

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF MARCH 2011, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

Mary K. Jones, Chairman, Berkeley District
Bruce C. Goodson, Vice Chair, Roberts District
James G. Kennedy, Stonehouse District
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

Robert C. Middaugh, County Administrator
Leo P. Rogers, County Attorney

C. PLEDGE OF ALLEGIANCE – Danielle Langer, a sixth-grade student at Hornsby Middle School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATION – Planning Commission Annual Report

Mr. Reese Peck, Planning Commissioner, presented the Planning Commission's Annual Report. He highlighted changes from 2010 in the Annual Report with an emphasis on transparency and accountability. He discussed growth and where it was occurring, the Comprehensive Plan Annual Scorecard, and the activities of the Policy Committee and Development Review Committee, including dialogue with the public.

Mr. McGlennon thanked Mr. Peck for his report and commented on the variance between the population estimates from the Planning Division and the U.S. Census report. He noted that it was important to reconcile those numbers to help determine the rate of population increase.

Mr. Peck indicated that at the last Planning Commission meeting, staff was directed to investigate this variance.

Mr. McGlennon noted that the numbers were deceptive and stated that the County grew more rapidly in the last ten years than in the previous decade.

Mr. Peck commented that all high growth counties have a similar variance, and slowing growth was likely due to the economic downturn.

Mr. Goodson stated that the economic conditions could not account for all decreases in growth.

Mr. McGlennon stated that it was important to account for the people who were not counted in the Planning Division estimates.

Mr. Icenhour commented that the lowest growth rate in 2010 was above average in comparison to the rest of the country. He also commented on the process for the Capital Improvements Program (CIP) rankings and asked that the Planning Commission improve the timing of the report. He also asked that the maintenance issues be integrated in the CIP list and that tiered projects such as stormwater should be ranked.

Mr. Peck commented that a member of the Policy Committee recommended three years ago that the County should set a maintenance schedule and replacement cycle with the budget. He agreed that the CIP process could be modified.

Mr. Kennedy noted that in his experience, the CIP was seen primarily as a guidance tool. He recognized that the County was above the national average in growth, but also has retained property values in spite of the recent economic downturn because of the quality of the community. He noted that the County had an excellent bond rating, environmental excellence, and job and economic growth.

E. PUBLIC COMMENT

1. Mr. Clive Fenton, 120 Riviera, discussed parental responsibility to children and the necessity for students to have access to programming that would enhance success in school.
2. Mr. Jack Fowler, 109 Wilderness Lane, discussed construction of the Mooretown Road extension. He commented that no more roads were needed and this would encourage additional development. He commented that businesses were closing and there was no need for additional economic development.
3. Mr. Ed Oyer, 139 Indian Circle, commented on the cost of school construction and construction of the School Board Central Office.

F. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy asked Mr. Rogers about gun discharge ordinances in relation to hunting in the County. He stated that a possibility has been raised that is allowing hunting from stands in trees. He also asked if the road at Warhill could be opened from Centerville Road to Longhill Road on game days to avoid traffic and save energy costs.

Mr. Middaugh stated that this item along with the Master Plan could be brought before the Board for further discussion.

Mr. Goodson stated that on March 17, 2011, the Hampton Roads Planning District Commission (HRPDC) would meet to discuss the transportation plan for 2035. He noted that if a project was not on this plan, it would not be eligible for Federal funds. He reviewed the projects on the list that had funding and were still without funding, including Patriot's Crossing, which was part of the third crossing project connecting I-564 and I-664. He stated the project had to be fiscally constrained and funding has been identified. He stated that the funding for the project would come from tolls on I-64 Hampton Roads Bridge-Tunnel (HRBT) and I-664 Monitor-Merrimac Memorial Bridge-Tunnel (MMMBT). He stated this project would help alleviate transportation issues as a whole across Hampton Roads, but would marginally decrease commuter traffic at the HRBT by about 12 percent. He stated that Peninsula residents would be paying tolls for a project that benefits only those on the Southside. He stated that he did not think the tolls would be allowed by the Federal Highway

Transportation Administration. He stated that he did not believe that the funding has actually been identified. He also noted that the Midtown Tunnel/Martin Luther King Freeway/Downtown Tunnel project was a Public-Private Transportation Act (PPTA) project, which has funding identified. He commented that the HRBT has a PPTA project with funding identified, but it was not included in this list. He stated that he intended to vote against the list unless it was amended to address these concerns. He asked for comments from the Board.

Mr. McGlennon asked if 12 percent was a small reduction in congestion. He stated that it seemed significant.

Mr. Goodson commented on the funding and noted that the volume of traffic would grow by more than 12 percent over the next 30 years. He stated that he has a fundamental concern with putting a toll on the HRBT without adding capacity.

Mr. McGlennon stated that professional staff has evaluated these projects, but understood Mr. Goodson's concern. He stated that he was unclear about the status of the HRBT PPTAs. He stated that he understood there were submissions, but was unsure if they had been analyzed.

Mr. Goodson stated that one submission had been received, but it was not yet analyzed. He explained that this was an open process were multiple submissions could be brought forward and more were anticipated.

Mr. McGlennon asked if these would be funded by tolls.

Mr. Goodson stated that was correct. He stated that the funding from tolls would go toward increased capacity. He noted that the public could view the information on the HRPDC website and contact him by email with comments.

Mr. McGlennon commented on Mr. Fowler's comments about Rochambeau Drive and asked that staff request information about the unsafe shoulders in particular.

Ms. Jones stated that there was a joint meeting of the School Board, City Council of the City of Williamsburg, and the Board of Supervisors on February 23, 2011. She asked when the video would be available online.

Mr. Middaugh stated that it has been taped and would be available online shortly.

Mr. McGlennon asked if a report would be available about a consensus coming from the discussion at the joint meeting.

Ms. Jones stated that staff has been asked to prepare a report with bullet points on specific guidance resulting from the discussion.

Mr. McGlennon stated that the minutes did not fully communicate the guidance of the meeting.

Mr. Middaugh stated that the video from the joint meeting would be available on Thursday, March 10, 2011, for broadcast on JCCTV.

G. CONSENT CALENDAR

Mr. Goodson made a motion to adopt the items on the Consent Calendar, including the amendments to the February 22, 2011, Work Session minutes.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

1. Minutes –
 - a. February 22, 2011, Work Session
 - b. February 22, 2011, Regular Meeting
 - c. February 23, 2011, Joint Work Session
2. Contract Award – Jamestown Beach Park Shoreline Stabilization and Beach Restoration – \$192,547

RESOLUTION

CONTRACT AWARD – JAMESTOWN BEACH PARK SHORELINE STABILIZATION AND

BEACH RESTORATION – \$192,547

WHEREAS, funds are available in the Special Projects/Grants fund and the Maintenance Equipment Jamestown Beach Account; and

WHEREAS, six bids were considered for award and Henry S. Branscome, LLC was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract for Jamestown Beach Park Shoreline Stabilization and Beach Restoration to Henry S. Branscome, LLC in the amount of \$192,547.

3. Contract Award – Access Control and Video Surveillance Security Systems at the New Police Building

RESOLUTION

CONTRACT AWARD – ACCESS CONTROL AND VIDEO SURVEILLANCE SECURITY

SYSTEMS AT THE NEW POLICE BUILDING – \$166,699

WHEREAS, a Request for Proposals (RFP) for Access Control and Video Surveillance Security Systems at the new Police building was publicly advertised and staff reviewed proposals from 13 firms interested in performing the work; and

WHEREAS, upon evaluating the proposals, staff determined that Stanley Convergent Security Solutions was the most fully qualified and submitted the proposal that best suited the County's needs as presented in the RFP.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the \$166,699 contract for Access Control and Video Surveillance Security Systems at the new Police building to Stanley Convergent Security Solutions.

4. Grant Award – Port Security Grant Program (PSGP) – \$71,329

RESOLUTION

GRANT AWARD – PORT SECURITY GRANT PROGRAM (PSGP) – \$71,329

WHEREAS, the James City County Police Department has been awarded Port Security Grant Program (PSGP) funding for \$71,329; and

WHEREAS, the funds are to be used to institute a dive team within the Police Department and includes funding for equipment and training; and

WHEREAS, there is no match required of this grant.

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

Revenue:

PSGP -FY11 (FY10 Grant Program) \$71,329

Expenditure:

PSGP -FY11 (FY10 Grant Program) \$71,329

H. PUBLIC HEARINGS

1. Case No. AFD-11-86-2-2010. Jolly Pond Road Yarmouth Island AFD Addition (continued from February 8, 2011)

Mr. Luke Vinciguerra, Planner, stated that Mr. James H. Richardson has applied to enroll a 10-acre property located at 1975 Jolly Pond Road into the Yarmouth Island Agricultural and Forestal District (AFD). The parcel is entirely wooded and contains no structures or any form of development. The parcel can be further identified as James City County Real Estate Tax Map Parcel No. 293010003 and is zoned A-1, General Agricultural. The parcel is designated as Rural Lands on the Comprehensive Plan and is surrounded by land within the Yarmouth Island AFD.

At its meeting on December 15, 2010, the AFD Advisory Committee recommended approval of the application by a vote of 6-0 with two abstentions.

At its meeting on January 5, 2011, the Planning Commission recommended approval of the application by a vote of 7-0 with the condition that any ownership issues related to the property be resolved.

At the February 8, 2011, Board of Supervisors meeting, the application requested deferral of the application to satisfy ownership issues. This has been completed to the satisfaction of the County Attorney's office.

Staff recommended adoption of the ordinance for the addition to the Yarmouth Island AFD.

Ms. Jones opened the Public Hearing.

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

Mr. Icenhour made a motion to adopt the ordinance.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

Ms. Jones recognized Planning Commissioner Timothy O'Connor in attendance.

2. Case No. AFD-09-86-4-2010. Centerville Road Gordon Creek AFD Addition (continued from February 8, 2011)

Mr. Luke Vinciguerra, Planner, stated that Mr. James H. Richardson has applied to enroll 60 acres of property located at 4130 and 4176 Centerville Road into the Gordon Creek AFD. The parcels can be further identified as James City County Real Estate Tax Map Parcel Nos. 3640100009 and 3640100008 respectively and are zoned A-1, General Agricultural. The parcel is designated as Low Density Residential/Moderate Density Residential on the Comprehensive Plan.

At its meeting on December 15, 2010, the AFD Advisory Committee recommended approval of the application by a vote of 6-0 with two abstentions.

At its meeting on January 5, 2011, the Planning Commission recommended approval of the application by a vote of 7-0 with the condition that any ownership issues related to the property be resolved.

At the February 8, 2011, Board of Supervisors meeting, the application requested deferral of the application to satisfy ownership issues. This has been completed to the satisfaction of the County Attorney's office.

Staff recommended adoption of the ordinance for the addition to the Gordon Creek AFD.

Ms. Jones opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the ordinance.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

3. Case No. SUP-0031-2010. 3125 Chickahominy Road Manufactured Home

Mr. Jason Purse, Senior Planner, stated that Ms. Stephanie Deal has applied for a Special Use Permit (SUP) to allow for the placement of a manufactured home at 3125 Chickahominy Road. Manufactured homes not located within the Primary Service Area (PSA) in the R-8, Rural Residential, District require an SUP. The existing parcel has a cleared area near the middle of the property where the manufactured home will be placed. The proposed manufactured home would be roughly 28 feet by 76 feet and similar to the 2002 Henderson model manufactured home. There are two other existing manufactured homes within 400 feet of the property on both sides of Chickahominy Road and six homes within 1,000 feet.

At its meeting on February 2, 2011, the Planning Commission recommended approval of the application by a vote of 7-0.

Staff found that the proposal met the administrative criteria for placement of a manufactured home and was consistent with the Rural Lands Use designation.

Staff recommends approval of this SUP with the conditions listed in the resolution.

Ms. Jones opened the Public Hearing.

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

Mr. Kennedy made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

RESOLUTION

CASE NO. SUP-0031-2010. 3125 CHICKAHOMINY ROAD MANUFACTURED HOME

WHEREAS, the Board of Supervisors of James City County has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Ms. Stephanie Deal has applied for an SUP to allow a manufactured home outside the Primary Service Area (PSA); and

WHEREAS, the proposed home shall be similar to the 2002 Henderson model manufactured home; and

WHEREAS, the property is located at 3125 Chickahominy Road on land zoned R-8, Rural Residential, and can be further identified as James City County Real Estate Tax Map/Parcel No. 2210100056; and

WHEREAS, the Planning Commission of James City County, following its public hearing on February 2, 2011, recommended approval of this application by a vote of 7-0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2009 Comprehensive Plan Land Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing does hereby approve the issuance of SUP-0031-2010 as described herein with the following conditions:

1. This permit shall be valid for the 2002 Henderson Model Mobile Home ("Manufactured Home") or a newer or similar unit as determined by the Director of Planning.
2. A certificate of occupancy must be obtained for the Manufactured Home within 24 months from the date of approval of this SUP or the permit shall become void.

3. The Manufactured Home shall meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.
4. The Manufactured Home shall be placed so as to comply with all current setback and yard requirements in the R-8, Rural Residential Zoning District.
5. To ensure adequate screening, no existing trees shall be removed within 20 feet of the property lines, except those needed to be removed to place the Manufactured Home on the Property or as otherwise permitted by the Director of Planning.
6. A single (1) connection is permitted to the adjacent water main on Chickahominy Road with no larger than a ¾-inch water meter. Any lots created by a subdivision of the parent parcel will not be permitted to connect unless the PSA is extended to incorporate the parent parcel.
7. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

4. Case No. SUP-0032-2010. D.J. Montague Elementary School Parking Lot Expansion

Mr. Jose Ribeiro, Senior Planner, stated that Mr. Bruce Abbott of AES Consulting Engineers has applied for an SUP to allow for improvements to the school site including drainage improvements around the playground area, construction of internal sidewalks, and the reconfiguration and expansion of the parking lot area capacity from the existing 87 parking spaces to 140, an increase of 53 spaces (including three Americans with Disabilities Act (ADA) accessible spaces). According to the applicant, the proposed expansion of the parking lot is not triggered by an increase in internal traffic; rather, the expansion would better accommodate current parking needs, allowing vehicles currently parking in gravel and grassy areas, not assigned for parking, to park in areas marked and designed specifically for this purpose. Mr. Ribeiro stated that the school did not require an SUP when it was originally constructed in 1992; however, the school site was rezoned to the Public Land in 2007, where schools are a specially permitted use. Though the school is a legally nonconforming use, an SUP is required for any expansion. This SUP application would bring the entire school site into conformance with the Zoning Ordinance and permit the above-referenced improvements to the site. In 2009, an SUP application (SUP-0002-2009) to extend the permit of three classroom trailers on the school site until July 1, 2010, was approved by the Board of Supervisors. Staff notes that the three trailers were removed from the school site prior to the expiration date. In 2010, a site plan (SP-0017-2010) showing the placement of geothermal wells under the existing soccer field was submitted and approved by the County. The school site is zoned PL, Public Lands, and designated by the 2009 Comprehensive Plan as Federal, State, and County Land. Properties to the west of the site are zoned R-2, General Residential (Mulberry Subdivision), to the east and south properties are zoned R-4, Residential Planned Community (Ford's Colony), and to the north and across Centerville Road, properties are zoned A-1, General Agricultural (Liberty Ridge). The site fronts on Centerville Road which is designated by the 2009 Comprehensive Plan as a Community Character Corridor (CCC).

At its meeting on February 2, 2011, the Planning Commission recommended approval of this application by a vote of 7-0.

Staff found the proposal consistent with the surrounding zoning and development and consistent with the 2009 Comprehensive Plan.

Mr. Icenhour thanked staff for incorporating a condition to allow lighting at the request of citizens.

Staff recommended approval of the application with the conditions listed in the resolution.

Mr. Kennedy asked what type of pavers would be used for the parking lot.

Mr. Ribeiro stated that pervious pavers would be used.

Mr. Icenhour commented that currently, people were parking on grass or gravel.

Mr. Ribeiro stated that was correct. He showed a photo of the area and noted where the additional parking would be located.

Mr. Kennedy asked why parking was an increasing problem at elementary schools.

Mr. Robertson stated that there were several issues that contribute to this, including parent involvement and parents driving students to schools. He stated that for some schools, 125 to 135 parking spaces are adequate, but are not sufficient for others.

Mr. Kennedy commented that auxiliary parking areas should be designated when schools are planned and constructed.

Mr. Robertson stated that the two newest schools have large parking lots as well as pervious pavers for overflow parking for events.

Ms. Jones commented on the reasoning behind why school transportation was not being utilized.

Ms. Jones opened the Public Hearing.

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

Mr. Icenhour made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

RESOLUTION

CASE NO. SUP-0032-2010. D.J. MONTAGUE ELEMENTARY SCHOOL

PARKING LOT EXPANSION

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Mr. Bruce Abbott of AES Consulting Engineers has applied on behalf of Williamsburg-James City County Public Schools for an SUP to allow for the expansion of the parking lot area and other additional minor improvements at D.J. Montague Elementary School, located at 5380 Centerville Road, and further identified as James City County Real Estate Tax Map No. 3130100049; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that an SUP to allow for the expansion of the parking lot area and to bring the existing school into conformance with the Zoning Ordinance should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP No. 0032-2010, as described herein, with the following conditions:

1. Master Plan: This SUP shall be valid for the existing public school, associated fields, trails, accessory uses, the expansion of the parking area and other minor improvements to the site located at 5380 Centerville Road and further identified as James City County Real Estate Tax Map No. 3130100049 (the "Property"). The expansion of the parking area, and other minor improvements to the site, shall be developed generally as shown on the exhibit drawn by AES Consulting Engineers, entitled "Master Plan D.J. Montague Elementary School Additional Parking and Playground Drainage Improvements W/JCC Public Schools," dated December 19, 2010, and revised on January 24, 2011, with only changes thereto that the Planning Director determines, do not change the basic concept or character of the development.
2. Water Conservation: The Williamsburg-James City County School Board shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (the "JCSA") prior to final site plan approval. The standards shall include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought resistant native and other adopted low water use landscaping materials and warm season turf where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
3. Lighting: All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Planning Director prior to final site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from the adjoining properties. Additional lighting shall be installed in the entrance from the property onto Centerville Road. The specific location and design of the entrance lighting shall be shown on a site plan and approved by the Planning Director. However, if upon presenting an Iso-footcandle diagram of the school's entrance lighting, or other evidence, additional lighting may not be required if it is demonstrated to the satisfaction of the Planning Director that the existing lighting at the school's entrance is adequate.
4. Commencement of Construction: If construction has not commenced on this project within 36 months from the issuance of an SUP, the SUP shall become void.
5. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

5. Ordinance to Amend the County Code, Chapter 12, Licenses, by Amending Article II, Specific Businesses and Activities, Section 12-28, Alcoholic Beverages - Winery License Fee

Mr. Leo Rogers, County Attorney, stated that the Board was being asked to consider an ordinance to amend Chapter 12, Section 12-28(a)(2) to bring the County Code into compliance with State Code by reducing the amount charged for winery licenses from \$1,000 per year to \$50 per year. No loss of revenue will result from the change as the Commissioner of Revenue has been assessing the designated amount allowed under the Code, but the County Code needed to be updated. Mr. Rogers recommended approval of the ordinance amendment.

Ms. Jones opened the Public Hearing.

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

Mr. Kennedy made a motion to approve the ordinance.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

I. BOARD CONSIDERATION

1. Budget Transfer – Maintenance and Repair of Volunteer Apparatus Equipment – \$40,000

Mr. Middaugh stated that the Board was being asked to consider a resolution authorizing the addition of the full-time regular Automotive Technician II position and transferring \$40,000 from the two volunteer agencies and Contingency to fund the position for three months in Fiscal Year 2011 and associated parts and specialized contracted repairs and fuel costs. The request was being made because the County's fleet has grown substantially over the last few years and there is one fewer staff person available to maintain the equipment. He stated that about 32 percent of the equipment is designated as Public Safety. He stated that currently there was only one emergency vehicle technician required to service Fire and Police vehicles. He stated that extending the life cycle of vehicles for budget savings was increasing outside maintenance costs to repair vehicles. He stated that this would reduce contractor costs and allow for the service of emergency vehicles.

Mr. Kennedy recognized the contributions of the late Mr. Richard Garrett to the County, including repair and maintenance of emergency vehicles.

Mr. McGlennon stated his support for this agenda item and noted the serious challenge of maintaining vehicles for a longer time frame and with fewer staff.

Mr. Icenhour thanked Mr. Middaugh for his explanation and stated his support.

Mr. McGlennon made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

RESOLUTION

BUDGET TRANSFER-MAINTENANCE AND REPAIR OF VOLUNTEER

APPARATUS AND EQUIPMENT - \$40,000

WHEREAS, James City County absorbed the fuel costs and maintenance and repair responsibilities of the Fire apparatus and EMS equipment from the volunteer agencies at Fire Station I in Toano; and

WHEREAS, an Automotive Technician II is needed to work on the more complicated Fire and EMS apparatus; and

WHEREAS, funds are required for the cost of the new position of three months and costs associated with parts, specialized contracted repairs, and fuel.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes one new full-time regular Automotive Technician II position in the Fleet and Equipment Division.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following transfer of funds:

Expenditures:

Contingency	\$ (40,000)
Fleet and Equipment Division	32,000
Fire Department	8,000

J. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on educational improvement due to increased programs and opposition to ending technical classes in high school. He commented on decreasing academic standards and unprepared students. He commented on the upcoming redistricting process and reapportionment of representation in the voting districts.

2. Mr. Clive Fenton, 120 Riviera, commented on the importance of raising children to be responsible. He commented on the success of the Academy for Life and Learning (ALL) program in helping students with complex behavioral issues. He asked the Board to help maintain the ALL program.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh stated that the Board was sent background information on redistricting. He indicated that the Board could appoint a citizen committee to help support the redistricting process, which could be added to the Board's next agenda. He stated that this would help facilitate the pre-clearance process.

Mr. Middaugh also noted that information had been sent out regarding road projects including the Monticello Avenue Project and the Skiffe's Creek connector.

Mr. Middaugh stated the Board had an opportunity to make an appointment to the Board of Zoning Appeals prior to closed session if the Board wished to do so. He stated that a closed session was scheduled for discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business's or industry's interest in locating or expanding its facilities in the community, pursuant to Section 2.2-3711(A)(5) of the Code of Virginia. He stated that when the Board completed its business, it should adjourn to 4 p.m. on March 22, 2011, for a work session, followed by a regular meeting at 7 p.m.

L. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon asked that the redistricting information be available on the front page of the County's website to allow citizens to stay up-to-date on the information.

Mr. McGlennon made a motion to appoint Mr. Stephen Rodgers to a term on the Board of Zoning Appeals.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

M. CLOSED SESSION

Mr. Goodson made a motion to go into Closed Session for discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business's or industry's interest in locating or expanding its facilities in the community, pursuant to Section 2.2-3711(A)(5) of the Code of Virginia.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

At 8:15 p.m., Ms. Jones recessed the Board into Closed Session.

At 8:37 p.m., Ms. Jones reconvened the Board.

Mr. Goodson made a motion to adopt the Closed Session resolution.

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

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

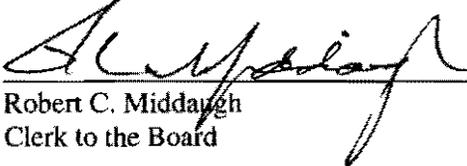
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(5) of the Code of Virginia, to discuss matters concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business's or industry's interest in locating or expanding its facilities in the community.

N. **ADJOURNMENT** to 4 p.m. on March 22, 2011.

Mr. Icenhour made a motion to adjourn.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

At 8:38 p.m. Ms. Jones adjourned the Board until 4 p.m. on March 22, 2011.


Robert C. Middaugh
Clerk to the Board

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MAR 8 2011

ORDINANCE NO. 172A-9

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

CASE NO. AFD-11-86-2-2010, JOLLY POND ROAD, YARMOUTH ISLAND

AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADDITION

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, (the "Board of Supervisors") to add 10.0 acres of land owned by Richardson Holdings Limited Partnership at 1975 Jolly Pond Road and identified as James City County Real Estate Tax Map/Parcel No. 2930100003 to Agricultural and Forestal District (AFD) 11-86, which is generally known as the 2,031.40-acre "Yarmouth Island Agricultural and Forestal District" (the "Application"); and

WHEREAS, at its December 15, 2010, meeting, the AFD Advisory Committee voted 6-0-2 (2 abstained) to recommend approval of the Application; and

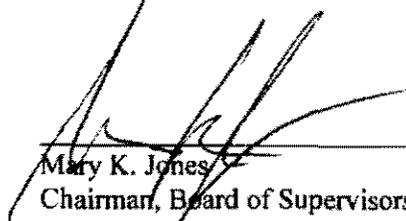
WHEREAS, a public hearing was advertised and held by the Planning Commission (the "Commission") at its January 5, 2011, meeting, pursuant to Section 15.2-4314 of the Code of Virginia, 1950, as amended (the "Virginia Code"), after which the Commission voted 7-0 to recommend approval of the Application; and

WHEREAS, pursuant to Section 15.2-4214 of the Virginia Code a public hearing was advertised and held by the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adds 10.0 acres owned by Richardson Holdings Limited Partnership, as referenced herein to the 2,031.40 acres of the Yarmouth Island AFD with the following conditions:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area (PSA) and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.
3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Virginia Code Section 15.2-4301 et. seq. which

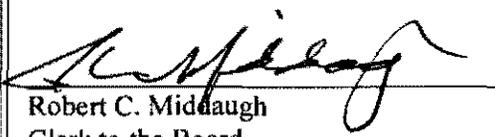
are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.



Mary K. Jones
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

ATTEST:



Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of March, 2011.

AFD11-86-2-10_Jolly_res

ADOPTED

MAR 8 2011

ORDINANCE NO. 170A-18

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

CASE NO. AFD-09-86-4-2010. CENTERVILLE ROAD, GORDON CREEK

AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADDITION

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, (the "Board of Supervisors") to add 60.0 acres of land owned by the Beatrice Richardson Estate and Richardson Holdings Limited Partnership located at 4130 and 4176 Centerville Road and identified as James City County Real Estate Tax Map/Parcel Nos. 3640100008 and 3640100009 to Agricultural and Forestal District (AFD) 9-86, which is generally known as the 3,203.8 acre "Gordon Creek Agricultural and Forestal District" (the "Application"); and

WHEREAS, at its December 15, 2010, meeting the AFD Advisory Committee voted 6-0-2 (2 abstained) to recommend approval of the Application; and

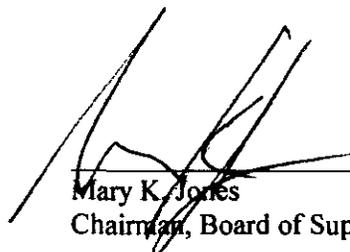
WHEREAS, a public hearing was advertised and held by the Planning Commission (the "Commission") at its January 5, 2011, meeting, pursuant to Section 15.2-4314 of the Code of Virginia, 1950, as amended (the "Virginia Code"), after which the Commission voted 7-0 to recommend approval of the Application; and

WHEREAS, pursuant to Section 15.2-4214 of the Virginia Code a public hearing was advertised and held by the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adds 60.0 acres owned by the Beatrice Richardson Estate and Richardson Holdings Limited Partnership, as referenced herein to the 3,203.8 acres of the Gordon Creek AFD with the following conditions:

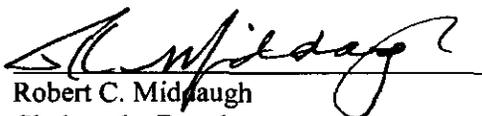
1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area (PSA) and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.
3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Virginia Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its

discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.



Mary K. Jones
Chairman, Board of Supervisors

ATTEST:



Robert C. Midgale
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of March, 2011.

AFD9-86-4-10_res

ADOPTED

MAR 8 2011

ORDINANCE NO. 16A-28

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 12, LICENSES, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL BUSINESSES AND ACTIVITIES, SECTION 12-28, ALCOHOLIC BEVERAGES.

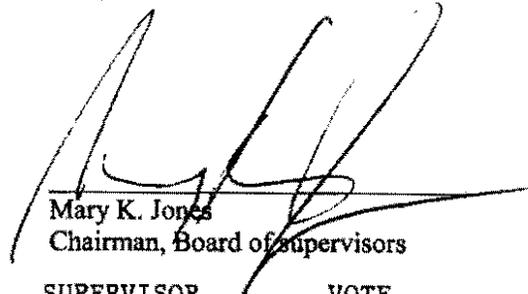
BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 12, Licenses, is hereby amended and reordained by amending Section 12-28, Alcoholic beverages.

Chapter 12. Licenses

Section 12-28. Alcoholic beverages.

(a) Every person engaged in dispensing alcoholic beverages shall become liable for license taxes as follows:

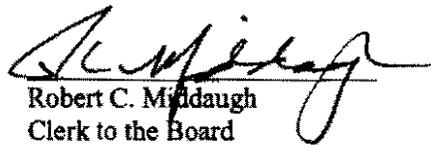
(2) For each winery license, ~~\$1,000.00~~ ~~\$30.00~~ per annum;



Mary K. Jones
Chairman, Board of Supervisors

SUPERVISOR	VOTE
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

ATTEST:



Robert C. Mindaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of March, 2011.