any defense of laches, estoppel, or prescription. Further, VDACS retains its rights pursuant to Section 2.h of the IGA to bring action in a Court of law for specific performance of the Grantee or its successors' and assigns' enforcement responsibility.

(g) *Costs of enforcement.* Any reasonable, documented costs incurred by the Grantee in enforcing the terms of this Deed of Easement against the Grantors, their successors, assigns, and successors in title, including, without limitation, costs of suit and reasonable attorneys' fees shall be borne by the Grantors, their successors, assigns, and successors in title, provided, however, if the Grantors, their successors, assigns, and successors in title, prevail in any claim, litigation, or administrative order or ruling, the Grantee shall not be entitled to any of the costs or fees described herein.

(h) *No right of enforcement by the public.* This Deed of Easement does not create, and shall not be construed to create, any right of any member of the public, exclusive of the County itself, to maintain a suit for any damages against the Grantors for any violation of this Deed of Easement.

(i) *Extinguishment and exchange.* The Parties intend that this conservation easement be perpetual and not extinguished, and agree that extinguishment of the conservation easement is not permitted under the Open Space Land Act (Virginia Code §§ 10.1-1700 *et seq.*),

except in conformity with Virginia Code § 10.1-1704, or successor provision. The Parties further agree that the Properties shall not be converted or diverted, as the Open-Space Land Act employs those terms, from the uses permitted by the Deed of Easement until and unless: (i) the Commissioner of VDACS, or the Commissioner's designated agent (referred to collectively hereinafter as "Grant Manager"), with the Grantee's concurrence, certifies that such conversion or diversion satisfies the requirements of Virginia Code § 10.1-1704, or successor provision; and (ii) twenty-five (25) years have elapsed between the recordation date of this Deed of Easement and the date of the Grantor's petition to the County Board of Supervisors for such conversion or diversion, which shall conform to all procedures and requirements set forth in the PDR Ordinance (County Code Chapter 16A) on the recordation date of this Deed of Easement. Furthermore, the Parties intend and agree that pursuant to any decision by the County Board of Supervisors, with the Grant Manager's concurrence, to extinguish this Deed of Easement the Grantor shall convey to the Grantee a Deed of Easement on a different but similar parcel approved by the Grantee, located in James City County and in accordance with the PDR Ordinance in place at the time of the recording of this Deed of Easement.

(j) *Property right.* Grantors agree that Grantee's purchase of the perpetual conservation easement, servitudes, conditions, limitations, and restrictions contained in this Deed of Easement gives rise to a property right, immediately vested in Grantee, with a fair market value that is at least equal to the proportionate value that the perpetual conservation easement at the time of the purchase bears to the value of the Properties as a whole, exclusive of the value of all improvements, at that time, which is forty-seven percent (47.00%) as established by the appraisal conducted by Simerlein Appraisals Ltd., dated October 30, 2012 and amended by letter dated April 12, 2013. If a subsequent unexpected change in the conditions surrounding the Properties make impossible or impractical the continued use of the Properties for the conservation purposes specified herein, and the restrictions set forth in this Deed of Easement are extinguished, whether in whole or part, by a judicial proceeding, such extinguishment shall also satisfy the requirements of the Open-Space Land Act and Chapter 16A of the County Code. The Grantee, upon a sale, exchange or involuntary conversion due to an extinguishment, shall be entitled to a portion of any monetary proceeds derived therefrom, which shall be determined by multiplying the proceeds for the land taken (but not proceeds for improvements or damages to the residue or any other award) by the proportionate value established above. VDACS shall be entitled to a share of Grantee's proceeds proportional to VDACS's contribution toward the total reimbursable costs that Grantee actually incurs in the course of purchasing this conservation easement, as evidenced by the completed claim for reimbursement required under Paragraph 1(b) of the IGA. The Grantee shall not receive any portion of the proceeds attributable to improvements, timber or crops.

All proceeds to which Grantee is thereafter entitled to retain from such sale, exchange or involuntary conversion shall be used by the Grantee in a manner consistent with the original conservation purposes of this Deed of Easement and the Open-Space Land Act.

(k) *Notice of proposed transfer or sale.* The Grantors, their successors, assigns, and successors in title shall notify the Grantee in writing at the time of closing on any transfer or sale of any of the Properties or any portion thereof. In any deed conveying all or any part of the Properties, this Deed of Easement shall be referenced by recorded instrument number in the deed of conveyance and Grantors, their successors, assigns, and successors in title shall

cause such deed to state that this Deed of Easement is binding, upon all successors in interest in the Properties in perpetuity.

(l) *Severability.* If any provision of this Deed of Easement is determined to be invalid by a court of competent jurisdiction, the remainder of this Deed of Easement shall not be affected thereby. The Grantors, their successors, assigns, and successors in title, shall remunerate Grantee for the proportionate loss of value in the Conservation Easement as determined by the County Board of Supervisors due to any invalidated provision.

(m) *Recordation.* Upon execution by the Parties, this Deed of Easement shall be recorded with the record of land titles in the Clerk's Office of the Circuit Court for the City of Williamsburg and the County of James City, Virginia.

(n) *Authority to convey easement.* The Grantors covenant that they are vested with good title to the Properties and may convey this Deed of Easement.

(o) *Authority to accept easement.* The Grantee is authorized to accept this Deed of Easement pursuant to Virginia Code § 10.1-1701.

(p) *Proceeds from eminent domain.* If all or any part of the Properties is taken by exercise of the power of eminent domain or acquired by purchase in lieu of condemnation, whether by public, corporate or other authority, so as to extinguish the terms of this Deed of Easement, in whole or part, Grantors and Grantee shall act jointly to recover the full value of the interests in the Properties subject to the taking and all direct or incidental damages resulting therefrom. All expenses reasonably incurred by Grantors and Grantee in connection with the taking or in lieu purchase shall be paid out of the amount received. Grantee's share of the balance of the amount recovered shall be determined by multiplying the proceeds by the proportionate value established in Section 10(j), above. In addition, VDACS shall be entitled to a share of Grantee's proceeds proportional to VDACS's contribution toward the total reimbursable costs that Grantee actually incurs in the purchase of this conservation easement, as evidenced by the completed claim for reimbursement required under Paragraph 1(b) of the IGA. Grantee shall have the right to appear as a party in any eminent domain proceeding concerning the Properties.

(q) *Transfer of easement by Grantee.* Neither Grantee nor its successors and assigns may convey or lease the conservation easement established and conveyed hereby unless the Grantee conditions the conveyance or lease on the requirements that: (1) the conveyance or lease is subject to contractual arrangements that will assure that the Properties are subject to the restrictions and conservation purposes set forth in this Deed of Easement, in perpetuity; and (2) the transferee is an organization then qualifying as an eligible donee as defined by Section 170(h)(3) of the Internal Revenue Code of 1986, as amended, and the applicable Treasury Regulations promulgated thereunder, or is a public body within the meaning of Virginia Code § 10.1-1700. Further, as per section 6 of the IGA, neither the County nor its successors or assigns may assign this Deed of Easement without the prior written approval of (i) the Grant Manager, and (ii) the Grantors.

(r) *Construction.* This Deed of Easement shall be construed to promote the purposes of this Deed of Easement and the PDR Program.

(s) *Liability and indemnification.*

(i) Grantors agree that neither Grantee nor VDACS has any obligations, express or implied, relating to the maintenance or operation, safety, or control of the Properties. Neither the Grantee nor VDACS shall have any duty to any occupant, user or other party entering upon the Properties, except as set forth herein.

(ii) Grantors warrant that Grantors have no actual knowledge of a release or threatened release of hazardous substances or wastes on the Properties and agree that Grantors, their successors, assigns, and successors and title will hold harmless, indemnify, and defend Grantee, VDACS and VDACS's counsel from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorneys' fees arising from or out of the existence, actual or alleged, of any and all environmentally hazardous or toxic substances or materials on or under the Properties.

(iii) Violation of this Deed of Easement by the owner of one lot or parcel of the Properties shall not create joint and several liability on the part of any other lot or parcel owner(s) and/or party(ies) to this Deed of Easement.

(t) *Taxes and assessments.* Grantors, their successors, assigns, and successors in title shall be responsible for paying all taxes, levies, assessments and other governmental charges levied on or assessed against the Properties.

(u) *No warranty as to tax benefits to Grantors.* The Grantors and the Grantee hereto agree and understand that any value of this conservation easement claimed for tax purposes as a charitable gift must be fully and accurately substantiated by an appraisal from a qualified appraiser as defined in IRS regulations (see 26 C.F.R. § 1.170A-13(c)(5)), and that the appraisal is subject to review, audit, and challenge by all appropriate tax authorities. Neither the Grantee, VDACS, nor VDACS's counsel makes any express or implied warranties regarding whether any tax benefits will be available to the Grantors from the sale of this conservation easement, whether any such tax benefits might be transferable, or whether there will be any market for any tax benefits that might be transferable.

(v) *Controlling law.* The interpretation and performance of this Deed of Easement shall be governed by the laws of the Commonwealth of Virginia.

(w) *Entire agreement.* This instrument sets forth the entire agreement of the Parties with respect to this Deed of Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to this Deed of Easement, all of which are merged herein.

(x) *Amendments.* This Deed of Easement may be amended only with the written consent of the Grantee and Grantors, and such amendment shall be duly recorded. No amendment shall affect the rights of VDACS pursuant to the IGA, including, but not limited to, VDACS's rights pursuant to sections 2.e-h of the IGA. Any amendment shall be at the sole

discretion of the Grantee, and shall be consistent with the Open-Space Land Act and Chapter 16A of the County Code. Any such amendment shall also be consistent with the overall purposes and intent of this Deed of Easement. VDACS shall be notified of any amendment to this Deed of Easement.

WITNESS the following signatures and seals:

REGJAG, L.L.C.

By: R. Edwin Gilley II
R. Edwin Gilley II
Title: Member and Manager.

By: Leigh Ann Gilley
Leigh Ann Gilley
Title: Member and Manager

By: Terri Lynn Gilley
Terri Lynn Gilley
Title: Member and Manager

COMMONWEALTH OF VIRGINIA
County of James City, to-wit:

The foregoing Deed of Easement was signed, sworn to and acknowledged before me this 16 day of April, 2014, by R. Edwin Gilley, II, member and manager of REGJAG, L.L.C., Grantor.

WITNESS my signature and notarial seal.

[SEAL] **Susan H. Finkel**
Notary Public 139578
Commonwealth of Virginia
Notary Expires: 11/30/2016
My Commission Expires: _____

[Signature]
Notary Public

(Notary and Signatures continue on following pages)

ITEM SUMMARY

DATE: 2/13/2018

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Continuation Grant Award - Policing in the 21st Century - Recruiting and Hiring Initiative - \$12,669

ATTACHMENTS:

	Description	Type
☐	Cover memo	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Police	Rinehimer, Bradley	Approved	1/18/2018 - 10:16 AM
Police	Rinehimer, Bradley	Approved	1/18/2018 - 10:16 AM
Publication Management	Burcham, Nan	Approved	1/18/2018 - 10:39 AM
Legal Review	Kinsman, Adam	Approved	1/26/2018 - 4:06 PM
Board Secretary	Mellen, Sue	Approved	2/6/2018 - 10:41 AM
Board Secretary	Purse, Jason	Approved	2/6/2018 - 10:45 AM
Board Secretary	Fellows, Teresa	Approved	2/6/2018 - 11:07 AM

MEMORANDUM

DATE: February 13, 2018
TO: The Board of Supervisors
FROM: Bradley J. Rinehimer, Chief of Police
SUBJECT: Continuation Grant Award - Policing in the 21st Century - Recruiting and Hiring Initiative - \$12,669

The James City County Police Department has been awarded a continuation grant for Policing in the 21st Century - Recruiting and Hiring Initiative from the Virginia Department of Criminal Justice Services for \$12,669. The Commonwealth of Virginia has awarded \$11,402 and \$1,267 will be provided through an in-kind match.

The funds will be used to purchase supplies to enhance the presentation at Job Fairs, overtime and travel costs for attendance to Job Fairs out of the area. The cost for the supplies, overtime and travel is \$11,402 and the grant requires an in-kind match of \$1,267 which will be incurred through normal travel to Job Fairs and salary costs of officers attending local Job Fairs.

Staff recommends adoption of the attached resolution to appropriate funds.

BJR/nb
GA-RecruitHire-mem

Attachment

RESOLUTION

CONTINUATION GRANT AWARD - POLICING IN THE 21ST CENTURY -

RECRUITING AND HIRING INITIATIVE - \$12,669

WHEREAS, the James City County Police Department has been awarded a continuation grant for Policing in the 21st Century - Recruiting and Hiring Initiative from the Virginia Department of Criminal Justice (DJCS) Services for \$12,669; and

WHEREAS, \$11,402 is awarded from the Commonwealth of Virginia and \$1,267 will be provided through an in-kind match; and

WHEREAS, the funds will be used to purchase supplies to enhance the Department's presentation at Job Fairs, overtime and travel costs for attendance to Job Fairs out of the area.

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

Revenue:

DCJS - Recruitment Continuation	<u>\$11,402</u>
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Expenditure:

DCJS - Recruitment Continuation	<u>\$11,402</u>
---------------------------------	-----------------

Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of February, 2018.

ITEM SUMMARY

DATE: 2/13/2018

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Continuation Grant Award - Policing in the 21st Century - Technology Initiative - \$12,444

ATTACHMENTS:

	Description	Type
☐	Cover Memo	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Police	Rinehimer, Bradley	Approved	1/18/2018 - 10:16 AM
Police	Rinehimer, Bradley	Approved	1/18/2018 - 10:16 AM
Publication Management	Burcham, Nan	Approved	1/18/2018 - 10:40 AM
Legal Review	Kinsman, Adam	Approved	1/26/2018 - 4:06 PM
Board Secretary	Mellen, Sue	Approved	2/6/2018 - 10:45 AM
Board Secretary	Purse, Jason	Approved	2/6/2018 - 10:46 AM
Board Secretary	Fellows, Teresa	Approved	2/6/2018 - 11:07 AM

M E M O R A N D U M

DATE: February 13, 2018

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Continuation Grant Award - Policing in the 21st Century - Technology Initiative - \$12,444

The James City County Police Department has been awarded a continuation grant for Policing in the 21st Century - Technology Initiative from the Virginia Department of Criminal Justice Services for \$12,444. The Commonwealth of Virginia has awarded \$11,200 and \$1,244 will be provided through an in-kind match.

Funds will be used to purchase the Freedom application for the existing Records Management System (RMS). This application will provide access to RMS and the Computer Aided Dispatch programs via mobile phone and tablet to authorized employees. The in-kind match will be incurred through the existing Records Management System management costs.

Staff recommends adoption of the attached resolution to appropriate funds.

BJR/nb
GA-TechIn-mem

Attachment

RESOLUTION

CONTINUATION GRANT AWARD - POLICING IN THE 21ST CENTURY -

TECHNOLOGY INITIATIVE - \$12,444

WHEREAS, the James City County Police Department has been awarded a continuation grant for Policing in the 21st Century - Technology Initiative from the Virginia Department of Criminal Justice Services (DCJS) for \$12,444; and

WHEREAS, \$11,200 is awarded from the Commonwealth of Virginia and \$1,244 will be provided through an in-kind match; and

WHEREAS, the funds are to be used to purchase the Freedom application to allow authorized employees access to the Records Management Systems and the Computer Aided Dispatch programs via mobile phone and tablet.

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

Revenue:

DCJS - Technology Initiative Continuation \$11,200

Expenditure:

DCJS - Technology Initiative Continuation \$11,200

Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

	<u>VOTES</u>		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of February, 2018.

ITEM SUMMARY

DATE: 2/13/2018

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Grant Award- VDEM State Homeland Security Program- \$46,098

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Fire	Ashe, Ryan	Approved	1/24/2018 - 11:46 AM
Publication Management	Burcham, Nan	Approved	1/24/2018 - 11:52 AM
Legal Review	Kinsman, Adam	Approved	1/26/2018 - 4:07 PM
Board Secretary	Mellen, Sue	Approved	2/6/2018 - 10:42 AM
Board Secretary	Purse, Jason	Approved	2/6/2018 - 10:46 AM
Board Secretary	Fellows, Teresa	Approved	2/6/2018 - 11:07 AM

MEMORANDUM

DATE: February 13, 2018
TO: The Board of Supervisors
FROM: Ryan T. Ashe, Fire Chief
SUBJECT: Grant Awards - State Homeland Security Program - \$46,098

The James City County Fire Department's Emergency Management Division has been awarded two grants totaling \$46,098 from the Commonwealth of Virginia Department of Emergency Management (VDEM) State Homeland Security Program (SHSP).

The grants include a 2017 SHSP grant in the amount of \$35,000 and a 2017 SHSP grant in the amount of \$11,098. Both grants are awarded by VDEM using funds from the United States Department of Homeland Security Federal Emergency Management Agency.

The \$35,000 award is designated for the support of the regional Citizens Corps programs. These programs include the Citizens Emergency Response Team and the Community Animal Response Team. These teams are made up of citizens trained in various emergency management functions including mass search and rescue, mass care and sheltering, first aid and logistics. This award will support the training and equipment needs for both the James City County and the City of Williamsburg programs. Many of the training activities will be coordinated cooperatively between both jurisdictions.

The \$11,098 award is designated to support equipment needs for the County's sheltering program. New equipment purchased with grant funds will increase the efficiency of the shelter check-in process, as well as provide communication equipment to be used by hearing impaired shelter occupants.

These awards do not require a local match.

Staff recommends adoption of the attached resolution to appropriate funds.

RTA/nb
GA-SHSP-mem

Attachment

RESOLUTION

GRANT AWARDS - STATE HOMELAND SECURITY PROGRAM - \$46,098

WHEREAS, the James City County Fire Department’s Emergency Management Division has been awarded two grants totaling \$46,098 from the Commonwealth of Virginia Department of Emergency Management; and

WHEREAS the grants include a 2017 State Homeland Security Program grant in the amount of \$35,000 and a 2017 State Homeland Security Program grant in the amount of \$11,098, both using funds from the United States Department of Homeland Security Federal Emergency Management Agency; and

WHEREAS, the funds will be used to purchase equipment for emergency shelters, and to support cooperative Citizens Corps programs with James City County and the City of Williamsburg; and

WHEREAS, the SHSP grants do not require a local match.

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

Revenues:

VDEM ID 7565 2017 SHSP Shelter Equipment	\$11,098
VDEM ID 7566 2017 SHSP Citizens Corps	<u>35,000</u>
Total	<u>\$46,098</u>

Expenditures:

VDEM ID 7565 2017 SHSP Shelter Equipment	\$11,098
VDEM ID 7566 2017 SHSP Citizens Corps	<u>35,000</u>
Total	<u>\$46,098</u>

Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	___	___	___
ICENHOUR	___	___	___
SADLER	___	___	___
HIPPLE	___	___	___
LARSON	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of February, 2018.

ITEM SUMMARY

DATE: 2/13/2018

TO: The Board of Supervisors

FROM: Rick Koehl, Capital Projects Coordinator

SUBJECT: Contract Award - Deere Circle Restoration Project - \$123,456

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution
☐	Exhibit	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Publication Management	Burcham, Nan	Approved	1/26/2018 - 4:05 PM
Board Secretary	Purse, Jason	Approved	2/6/2018 - 9:48 AM
Board Secretary	Fellows, Teresa	Approved	1/29/2018 - 8:56 AM
Capital Projects	Koehl, Rick	Approved	1/26/2018 - 1:50 PM
General Services	Boone, Grace	Approved	1/26/2018 - 3:50 PM
Legal Review	Kinsman, Adam	Approved	1/26/2018 - 4:09 PM
Board Secretary	Fellows, Teresa	Approved	2/6/2018 - 10:01 AM

MEMORANDUM

DATE: February 13, 2018
TO: The Board of Supervisors
FROM: Rick Koehl, Capital Projects Coordinator
SUBJECT: Contract Award - Deere Circle Restoration Project - \$123,456

The Deere Circle Restoration Project, located in the Woodland Farms Subdivision on Croaker Road, will repair drainage infrastructure and protect property by stabilizing erosion in an area of the County which has highly erodible soils and runoff from upstream development that was created prior to current, more stringent, stormwater management requirements. The project flows northeast to southwest from the edge of pavement, through stormwater structures to an outfall structure, then through in-channel structures that provide bank stabilization and energy dissipation. The Deere Circle Restoration Project is located in the Taskinas Creek/York River Watershed. The goal of the design is to create a conveyance channel with a stable pattern, profile and dimension and stabilize actively eroding banks. Invasive plants will be removed and replaced with native trees, shrubs and herbaceous vegetation. All necessary permits and/or approvals have been obtained for the project.

The following eight qualified firms submitted bids to be considered for contract award:

<u>Firm</u>	<u>Amount</u>
Environmental Quality Resources, LLC	\$123,456.00
David A. Nice Builders, Inc.	\$165,000.00
Shamrock Environmental Corporation	\$176,727.00
River Works, Inc.	\$181,240.00
Henry S. Branscome, LLC	\$195,725.00
Finish Line Construction, Inc.	\$204,964.20
Resource Environmental Solutions, LLC	\$248,782.00
Ecotone, Inc.	\$256,842.90

Environmental Quality Resources, Inc., has performed satisfactory work for James City County in the past and was determined to be the lowest qualified, responsive and responsible bidder. This project is part of the approved Capital Improvements Program budget.

Staff recommends approval of the attached resolution authorizing the contract award to Environmental Quality Resources, LLC.

RK/nb
CA-DeereCir-mem

- Attachments:
1. Resolution
 2. Site Map

RESOLUTION

CONTRACT AWARD - DEERE CIRCLE RESTORATION PROJECT - \$123,456

WHEREAS, the James City County General Services Division received competitive bids for the Deere Circle Restoration Project; and

WHEREAS, eight bids were considered for award and Environmental Quality Resources, Inc., was the lowest qualified, responsive and responsible bidder; and

WHEREAS, previously authorized Capital Improvements Program budget funds are available to fund this project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the contract award in the amount of \$123,456 to Environmental Quality Resources, LLC, for the Deere Circle Restoration Project.

Ruth M. Larson
Chairman, Board of Supervisors

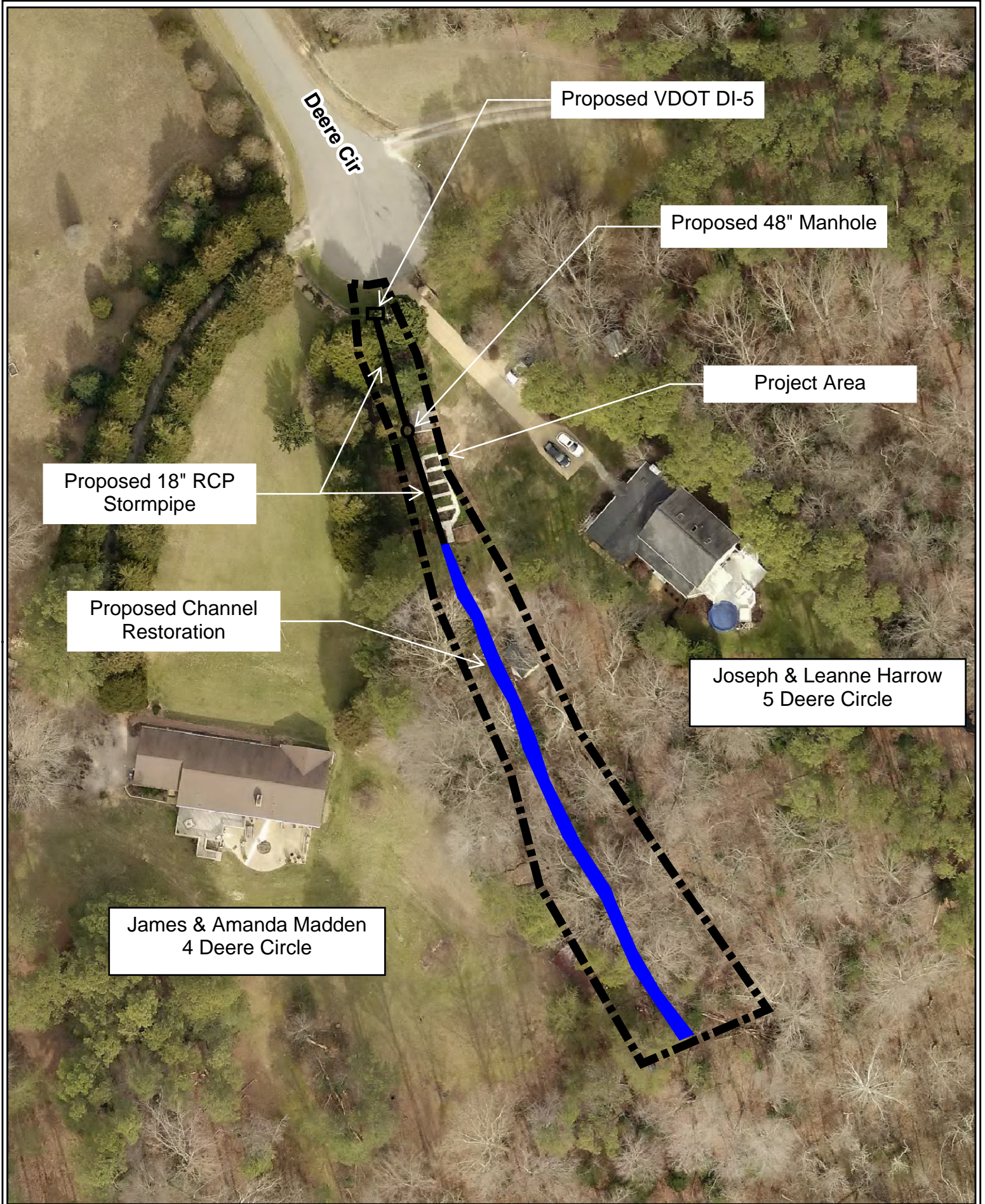
ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of February, 2018.

CA-DeereCir-res



Deere Cir

Proposed VDOT DI-5

Proposed 48" Manhole

Project Area

Proposed 18" RCP Stormpipe

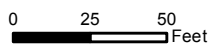
Proposed Channel Restoration

Joseph & Leanne Harrow
5 Deere Circle

James & Amanda Madden
4 Deere Circle



1:750



Deere Circle



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

Copyright James City County GIS Office 1/25/2018
M:\Departments\General_Services\Rick\Deere_Circle.mxd

ITEM SUMMARY

DATE: 2/13/2018

TO: The Board of Supervisors

FROM: Barry E. Moses, Capital Projects Coordinator

SUBJECT: Contract Award - Cooley Road Stream Restoration - \$221,150

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resoution	Resolution
☐	Existing Conditions 130 Cooley Road	Exhibit
☐	Existing Conditions 142 Cooley Road	Exhibit
☐	Location Map	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Publication Management	Burcham, Nan	Approved	1/26/2018 - 4:05 PM
Board Secretary	Purse, Jason	Approved	2/6/2018 - 9:48 AM
Board Secretary	Fellows, Teresa	Approved	1/29/2018 - 8:57 AM
Capital Projects	Moses, Barry	Approved	1/26/2018 - 2:16 PM
General Services	Boone, Grace	Approved	1/26/2018 - 3:52 PM
Legal Review	Kinsman, Adam	Approved	1/26/2018 - 4:09 PM
Board Secretary	Fellows, Teresa	Approved	2/6/2018 - 9:59 AM

MEMORANDUM

DATE: February 13, 2018
TO: The Board of Supervisors
FROM: Barry E. Moses, Capital Projects Coordinator
SUBJECT: Contract Award - Cooley Road Stream Restoration - \$221,150

The Cooley Road Stream Restoration will repair drainage infrastructure and protect property and sewer infrastructure by stabilizing erosion in an area of the County which has highly erodible soils and runoff from upstream development that was created prior to current, more stringent, stormwater management requirements. The project is comprised of two sections of stream totaling 510 linear feet at 130 and 142 Cooley Road. The stream sections flow northeast to southwest from outfalls crossing under Cooley Road from the Jamestown Farms and Canterbury Hills subdivisions. The Cooley Road Stream Restoration is located in the Mill Creek Watershed and is identified as a priority restoration in the Mill Creek Watershed Management Plan. The goal of the design is to create a channel with a stable pattern, profile and dimension and stabilize actively eroding banks. Streambank stabilization structures will be employed in the stream restoration. Invasive plants will be removed and replaced with native trees, shrubs and herbaceous vegetation. All necessary easements, permits and/or approvals have been obtained for the project.

A two-step Invitation for Bids was publicly advertised. Step 1 required the submittal of a Technical Bid Form primarily to demonstrate the bidder has completed a minimum of two projects of similar size and type. Step 2 was to open the Bid Form if the technical bid requirements were met.

The following six qualified firms submitted bids to be considered for contract award:

<u>Firm</u>	<u>Amount</u>
Environmental Quality Resources, LLC	\$221,150.00
Dorian Landscaping, Inc.	\$227,803.00
River Works, Inc.	\$262,075.50
HGS, LLC A RES Company	\$348,781.00
Henry S. Branscome, LLC	\$397,200.00
Finish Line Construction, Inc.	\$429,760.47

Environmental Quality Resources, Inc., has performed satisfactory work for James City County in the past and was determined to be the lowest qualified, responsive and responsible bidder. This project is part of the approved Capital Improvements Program budget and Stormwater Local Assistance 50% matching grant funds are also available to fund this project.

Staff recommends approval of the attached resolution authorizing the contract award to Environmental Quality Resources, LLC.

BEM/nb
CA-CooleyRd-mem

Attachment

RESOLUTION

CONTRACT AWARD - COOLEY ROAD STREAM RESTORATION - \$221,150

WHEREAS, the James City County General Services Department received competitive bids for the Cooley Road Stream Restoration; and

WHEREAS, six bids were considered for award and Environmental Quality Resources, Inc., was the lowest qualified, responsive and responsible bidder; and

WHEREAS, previously authorized Capital Improvements Program budget funds and Stormwater Local Assistance Funds are available to fund this project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the contract award in the amount of \$221,150 to Environmental Quality Resources, LLC, for the Cooley Road Stream Restoration project.

Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of February, 2018.

CA-CooleyRd-res



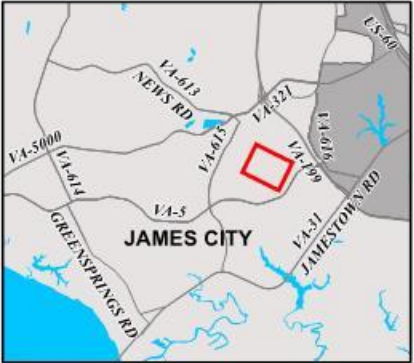




Cooley Road Overall Vicinity Map



PROJECT LOCATION MAP



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

ITEM SUMMARY

DATE: 2/13/2018

TO: The Board of Supervisors

FROM: Frances C. Geissler, Director, Stormwater & Resource Protection

SUBJECT: HRPDC Memorandum of Agreement to Support Regional Stormwater Program

ATTACHMENTS:

	Description	Type
☐	memorandum	Cover Memo
☐	resolution	Cover Memo
☐	MOA	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Purse, Jason	Approved	2/6/2018 - 9:48 AM
Legal Review	Kinsman, Adam	Approved	1/26/2018 - 4:10 PM
Board Secretary	Fellows, Teresa	Approved	1/29/2018 - 8:55 AM
Stormwater	Geissler, Fran	Approved	1/26/2018 - 10:43 AM
General Services	Boone, Grace	Approved	1/26/2018 - 11:03 AM
Publication Management	Burcham, Nan	Approved	1/26/2018 - 11:09 AM
Board Secretary	Fellows, Teresa	Approved	2/6/2018 - 10:20 AM

M E M O R A N D U M

DATE: February 13, 2018

TO: The Board of Supervisors

FROM: Frances C. Geissler, Director of Stormwater and Resource Protection

SUBJECT: Memorandum of Agreement for Participation in the Hampton Roads Regional Stormwater Management Program

Since 2003, James City County and 17 other localities have worked with the Hampton Roads Planning District Commission (HRPDC) to establish a regional stormwater management program. The formation of this program has assisted localities in complying with Virginia Stormwater Management Program Municipal Separate Storm Sewer permits. It has also saved the participating jurisdictions money by minimizing duplication of effort and allowing for increased information sharing. The resulting standardization has also helped with acceptance of the County's program by the Commonwealth of Virginia.

To formalize the regional stormwater management program, a Memorandum of Agreement (MOA) needs to be renewed between the HRPDC and the participating localities. The MOA documents the rationale for the regional program, outlines the responsibilities of the HRPDC and participating local governments and establishes the funding mechanism for the program.

Program costs are allocated on a pro-rata basis in which annual costs are based on population. For Fiscal Years 2019 and 2020, James City County's share is \$19,465 and \$21,954, respectively, and is included in the annual allocation to the HRPDC.

Staff recommends approval of the attached resolution that authorizes the County Administrator to sign the Regional Stormwater Management MOA.

FCG/nb
MOA-RegSwaterMgmt-mem

Attachment

RESOLUTION

MEMORANDUM OF AGREEMENT FOR PARTICIPATION IN

THE HAMPTON ROADS REGIONAL STORMWATER MANAGEMENT PROGRAM

WHEREAS, the Hampton Roads Planning District Commission (HRPDC) has been requested and has undertaken various studies to support local government stormwater management programs, including compliance with Virginia Stormwater Management Program Municipal Separate Storm Sewer (MS4) Permits; and

WHEREAS, the signatory local governments have requested the HRPDC to administer and coordinate a regional stormwater management program; and

WHEREAS, pursuant to the Clean Water Act, the U.S. Environmental Protection Agency has promulgated implementing regulations, 40 Code of Federal Regulations Part 122, which established the National Pollutant Discharge Elimination System Permits for MS4 Discharges; and

WHEREAS, James City County is required by VAR040037 (MS4 permit) to conduct certain activities, including conducting public information and education programs, staff training and other activities; and

WHEREAS, the Chesapeake Bay Preservation Act and the Virginia Erosion and Sediment Control Law and implementing regulations also establish stormwater management requirements that govern James City County; and

WHEREAS, working in cooperation with other local governments has resulted in cost efficiencies, increased information sharing and program consistency that increases the acceptance of the County's program at the state level.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that James City County continues to support and participate in the Hampton Roads Regional Stormwater Management Program Memorandum of Agreement (MOA).

BE IT FURTHER RESOLVED that the Board of Supervisors authorizes the County Administrator to sign the Hampton Roads Regional Stormwater Management Program MOA.

Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCLENNON	___	___	___
ICENHOUR	___	___	___
SADLER	___	___	___
HIPPLE	___	___	___
LARSON	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of February, 2018.

MOA-RegSwaterMgmt-res

**MEMORANDUM OF AGREEMENT
ESTABLISHING THE
HAMPTON ROADS REGIONAL STORMWATER MANAGEMENT PROGRAM**

WHEREAS, Section 15.2-4200 of the Code of Virginia enables local governments to establish Planning District Commissions; and

WHEREAS, the eighteen local governments that are signatories to this Agreement have acted, in accordance with Section 15.2-4200 of the Code of Virginia, to establish the Hampton Roads Planning District Commission (HRPDC); and

WHEREAS, the HRPDC has been requested and has undertaken various studies to support local government stormwater management programs, including compliance with Virginia Stormwater Management Program (VSMP) Municipal Separate Storm Sewer (MS4) Permits; and

WHEREAS, the signatory local governments have requested the HRPDC to administer and coordinate a regional stormwater management program; and

WHEREAS, pursuant to the Clean Water Act, the U.S. Environmental Protection Agency (EPA) has promulgated implementing regulations, 40 Code of Federal Regulations Part 122, which established the National Pollutant Discharge Elimination System (NPDES) Permits for Municipal Separate Storm Sewer System (MS4) Discharges; and

WHEREAS, pursuant to the Virginia Stormwater Management Act, 62.1-44.15, et. seq. of the Code of Virginia, 1950 As Amended, the Board of Soil and Water Conservation has promulgated implementing regulations 4 VAC 50-60, et. seq., which establish the requirements that localities obtain permits for their MS4 discharges; and,

WHEREAS, the majority of the eighteen signatory local governments are required by their MS4 permits to conduct certain activities, including reporting on their discharges, conducting public information and education programs, and certain other activities; and

WHEREAS, the Water Quality Monitoring and Reporting Act and implementing regulations promulgated by the State Water Control Board establish requirements for the preparation of Total Maximum Daily Load (TMDL) Implementation Plans, which apply to activities conducted by localities in general as well as activities conducted in implementing MS4 permit requirements; and,

WHEREAS, the Chesapeake Bay Preservation Act and the Virginia Erosion and Sediment Control Law and implementing regulations also establish stormwater management requirements that govern one or more of the eighteen signatory local governments; and,

WHEREAS, sixteen local governments and the HRPDC executed the Memorandum of Agreement Establishing the Hampton Roads Regional Stormwater Management

Program on September 5, 2003 and that Agreement expired on December 31, 2007; and,

WHEREAS, eighteen local governments and the HRPDC executed the Memorandum of Agreement Establishing the Hampton Roads Regional Stormwater Management Program on March 6, 2008 and that Agreement expires on June 30, 2013, and

WHEREAS, eighteen local governments and the HRPDC executed the Memorandum of Agreement Establishing the Hampton Roads Regional Stormwater Management Program on July 1, 2013 and that Agreement expires on June 30, 2018.

NOW THEREFORE, the signatory parties enter into the following Agreement.

This Memorandum of Agreement entered into this first day of July 2018, among and between the eighteen local governments in Hampton Roads and the HRPDC, establishes and maintains the Hampton Roads Regional Stormwater Management Program.

BASIC PREMISES

All local governments in Hampton Roads operate stormwater management programs.

The Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth and Virginia Beach received VPDES Permits in 1996. Those permits, which were renewed in 2001, govern the discharges from their MS4s to waters of the state and impose certain operational and reporting requirements on those systems. In 2005, these permits were converted to VSMP permits. These permits must be renewed on a five (5) year basis and the localities applied for renewed permits in 2005. Localities operated programs under administratively continued permits until June 30, 2016. The new permit became effective on July 1, 2016.

The Cities of Poquoson, Suffolk and Williamsburg and the Counties of Gloucester, Isle of Wight, James City, and York were all identified by the EPA as requiring VPDES permits under Phase II of the MS4 regulations. Those localities that operate MS4s obtained VPDES permits in March 2003. Those permits also imposed certain operational and reporting requirements on those systems. In 2005, these permits were converted to VSMP permits. These permits must be renewed on a five (5) year basis with the next renewal planned for 2013.

It was determined that permit coverage for Isle of Wight County was not required, and the County Phase II MS4 Permit was terminated on April 15, 2016.

Although Gloucester County was initially identified by the EPA as requiring a Phase II MS4 permit, it was subsequently determined that permit coverage for Gloucester County was not required.

The City of Franklin, the Counties of Gloucester, Isle of Wight, Southampton and Surry and the Towns of Smithfield and Windsor are governed by stormwater management

requirements established under the Virginia Stormwater Management Act and the Virginia Erosion and Sediment Control Law. The Chesapeake Bay Preservation Act also governs Gloucester and Surry Counties and the Towns of Smithfield and Windsor.

As of July 1, 2014, all localities have implemented stormwater management programs that meet the minimum requirements established in the Virginia Stormwater Management Act. The Virginia Stormwater Management Act imposes operational and reporting requirements on all localities that are required to implement stormwater management programs.

The local governments are interested in managing stormwater in a manner which protects and does not degrade waters of the state and which meets locally established quality of life goals and objectives. The Clean Water Act and the VSMP require that stormwater quantity and quality be managed to the maximum extent practicable.

In carrying out their stormwater management responsibilities, the aforementioned local governments have developed a consensus on regional goals to guide the operation of their stormwater management programs. Initially, approved by the HRPDC at its Executive Committee Meeting of September 15, 1999, they are:

1. Manage stormwater quantity and quality to the maximum extent practicable (MEP)
 - Implement best management practices (BMP) and retrofit flood control projects to provide water quality benefits.
 - Support site planning and plan review activities.
 - Manage pesticide, herbicide and fertilizer applications.
2. Implement public information activities to increase citizen awareness and support for the program.
3. Meet the following needs of citizens:
 - Address flooding and drainage problems.
 - Maintain the stormwater infrastructure.
 - Protect waterways.
 - Provide the appropriate funding for the program.
4. Implement cost-effective and flexible program components.
5. Satisfy MS4 stormwater permit requirements:
 - Enhance erosion and sedimentation control.
 - Manage illicit discharges, spill response, and remediation.

This Agreement establishes the administrative framework, which will be used by the local governments in Hampton Roads to address certain stormwater management

requirements under the above-cited state and federal laws and regulations.

Eighteen local governments in the Hampton Roads Region will be participants in and signatories to the Agreement.

HRPDC RESPONSIBILITIES

Under the terms of this Agreement, the HRPDC staff is responsible for the following:

- Provide technical support and policy analysis related to stormwater and water quality issues to local government staff.
- Provide the necessary administrative, technical and clerical resources to support program activities in order to ensure that the MS4 permit-holding cities and counties meet applicable stormwater management requirements.
- Prepare an annual work program and budget for the Hampton Roads Regional Stormwater Management Program. The annual work program will be incorporated into the HRPDC Unified Planning Work Program and the annual budget will be incorporated into the HRPDC budget.
- Assist the signatories in coordinating reporting on stormwater related activities to other state and federal agencies to ensure that program requirements are met in a cost-effective manner, which minimizes duplicative reporting and the administrative burden on the signatories.
- Conduct a regional stormwater education program. This will include public education activities and may include outreach to specific economic sectors and groups. The stormwater education subcommittee of askHRGreen.org will be responsible for guiding the development of original materials, including publications, media advertising and promotional items. This may also include development of locality-specific materials or coordination of bulk purchases. The stormwater education subcommittee of askHRGreen.org will coordinate with HRPDC staff on the educational and outreach components of the Hampton Roads Regional Stormwater Management Program.
- Develop and conduct a regional training program for municipal employees, contractors, civic leaders and other interested parties. The training program will emphasize stormwater management, pollution prevention and permit issues.
- Respond equitably and in a timely fashion to requests from all signatory local governments for technical assistance. The time frame for responses will be based on experience, the complexity of individual requests and the overall work load of program staff.
- Provide other technical support, as requested, to the signatory local

governments.

- Upon request from one or more participating localities, conduct technical studies to support compliance by the localities with MS4 permit requirements and VSMP program requirements.
- Facilitate development of multi-jurisdictional management plans for shared watersheds, as requested.
- Take steps, in conjunction with the signatory local governments, to obtain financial support for program activities from outside sources, including state, federal and private grants, to the extent that this may be accomplished without creating a conflict of interest, as determined by the signatory local governments.
- Contract with and manage consultants, including both private firms and academic institutions, to support the regional program, including provision of requested services to local governments in excess of the common program elements.
- Represent the Hampton Roads Regional Stormwater Management Program at federal, state, regional and local governmental, civic, professional and political organizations, agencies, and committees.
- Provide technical and administrative support, as appropriate, to those localities that are required to develop stormwater management programs to meet VSMP requirements, but that are not required to obtain MS4 permits for their stormwater discharges.
- Prepare annual program reports, or components thereof, which comply with the provisions of the MS4 permits and stormwater management programs of the signatory localities.
- Facilitate local government involvement in TMDL studies being prepared through the Virginia Department of Environmental Quality and EPA and facilitate preparation of TMDL Implementation Plans for impaired waters in the Hampton Roads Region as requested.
- Prepare an annual report of activities undertaken through the Hampton Roads Stormwater Management Program. This report will include summaries of related activities undertaken on a cooperative basis by the signatories.
- Identify state and federal regulatory actions that may affect local government stormwater programs, serve on regulatory advisory panels (RAPs) as necessary, conduct policy analysis, and develop policy recommendations on behalf of the HRPDC.
- Coordinate the compilation of regional data for MS4 permit annual reports to the appropriate regulatory authority

LOCAL GOVERNMENT RESPONSIBILITIES

Under the terms of the Agreement, the signatory local governments are responsible for the following:

- Appoint one voting member and alternates, as appropriate, to the Regional Environmental Advisory Committee to represent the local government stormwater and water quality related concerns. Generally, the voting representative should be the MS4 permit or program administrator.
- Appoint a representative and alternates, as appropriate, to the stormwater education subcommittee of askHRGreen.org.
- Provide, in a timely fashion, all locally generated data required by their MS4 permits and such other data as may be necessary to accomplish locally requested services.
- Provide timely technical review of HRPDC analyses and conclusions.
- Participate in regional efforts to conduct public outreach and education activities in regard to the state's TMDL study process and efforts to develop TMDL Implementation Plans for impaired waters lying within the locality or within watersheds that include the locality.
- Provide input on regulatory issues to HRPDC staff and serve on RAPs or provide input to the regional RAP representative as appropriate.
- Support HRPDC efforts to obtain additional funding to support the regional programs, to the extent that this may be accomplished without creating a conflict of interest, as determined by the signatory local governments.
- Provide annual funding to support the agreed-upon regional program.

METHOD OF FINANCING

The majority of program costs will be allocated according to a formula reflecting each locality's share of the regional population. Costs for additional projects or services will be allocated based on a formula developed by the HRPDC staff and approved by the HRPDC with the concurrence of the signatory local governments. For example, legal services have been split between the localities with MS4 permits and the maintenance costs for the regional online BMP database have been split by the subset of localities still using the system.

AVAILABILITY OF FUNDS

Performance by the HRPDC of its responsibilities under this Agreement is subject to the availability of funding from the signatory local governments. Failure of the local governments to provide the necessary funding to support these activities will constitute a Notice to Modify or Terminate the Agreement.

MODIFICATIONS

Modifications to this Memorandum of Agreement must be submitted in writing, approved by the HRPDC, and accepted by all signatories.

DURATION AND TERMINATION

This Agreement will have a term of five years, extending from the date of full execution of the renewed Agreement by the signatories or June 30, 2018, whichever occurs last through June 30, 2023. To conform to local government charter and Virginia Code requirements, the funding provisions of this Agreement will be subject to annual appropriations.

No later than January 1, 2023, the signatories will institute a formal reevaluation of the Hampton Roads Regional Stormwater Management Program. This reevaluation will serve as the basis for appropriate modification of the Agreement and the Hampton Roads Regional Stormwater Management Program.

Any signatory may terminate its participation in the Hampton Roads Regional Stormwater Management Program by written Notice To Terminate to all other parties. Such termination will be effective with the start of the following Fiscal Year. Depending upon the terms of individual VSMP permits, termination of participation in the Hampton Roads Regional Stormwater Management Program in the middle of a permit term may result in changes to permit conditions and require renegotiation of the individual locality's VSMP permit from the state (Virginia Department of Environmental Quality).

OWNERSHIP OF PROPERTY

It is not the intent of the signatories that the Memorandum of Agreement will result in the purchase, ownership, leasing, holding or conveying of any real property.

INDEMNITY

It is the intent of the signatories that no signatory will be held liable for any damage or associated penalties caused by or associated with the failure of any other signatory to discharge its duties or to exercise due diligence in discharging its duties under this Agreement, and that no signatory, by entering this Agreement, waives any defenses or immunities available to it at law, including, but not limited to, those set forth in Section 15.2-970 of the Code of Virginia.

It is the intent of the signatories that no signatory will be held liable for any damage or

associated penalties caused by or associated with the failure of any other signatory to comply with the terms and conditions of the signatory's VSMP permit.

LIST OF SIGNATORIES

Signature pages will be signed in counterparts.

CITY OF CHESAPEAKE

CITY OF FRANKLIN

GLOUCESTER COUNTY

CITY OF HAMPTON

ISLE OF WIGHT COUNTY

JAMES CITY COUNTY

CITY OF NEWPORT NEWS

CITY OF NORFOLK

CITY OF POQUOSON

CITY OF PORTSMOUTH

SOUTHAMPTON COUNTY

CITY OF SUFFOLK

SURRY COUNTY

CITY OF VIRGINIA BEACH

CITY OF WILLIAMSBURG

YORK COUNTY

TOWN OF SMITHFIELD

TOWN OF WINDSOR

HAMPTON ROADS PLANNING DISTRICT COMMISSION

This listing of participants will be followed by individual signature pages.

IN WITNESS THEREOF, the Chief Administrative Officer of the local governments and the Executive Director of the Hampton Roads Planning District Commission hereby execute this Agreement.

CITY OF CHESAPEAKE

By: _____

Date: _____

Date: _____

Attest: _____

IN WITNESS THEREOF, the Chief Administrative Officer of the local governments and the Executive Director of the Hampton Roads Planning District Commission hereby execute this Agreement.

CITY OF FRANKLIN

By: _____

Date: _____

Date: _____

Attest: _____

IN WITNESS THEREOF, the Chief Administrative Officer of the local governments and the Executive Director of the Hampton Roads Planning District Commission hereby execute this Agreement.

GLOUCESTER COUNTY

By: _____

Date: _____

Date: _____

Attest: _____

IN WITNESS THEREOF, the Chief Administrative Officer of the local governments and the Executive Director of the Hampton Roads Planning District Commission hereby execute this Agreement.

CITY OF HAMPTON

By: _____

Date: _____

Date: _____

Attest: _____

IN WITNESS THEREOF, the Chief Administrative Officer of the local governments and the Executive Director of the Hampton Roads Planning District Commission hereby execute this Agreement.

ISLE OF WIGHT COUNTY

By: _____

Date: _____

Date: _____

Attest: _____

IN WITNESS THEREOF, the Chief Administrative Officer of the local governments and the Executive Director of the Hampton Roads Planning District Commission hereby execute this Agreement.

JAMES CITY COUNTY

By: _____

Date: _____

Date: _____

Attest: _____

IN WITNESS THEREOF, the Chief Administrative Officer of the local governments and the Executive Director of the Hampton Roads Planning District Commission hereby execute this Agreement.

CITY OF NEWPORT NEWS

By: _____

Date: _____

Date: _____

Attest: _____

IN WITNESS THEREOF, the Chief Administrative Officer of the local governments and the Executive Director of the Hampton Roads Planning District Commission hereby execute this Agreement.

CITY OF NORFOLK

By: _____

Date: _____

Date: _____

Attest: _____

IN WITNESS THEREOF, the Chief Administrative Officer of the local governments and the Executive Director of the Hampton Roads Planning District Commission hereby execute this Agreement.

CITY OF POQUOSON

By: _____

Date: _____

Date: _____

Attest: _____

IN WITNESS THEREOF, the Chief Administrative Officer of the local governments and the Executive Director of the Hampton Roads Planning District Commission hereby execute this Agreement.

CITY OF PORTSMOUTH

By: _____

Date: _____

Date: _____

Attest: _____

IN WITNESS THEREOF, the Chief Administrative Officer of the local governments and the Executive Director of the Hampton Roads Planning District Commission hereby execute this Agreement.

SOUTHAMPTON COUNTY

By: _____

Date: _____

Date: _____

Attest: _____

IN WITNESS THEREOF, the Chief Administrative Officer of the local governments and the Executive Director of the Hampton Roads Planning District Commission hereby execute this Agreement.

CITY OF SUFFOLK

By:_____

Date:_____

Date:_____

Attest:_____

IN WITNESS THEREOF, the Chief Administrative Officer of the local governments and the Executive Director of the Hampton Roads Planning District Commission hereby execute this Agreement.

SURRY COUNTY

By: _____

Date: _____

Date: _____

Attest: _____

IN WITNESS THEREOF, the Chief Administrative Officer of the local governments and the Executive Director of the Hampton Roads Planning District Commission hereby execute this Agreement.

CITY OF VIRGINIA BEACH

By: _____

Date: _____

Date: _____

Attest: _____

IN WITNESS THEREOF, the Chief Administrative Officer of the local governments and the Executive Director of the Hampton Roads Planning District Commission hereby execute this Agreement.

CITY OF WILLIAMSBURG

By: _____

Date: _____

Date: _____

Attest: _____

IN WITNESS THEREOF, the Chief Administrative Officer of the local governments and the Executive Director of the Hampton Roads Planning District Commission hereby execute this Agreement.

YORK COUNTY

By: _____

Date: _____

Date: _____

Attest: _____

IN WITNESS THEREOF, the Chief Administrative Officer of the local governments and the Executive Director of the Hampton Roads Planning District Commission hereby execute this Agreement.

TOWN OF SMITHFIELD

By: _____

Date: _____

Date: _____

Attest: _____

IN WITNESS THEREOF, the Chief Administrative Officer of the local governments and the Executive Director of the Hampton Roads Planning District Commission hereby execute this Agreement.

TOWN OF WINDSOR

By: _____

Date: _____

Date: _____

Attest: _____

IN WITNESS THEREOF, the Chief Administrative Officer of the local governments and the Executive Director of the Hampton Roads Planning District Commission hereby execute this Agreement.

HAMPTON ROADS PLANNING
DISTRICT COMMISSION

By:_____

Date:_____

Date:_____

Attest:_____

ITEM SUMMARY

DATE: 2/13/2018

TO: The Board of Supervisors

FROM: Tom Leininger, Community Development Assistant

SUBJECT: Proposed Street Name Change - Collington Lane to Gayle Lane

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution
☐	Location Map	Backup Material
☐	Letter of Request	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	1/29/2018 - 1:18 PM
Development Management	Holt, Paul	Approved	1/29/2018 - 1:18 PM
Publication Management	Burcham, Nan	Approved	1/29/2018 - 1:39 PM
Legal Review	Kinsman, Adam	Approved	1/29/2018 - 1:47 PM
Board Secretary	Fellows, Teresa	Approved	1/30/2018 - 11:11 AM
Board Secretary	Purse, Jason	Approved	2/6/2018 - 9:48 AM
Board Secretary	Fellows, Teresa	Approved	2/6/2018 - 10:02 AM

M E M O R A N D U M

DATE: February 13, 2018
TO: The Board of Supervisors
FROM: Tom Leininger, Community Development Assistant
SUBJECT: Proposed Street Name Change - Collington Lane to Gayle Lane

Mr. Stephen Anderson, representing HHHunt Homes, has requested that the Board of Supervisors rename Collington Lane in Section 4 of the White Hall subdivision to Gayle Lane. The purpose of the request is to ensure there is no potential for confusion with an existing street name – Collington Court – located within the Marywood Subdivision. The duplication is not an issue for public safety. Section 19-56(b) of the James City County subdivision strives to ensure no duplication of street names, irrespective of suffixes and requires that street names be reviewed and approved by the Board of Supervisors.

Collington Lane is currently being used as the address for 17 parcels in White Hall. The parcels are currently undeveloped. The undeveloped lots are under the ownership of Rauch Development, LLC, Paul and Suzanne Bingham and HHHunt Homes Hampton Roads, LLC.

The Real Estate Assessments Division, Police Department, Fire Department, 911 Center and the Williamsburg Post Office have no objections to the proposed street name change. Notification of the proposed street name change was sent to all property owners. The Planning Division has not received any complaints about the proposed street renaming.

Staff Recommendation

Staff recommends approval of the attached resolution that renames the street, currently named Collington Lane to Gayle Lane. Approval of the request would ensure that there is no duplication of street names.

TL/nb
StNameChng-mem

Attachments:

1. Resolution
2. Location Map
3. Letter of Request

RESOLUTION

PROPOSED STREET NAME CHANGE - COLLINGTON LANE TO GAYLE LANE

WHEREAS, an application has been received requesting that the Board of Supervisors change the name of Collington Lane to Gayle Lane; and

WHEREAS, Section 19-56 (b) of the James City County Subdivision Ordinance provides for street names to be changed upon approval by the Board of Supervisors; and

WHEREAS, the proposed street name change has been reviewed with the Real Estate Assessments Division, Police Department, 911 Center, Planning Division and the Williamsburg Post Office and these agencies have found it acceptable.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve renaming the street Collington Lane in the White Hall development to Gayle Lane.

Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCLENNON	___	___	___
ICENHOUR	___	___	___
SADLER	___	___	___
HIPPLE	___	___	___
LARSON	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of February, 2018.

StNameChng-res



Collington Lane - Proposed Street Renaming



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January 26, 2018

James City County Development Management
101-A Mounts Bay Road
Williamsburg, VA 23185

RE: Collington Lane Name Change

To Whom it May Concern:

Please accept this letter as a formal request to change the street currently named Collington Lane to Gayle Lane.

Please kindly pass our request onto the Board of Supervisors for approval.

Sincerely,

A handwritten signature in black ink, appearing to be "Stephen Anderson", written over a horizontal line.

Stephen Anderson
Division President
HHHunt Homes
825 Dilligence Drive
Suite 114
Newport News, VA 23606

Because it's how you live that matters

ITEM SUMMARY

DATE: 2/13/2018
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Deputy Clerk
SUBJECT: Resolution of Appreciation - Jack Edwards

Resolution of Appreciation for Jack Edwards who is retiring from the Electoral Board.

ATTACHMENTS:

	Description	Type
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	2/1/2018 - 8:55 AM

RESOLUTION OF APPRECIATION

JACK D. EDWARDS

WHEREAS, Mr. Jack D. Edwards has tirelessly served James City County citizens with dedication and integrity since 1962; and

WHEREAS, most recently, Mr. Edwards has served on the James City County Electoral Board for the past 16 years; and

WHEREAS, Mr. Edwards also served on the James City County Board of Supervisors for 28 years, from 1972 until 2000; and

WHEREAS, Mr. Edwards served on the faculty of The College of William and Mary for 30 years, as Professor of Government, Dean of the Faculty of Arts and Sciences and Chairman of the Department of Government; and

WHEREAS, Mr. Edwards has been President of two statewide local government organizations: the Virginia Association of Counties, 1977-1978, and the Virginia Municipal League, 1989-1990; and

WHEREAS, Mr. Edwards has also served as a member of the Board of Directors of Williamsburg Landing as President of the Resident’s Council, as a member of the Leadership Historic Triangle Board, as Chair of the Christopher Wren Association and as the former President of the Williamsburg Lawn Bowling Club.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby celebrates the retirement of

JACK D. EDWARDS

and expresses its appreciation for his legacy of leadership and service.

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of February, 2018.

ITEM SUMMARY

DATE: 2/13/2018
TO: The Board of Supervisors
FROM: William C. Porter, Interim County Administrator
SUBJECT: Monthly Report

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	2/6/2018 - 2:54 PM

MEMORANDUM

DATE: February 13, 2018
TO: The Board of Supervisors
FROM: William C. Porter, Interim County Administrator
SUBJECT: County Administrator's Report

The following is a summary of activities that took place January 2, 2018 through February 6, 2018:

January 2, 2018 (Tuesday)

- Met with Executive Leadership Team
- Met with Jason Purse, Assistant County Administrator and Adam Kinsman, County Attorney
- Met with Jim Icenhour, Supervisor
- Met with Sue Mellen, FMS Director
- Attended Board of Supervisors Organizational Meeting

January 3, 2018 (Wednesday)

- Attended Hampton Roads Planning District Commission Chief of Administrative Officers meeting

January 5, 2018 (Friday)

- Attended 2018 Greater Williamsburg Chamber and Tourism Alliance Legislative Forum

January 6, 2018 (Saturday)

- CAO Conference Call

January 8, 2017 (Monday)

- Budget meeting: Police
- Budget meeting

January 9, 2018 (Tuesday)

- Attended agenda meeting
- Met with John Carnifax, Parks & Recreation Director
- Met with Doug Powell, JCSA Manager
- Attended Board of Supervisors meeting

January 10, 2018 (Wednesday)

- Department Visit: General Services
- Met with Frank Poulster, James City County resident
- Met with Ruth Larson, Supervisor and Jody Puckett, Consultant
- Attended Neighborhood Leaders Forum

County Administrator's Report

February 13, 2018

Page 2

January 19, 2018 (Friday)

- Attended James City County Service Awards event
- Department Visit: IRM
- Met with Sue Mellen, FMS Director

January 20, 2018 (Saturday)

- Attended Board of Supervisors Retreat

January 22, 2018 (Monday)

- Attended Historic Triangle Collaborative meeting
- Met with Neil Morgan, York County Administrator
- Attended Peninsula Mayors & Chairs meeting
- Met with Sue Mellen, FMS Director
- Met with Patrick Teague, HR Director
- Met with Paul Holt, Community Development Director
- Met with Neil Morgan, York County Administrator, Terry Hall, Director of the York-Poquoson-Williamsburg Regional 911 Emergency Communications Center, Ryan Ashe, Fire Chief

January 23, 2018 (Tuesday)

- Attended Agenda meeting
- Met with Jason Purse, Assistant County Administrator, Paul Holt, Community Development Director, Chris Johnson, Ombudsman
- Attended Board of Supervisors meeting

January 24, 2018 (Wednesday)

- Attended Greater Williamsburg Partnership meeting
- Met with Betsy Fowler, Library Director
- Met with Grace Boone, General Services Director

January 25, 2018 (Thursday)

- Department Visit: Fire
- Met with Adam Kinsman, County Attorney, Jason Purse, Assistant County Administrator and Michael Ware
- Attended Executive Leadership meeting

January 26, 2018 (Friday)

- Met with Brad Rinehimer, Police Chief
- Met with Doug Powell, JCSA Manager
- Met with Amy Jordan, ED Director and Tom Tingle, EDA Chair
- Met with Sue Mellen, FMS Director, Sharon Day, FMS Assistant Director and Patrick Page, IRM Director

January 29, 2018 (Monday)

- Budget meeting

January 30, 2018 (Tuesday)

- Department Visit: Parks & Recreation
- Meeting with Neil Morgan, York County Administrator and Marvin Collins, Williamsburg City Manager
- Department Visit: Community Development
- Met with Dr. Herron, WJCC Schools Superintendent, Kyra Cook, WJCC School Board Chair and Ruth Larson, Board of Supervisors Chair

January 31, 2018 (Wednesday)

- Department Visit: Library
- Met with Senator Tommy Norment

February 1, 2018 (Thursday)

- Department Visit: FMS
- Met with Dr. Herron, WJCC Schools Superintendent and Marvin Collins, Williamsburg City Manager

February 2, 2018 (Friday)

- Met with Rebecca Vinroot, Social Services Director

February 5, 2018 (Monday)

- Met with Adam Kinsman, County Attorney, Jason Purse, Assistant County Administrator, Community Development, General Services and FMS staff
- Budget meeting: Economic Development
- Met with Amy Jordan, ED Director
- Met with Sue Mellen, FMS Director
- Department Visit: Human Resources
- Site visit with Paul Holt, Community Development Director and Jason Purse, Assistant County Administrator

February 6, 2018 (Tuesday)

- Met with Sue Mellen, FMS Director
- Met with Carol Schenk, Senior HR Specialist and Patrick Page, IRM Director
- Attended Social Services staff meeting

ITEM SUMMARY

DATE: 2/13/2018

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

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

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	2/6/2018 - 2:11 PM

ITEM SUMMARY

DATE: 2/13/2018
TO: The Board of Supervisors
FROM: Christy H. Parrish, Zoning Administrator
SUBJECT: Board of Zoning Appeals Appointments

ATTACHMENTS:

Description Type

REVIEWERS:

Department	Reviewer	Action	Date
Zoning Enforcement	Parrish, Christy	Approved	1/23/2018 - 10:26 AM
Development Management	Holt, Paul	Approved	1/24/2018 - 10:51 AM
Publication Management	Burcham, Nan	Approved	1/24/2018 - 11:02 AM
Legal Review	Kinsman, Adam	Approved	1/26/2018 - 4:08 PM
Board Secretary	Purse, Jason	Approved	2/6/2018 - 9:43 AM
Board Secretary	Fellows, Teresa	Approved	1/29/2018 - 8:53 AM
Board Secretary	Fellows, Teresa	Approved	2/6/2018 - 9:58 AM

ITEM SUMMARY

DATE: 2/13/2018
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Deputy Clerk
SUBJECT: Planning Commission Appointment

ATTACHMENTS:

Description	Type
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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	2/1/2018 - 8:38 AM

ITEM SUMMARY

DATE: 2/13/2018
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Deputy Clerk
SUBJECT: Board of Equalization Appointment

ATTACHMENTS:

Description	Type
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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	2/1/2018 - 8:39 AM

ITEM SUMMARY

DATE: 2/13/2018
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Deputy Clerk
SUBJECT: Thomas Nelson Community College Board

ATTACHMENTS:

Description	Type
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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	2/1/2018 - 8:41 AM

ITEM SUMMARY

DATE: 2/13/2018

TO: The Board of Supervisors

FROM: Jason Purse, Assistant County Administrator

SUBJECT: Discussion of the award of a public contract involving the expenditure of public funds, where discussion in an open session would adversely affect the bargaining position of the public body pursuant to Section 2.2-3711 (A)(29) of the Code of Virginia

ATTACHMENTS:

Description	Type
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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	2/6/2018 - 2:15 PM

ITEM SUMMARY

DATE: 2/13/2018
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Deputy Clerk
SUBJECT: Adjourn until 4 p.m. on February 27, 2018 for the Work Session

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	2/1/2018 - 8:58 AM