

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

June 10, 2008

7:00 P.M.

A. ROLL CALL

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE – Jeffrey Becker a third-grade student at James River Elementary School

D. PRESENTATION

1. Employee and Volunteer Outstanding Service Awards
Supports County's Strategic Pathway 2.i - increase volunteerism

E. PUBLIC COMMENT

F. CONSENT CALENDAR

1. Minutes –
 - a. May 27, 2008, Work Session
 - b. May 27, 2008, Regular Meeting
2. Award of Contract - Ambulance Purchase - \$203,453
Supports County's Strategic Pathway 5.b - maintain a well-trained and high performing workforce for normal and emergency operations
3. Local Emergency Management Performance Grant - \$86,730
Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes
4. Creation of a Dental Assistant Position - Williamsburg Area Medical Assistance Corporation (WAMAC)
Supports County's Strategic Pathway 2.a - address the needs of the underserved and protect the vulnerable

G. PUBLIC HEARING

1. Case No. SUP-0005-2008. James City/Williamsburg Community Center (JCWCC) Tower

H. BOARD CONSIDERATIONS

1. County Budget FY 2009-2010
Supports County's Strategic Pathway 1) Manage finances wisely and encourage a balanced economy; 2) Improve the lives of citizens and foster a sense of community; 3) Plan responsibly for the needs of a growing, diverse community; 4) Steward the natural environment and historic heritage; and 5) Provide outstanding customer service
2. Consideration of the Request to Amend Condition 2f of a Waiver to Section 19-57, Water Facilities, of the James City County Subdivision Ordinance for Property Located at 1805 Forge Road

-CONTINUED-

3. State Transportation Funding

I. PUBLIC COMMENT

J. REPORTS OF THE COUNTY ADMINISTRATOR

K. BOARD REQUESTS AND DIRECTIVES

L. CLOSED SESSION

1. Consideration of the Disposition of a Parcel(s) of Public Property Pursuant to Section 2.2-3711(A)(3) of the Code of Virginia

M. ADJOURNMENT to 4 p.m. on June 24, 2008

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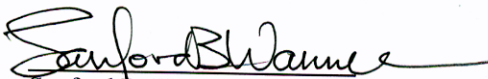
MEMORANDUM

DATE: June 10, 2008
TO: The Board of Supervisors
FROM: Sanford B. Wanner, County Administrator
SUBJECT: Employee and Volunteer Outstanding Service Awards

The Recognition Program is designed to provide meaningful recognition of exceptional achievement, performance, and improvements by employees and volunteers of James City County and James City Service Authority.

The following individuals and teams recognized at the June 10, 2008, Board of Supervisors meeting exemplify the County's Mission and demonstrate our Values:

- Two individual volunteers; and
- Two volunteer and employee teams.



Sanford B. Wanner

SBW/nb
ServAward08_mem

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27TH DAY OF MAY 2008, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

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

Sanford B. Wanner, County Administrator
Leo P. Rogers, County Attorney

C. BOARD DISCUSSIONS

1. Youth Advisory Council

Ms. Nancy Ellis, Staff Liaison to the Youth Advisory Council, introduced Parks and Recreation staff – Kelley Herbert; Anthony Green introduced the Council and gave an overview of its activity in the community.

Mr. Goodson expressed his thanks for the service of the group and asked that they remain involved in the Comprehensive Plan process.

Mr. Icenhour commented on the Youth Career Café and noted that the County was in the process of trying to establish one in the Williamsburg area. He asked that the Youth Advisory Council be incorporated in this process. He also discussed potential locations and partnerships for a Youth Career Café.

2. Parks and Recreation Master Plan

Mr. Terry Deaver, Chairman of the Parks and Recreation Advisory Commission, introduced the other Commission members, David Jarman, Mark Wenger, Mike Hand, Craig Metcalfe, and Mr. Leon Younger with Pros Consulting, LLC. Mr. Deaver gave an overview of the Parks and Recreation Master Plan in relation to the Comprehensive Plan update. Mr. Younger gave an overview of the draft plan, the survey process, and the national standards in relation to the County's Parks and Recreation facilities.

Discussion was held regarding trail activities in the County and recommendations on improving the County's trail system. Discussion was held on programs geared toward youth and partnerships with the school system. Mr. Goodson and Mr. Younger discussed the consideration of advertising in parks. Mr. Cheely noted that youth leagues already do this and that was part of an important partnership which helped to support the leagues, but no proceeds were provided to the County. Discussion was held on the need for public input.

Mr. Goodson recessed the Board for a short break.

At 5:15 p.m. Mr. Goodson reconvened the Board.

D. CLOSED SESSION

Mr. Icenhour made a motion to go into closed session for the consideration of the disposition of parcels of public property pursuant to Section 2.2-3711(A)(3) of the Code of Virginia.

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

At 5:17 p.m. Mr. Goodson recessed the Board into closed session.

At 6:07 p.m. Mr. Goodson reconvened the Board.

Mr. Icenhour made a motion to adopt the closed session resolution.

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

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)(3), to consider the disposition of parcels of public property.

E. BREAK

At 6:08 p.m. the Board broke for dinner.

Sanford B. Wanner
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27TH DAY OF MAY 2008, 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

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

Sanford B. Wanner, County Administrator
Leo P. Rogers, County Attorney

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

D. PRESENTATIONS

1. Recognition - Frances Ann Huckstep Hamilton

Mr. Goodson presented a resolution of recognition to Sherry McKown and Dick Hamilton, children of the late Frances Ann Huckstep Hamilton, demonstrating the County's appreciation for her community service and enrichment of the village of Norge.

Mr. Hamilton stated that he and his sister were honored to be able to accept the award for their mother.

2. Recognition - James "Jim" W. Brewer, Virginia Department of Transportation

Mr. Goodson presented a resolution of recognition to Mr. Jim Brewer as a token of appreciation for over 40 years of service with the Virginia Department of Transportation (VDOT).

Mr. Brewer stated his appreciation for the recognition and thanked his colleagues at VDOT.

3. May is Bike Month

Mr. Goodson presented a resolution declaring May as Bike Month to Dennis Manske and the Williamsburg Area Bicyclists, and recognized their efforts to create a healthy, active community by promoting bicycling in the Williamsburg area.

Mr. Manske presented a proclamation from the Governor of Virginia declaring May as Bike Month to the Board of Supervisors. He distributed t-shirts to the Board members.

4. State Board of Elections Presentation for James City County Security Plan

Secretary Nancy Rodriguez, of the State Board of Elections, presented an award recognizing the certification of James City County's Election Security Plan to the Electoral Board. The award was received by Electoral Board Chairman, Stan Gorrell, members Jack Edwards and Paul Bankit, and General Registrar A. J. Cole.

E. HIGHWAY MATTERS

Mr. Todd Halacy, Interim VDOT Residency Administrator, gave an overview of the completed portions of the summer asphalt overlay schedule and stated that the first cycle of mowing for all secondary and primary was completed, and the next round would begin by next week. He stated that a construction project in James City County and York County to restore slopes was completed 30 days ahead of schedule and under budget.

Mr. Icenhour asked Mr. Halacy to evaluate a large ditch at the apartment complex across from Williamsburg West to see if it could be stabilized. He stated the medians on Monticello Avenue near the construction at Route 199 had tall grass and asked that it be mowed.

Mr. Kennedy thanked Mr. Halacy for his responses regarding questions about Camp Drive, Racefield Drive, and Old Stage Road.

F. PUBLIC COMMENT

1. Mr. Robert Richardson, 2786 Lake Powell Road, commented on the James City Service Authority (JCSA) Project Development Agreement with Newport News Water Works and stated his disapproval based on difficulty in funding the agreement.

2. Mr. Don Messmer, 28 Ensigne Spence, stated his disapproval of the Board's Consent Calendar resolution in support of the Doctor's Hospital of Williamsburg project and requested denial of the resolution.

3. Mr. Bob Graves, 105 George Perry, Administrator of Sentara Williamsburg Regional Medical Center, commented on the Board's Consent Calendar resolution in support of the Doctor's Hospital of Williamsburg project, and requested denial of the resolution..

4. Ms. Deborah Kratter, 113 Long Point, spoke in support of the Board's resolution of support for the Doctor's Hospital of Williamsburg project. She commented that the school budget should be fully funded.

5. Mr. Randy O'Neill, 109 Sheffield Road, commented on parks and recreation availability to special needs students. He stated that he has not had the opportunity to work with James City County Parks and Recreation.

6. Mr. Robert Duckett, Public Affairs Director, Peninsula Housing and Builders Association, stated that Best Management Practices (BMPs) are monitored to be built as designed by geotechnical engineers, and noted that the County receives surveys after construction. He said storm drains and channels are done in VDOT right-of-way. He stated he could support the fees if the County would drop the requirement for surveys and inspection by contractors.

7. Mr. Ed Oyer, 139 Indian Circle, commented on the Memorial Day services on May 26, 2008; school budget and personnel; traffic on Route 60 East; support for the application for the Doctor's Hospital

of Williamsburg project. He stated that new schools were not necessary based on student influx and alternative education funds come from the State Board of Education.

8. Mr. David Tate, on behalf of Riverside Health System, stated competition would benefit citizens with access now and in the future.

G. CONSENT CALENDAR

Mr. Goodson requested to pull Item No. 7.

Mr. McGlennon asked to pull Item No. 5.

Mr. McGlennon made a motion to adopt the remaining items on the Consent Calendar.

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

1. Minutes –
 - a. April 22, 2008, Work Session
 - b. April 22, 2008, Regular Meeting
 - c. April 30, 2008, Budget Work Session
 - d. May 6, 2008, Budget Work Session
 - e. May 8, 2008, Budget Work Session
 - f. May 13, 2008, Regular Meeting
 - g. May 13, 2008, Budget Work Session
2. Frances Ann Huckstep Hamilton Recognition

RESOLUTION

FRANCES ANN HUCKSTEP HAMILTON RECOGNITION

WHEREAS, Frances Ann Huckstep Hamilton was a native of the village of Norge, Virginia, and a descendant of Mr. and Mrs. Halvor H. Anderson, one of the Norwegian farming families settling the village in the early 1900s; and

WHEREAS, Frances Ann Huckstep Hamilton was a descendant of founders of the early businesses in Norge, including H.H. Anderson, who established a grocery store, and I.W. Huckstep, who established a tea room and a frog farm; and

WHEREAS, Frances Ann Huckstep Hamilton was a descendant of those providing public services to the community of Norge, including postmaster Ellen Anderson Huckstep and its railway telegrapher, I.W. Huckstep; and

WHEREAS, except for a short residence in Toano, Frances Ann Huckstep Hamilton resided most of her life in the village of Norge; and

WHEREAS, Frances Ann Huckstep Hamilton honored this heritage by serving and promoting the people, history, and buildings of Norge, including:

- Collecting and displaying photographs documenting the history of Norge;
- Co-authoring Velkommen til Norge, a pictorial history of Norge, for which she received the James City County Historical Commission Historic Preservation Award in 1990;
- Inspiring and organizing the relocation and restoration of the Norge Depot;
- Organizing and leading the Norge Civic League;
- Leading the Norge Community Club, and its preservation and use of the Norge Hall;
- Serving on the James City County Historical Commission; and

WHEREAS, her efforts benefitted the citizens of James City County by fostering an interest in its distinctive history, preserving several of its historically and architecturally significant buildings, and developing a unique sense of identity and community; and

WHEREAS, the James City County Historical Commission recognized the contributions of Frances Ann Huckstep Hamilton to the community.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby express its gratitude and admiration for Frances Ann Huckstep Hamilton and her passion to serve, preserve, and promote the people, buildings, and heritage of the distinctive rural James City County village of Norge.

3. Resolution of Recognition - James "Jim" W. Brewer, Virginia Department of Transportation

RESOLUTION

RECOGNITION PRESENTED TO MR. JAMES "JIM" W. BREWER

WHEREAS, Jim Brewer began his career in 1964 as an Inspector Trainee in the Hampton Roads District with the Virginia Department of Highways, later known as the Virginia Department of Transportation (VDOT); and

WHEREAS, Jim Brewer is known for his knowledge of construction and maintenance, and due to this proficiency was named Williamsburg Maintenance Operation Manager in 1974, Assistant Williamsburg Resident Engineer in 1995, and Williamsburg Resident Administrator in 2005; and

WHEREAS, Jim Brewer has been involved with numerous emergency operations and projects in the Williamsburg Residency, including the 1998 Ice Storm on Christmas Eve, 1999 Hurricane Floyd and the Jamestown Road emergency repair, 2003 Hurricane Isabel, as well as numerous projects including the extension of Monticello Avenue, Route 199 project, and the Virginia Capital Trail; and

WHEREAS, Jim Brewer sustained excellent and outstanding service to James City County citizens, civic groups, committees, and boards which afforded them great satisfaction and confidence with VDOT; and

WHEREAS, Jim Brewer retired from the Williamsburg Residency on May 23, 2008, after more than 40 years.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, on behalf of all residents of James City County, does hereby recognize the exceptional public

service and more than 40 years of honorable service by Jim Brewer to the residents of Virginia and James City County.

4. May is Bike Month

RESOLUTION

MAY IS BIKE MONTH

WHEREAS, the bicycle is a viable and environmentally sound form of transportation and an excellent form of recreation; and

WHEREAS, today, millions of Americans will experience the joys of bicycling during the month of May through educational programs, commuting events, or just getting out and going for a ride; and

WHEREAS, James City County offers many bicycling opportunities for transportation, recreation, and exercise through beautiful scenery, trails, and parks.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, does hereby recognize May 2008 as Bike Month in James City County, Virginia, and call this observance to the attention of its citizens.

6. Contract Award - Community Video Center and Board Room Communications Equipment - \$111,955

RESOLUTION

CONTRACT AWARD – COMMUNITY VIDEO CENTER AND

BOARD ROOM COMMUNICATIONS EQUIPMENT - \$111,955

WHEREAS, a Request for Proposals (RFP) to furnish, design, and install new communications equipment at the Video Center and the Board Room in Building F in order to enhance the current operations and begin the process to comply with Federal Communications Commission (FCC) requirements that analog television broadcasting switch to high-definition by February 2009 was publicly advertised, and staff reviewed a proposal from The Whitlock Group; and

WHEREAS, upon evaluating the proposal, staff determined that The Whitlock Group was fully qualified and submitted a proposal that fully satisfied the County's needs as presented in the RFP, and staff negotiated a fair and reasonable price for the required equipment and related services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, awards the contract in the amount of \$111,955 for this project to The Whitlock Group.

5. Erosion and Sediment Control Ordinance Violation - Civil Charge - Prime Retail LP

Mr. Scott Thomas, Environmental Director, and Joe Buchite, Inspector, stated this item was a civil charge based on the violation of the County's Erosion and Sediment Control ordinance. They stated the

division encountered the violation during regular monitoring of the site, displayed maps noting the location of the violation, explained that the violation involved disturbance of land outside the approved limits of work, and showed photographs of the nature of the violation. They stated that the owner of Prime Retail has agreed to accept a civil charge of \$2,000 and to restore and stabilize the area, which has been completed.

Mr. McGlennon stated that the disturbed area seemed like a large portion of the site. He asked why the agent for the owner did not get permission to do this.

Mr. Thomas stated that he did not know.

Mr. McGlennon asked if it was an out-of-town agent.

Mr. Thomas stated that the contractor was local, but it was felt best by the agent to move forward with the work and accept the civil charge to avoid slowing the progress, disrupting citizens, and causing traffic on Olde Towne Road.

Mr. McGlennon asked if permission would have been given if the contractor had asked.

Mr. Thomas stated that he believed it would have been.

Mr. McGlennon asked if they knew they were required to have a permit.

Mr. Thomas stated that they acquired a permit for the authorized portion of the limits of work.

Mr. McGlennon asked if there were significant trees that were taken down.

Mr. Thomas stated that he believed that there was previous disturbance, and the tree parts in the photograph may be construction debris.

Mr. McGlennon asked if relandscaping was required.

Mr. Thomas stated that it was not part of the agreement.

Mr. McGlennon asked if this kind of violation was frequent.

Mr. Thomas stated that this was very infrequent. He stated that he believed the most recent incident was in December 2007.

Mr. McGlennon asked whether the recent violation at Settler's Market was an Erosion and Sediment Control violation.

Mr. Thomas stated that was a Chesapeake Bay Preservation Ordinance violation.

Mr. McGlennon asked how the County became aware of these types of incidents.

Mr. Thomas stated that it was done through regular inspection and noted this expansion was very fast-paced.

Mr. McGlennon stated that when projects are moving quickly, it is important to keep up with them to make sure that they are meeting requirements.

Mr. Thomas agreed.

Mr. McGlennon asked if there was confidence that this disturbance does not endanger off-site waterways.

Mr. Thomas stated that was correct and indicated that staff felt that the best course of action at the time was to move forward with the civil charge process rather than stop construction.

Mr. McGlennon stated that fast-tracked construction projects should be kept in mind to meet environmental requirements and processes set forth by the Code.

Mr. Goodson stated that no trees were removed from the site.

Mr. Kennedy stated there were some trees on the lot and that in addition to these matters, there were concerns from citizens when power and phone lines were cut during construction. He stated that these fines had become a cost of doing business.

Mr. Goodson stated that the soil that was stored on the site was a violation against the ordinance.

Mr. Thomas stated the soil stockpile would have been allowed within the approved limits.

Mr. Goodson stated the storage of the soil would have been the violation.

Mr. McGlennon stated that the storage of the soil was part of the violation since there was no permit.

Mr. Goodson stated that he was evaluating the damage done. He noted that there was no excavating, but the landowner gave permission to the contractor to drive across the area and soil was stored on the site.

Mr. Thomas showed a photo that demonstrated the extent of the damage and noted that it was unknown if the limitations in place could handle it.

Mr. Icenhour stated it seemed that the area was cleared and dirt was removed as part of this disturbance and that the contractor would likely have been given permission to extend the limits of work. He stated that in this case the penalty was not severe enough and there was no deterrent, and asked how to make this more enforceable.

Mr. Thomas stated that \$2,000 was the maximum allowable fine for this type of civil charge, but the Board could give guidance to evaluate this. He stated that several years ago, a civil penalty procedure was brought before the Board, wherein violation charges could be written administratively at the time of the violation.

Mr. Icenhour stated that he would like to see other alternatives and his discomfort with the process.

Mr. Thomas stated the violation was composed of 1.8 percent of the development site and four percent of the disturbed site. He stated that Prime Retail was very receptive to mitigating the damages and paying the fine.

Mr. McGlennon made a motion to adopt the resolution. He asked staff to bring forward additional options on what can be done to improve this process.

Mr. Rogers stated that the State Code limits the County's ability to regulate this and the Legislative Program could be a tool to seek additional authority.

Mr. McGlennon stated that he would like to see options under current authority.

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

RESOLUTION

EROSION AND SEDIMENT CONTROL ORDINANCE VIOLATION

CIVIL CHARGE – PRIME RETAIL, L.P.

WHEREAS, on or about April, 3, 2008, Prime Retail, L.P., Owner, violated or caused a violation of the County's Erosion and Sediment Control Ordinance by disturbing land without a permit and outside the limits of work as reflected in the approved plan of development, SP-025-06, and subsequent amendment, SP-16-08, for Prime Outlets Retail Expansion Phase 7 at the property

commonly known as J.W. Crossing in Williamsburg, Virginia, identified by James City County Real Estate Tax Map No. 3330100002D within the James City County Real Estate System, and hereinafter referred to as the "Property"; and

WHEREAS, Prime Retail, L.P. has abated the violation at the Property; and

WHEREAS, Prime Retail, L.P. has agreed to pay \$2,000 to the County as a civil charge under the County's Erosion and Sediment Control Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the civil charge in full settlement of the Erosion and Sediment Control Ordinance violation, in accordance with Section 8-7(f) of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$2,000 civil charge from Prime Retail, L.P. as full settlement of the Erosion and Sediment Control Ordinance violation at the Property.

7. Support for Doctors' Hospital of Williamsburg

Mr. Wanner stated this resolution demonstrates support for the Doctor's Hospital of Williamsburg project for increased competition in medical facilities and convenience and availability to citizens. He noted that the Board has adopted similar resolutions twice before in 2005 and 2006. He stated that the Board has indicated that it would like more choice for its citizens.

Mr. Goodson stated that this item reflects the requests of the citizens and that it is supported by two local governments in the region.

Mr. McGlennon stated that he knew that there was a long-term benefit to the investment that is being made and the financial advisors have come to the conclusion of this project's necessity. He stated that he supports the concept of competition, that he would like to respond to previous comments, that the County was willing to work with Sentara during its plans to build in the County, and that it devoted enormous effort and

staff time to a project in New Town. He stated that without notice, Sentara announced that its facilities were being located in York County, and that it was unfair to assert that the County's requirements and approval process played a role in that relocation.

Mr. Kennedy stated that in 2005 and 2006, he and Ms. Jones were not on the Board and were unable to see the rationale of this item.

Ms. Jones stated her support provided that the location provided competition in its services.

Mr. Goodson stated that parts of the Roberts District were closer to Mary Immaculate Hospital than this project, but he stated his support based on a long-term investment.

Ms. Jones made a motion to adopt the resolution.

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

RESOLUTION

SUPPORT FOR DOCTORS' HOSPITAL OF WILLIAMSBURG

WHEREAS, Riverside Health System is reapplying for permission to site a hospital at Route 199 and Route 60; and

WHEREAS, the James City County Board of Supervisors desires to continue to improve accessibility to health care services for its residents and to make them available and affordable to all citizens of the County; and

WHEREAS, with the significant increase in tourism in James City County and the business expansion in the eastern end of James City County and that Doctors' Hospital of Williamsburg will help EMS provide better access to services through closer hospital services; and

WHEREAS, with rapid population growth, it is desirable that our citizens have a distinct choice in the scope and quality of care they receive, in staff that provides that care, and in the facilities where that care is available; and

WHEREAS, the Board of Supervisors believes that this goal can be achieved by competition among health care providers through the establishment of an alternative to the present sole provider of hospital services; and

WHEREAS, Riverside Health System has historically made significant investments in health care facilities in the Greater Williamsburg Area, including dialysis, diagnostic services, primary and specialty medical care, retirement services, assisted living, and convalescent care; and

WHEREAS, Riverside Health System has already received a Certificate of Public Need (COPN) from the State Health Commissioner to locate a long-term care facility on the property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby continues to support the plans of the Riverside Health System to establish an acute care

facility within the City premises rezoned on April 14, 2005, and further, establish this hospital granting access to all citizens of the area without regard to ability to pay.

BE IT FURTHER RESOLVED, that the Board of Supervisors of James City County, Virginia, continues to endorse the proposed COPN for the Doctors' Hospital of Williamsburg to be submitted by the Riverside Health System on June 30, 2008, to establish an acute care hospital on the site known as "Quarterpath" in the City of Williamsburg, Virginia.

H. BOARD CONSIDERATIONS

Mr. Goodson asked to consider the fees individually and have discussion on the budget.

Mr. McGlennon stated that he proposed a change to the budget based on the stormwater fees and that he would like to have it considered.

1. Chesapeake Bay Preservation Ordinance - Proposal for Fee Changes

Ms. Sue Mellen, Assistant Manager of Financial Management Services, gave an overview of the proposal for fee changes to the Chesapeake Bay Preservation Ordinance.

Mr. McGlennon made a motion to adopt the ordinance amendment.

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

2. Ordinance to amend Chapter 18A, Stormwater Management, by amending Section 18A-5, Structure of fees and charges; to eliminate the stormwater service fee

Ms. Mellen stated the second item was to amend Section 18-A to eliminate the stormwater service fee.

Mr. McGlennon made a proposition not to eliminate the fee, but to reduce it to \$2.45 per month to adopt a consensus budget and that the County could not undertake many expenses without the level of revenue provided by this fee. He stated that he understood the Board's majority felt it important to eliminate the stormwater fee, but to maintain the services supported by the fees. He stated there was a reduction in funding for the schools; a decline in spending for greenspace; and stormwater management and drainage funding was reduced to maintain a flat tax rate until the opening of the schools, but without consideration on how to maintain the tax rate once the schools were opened. He stated that assessments were flat and the tax rate was not anticipated to be changed and indicated that his proposal was to distribute the fee over two years to recognize the decline in revenue, to recognize the shift in priorities, and to develop a long-term plan. He stated his proposal to retain the utility fee at half the rate in order to generate approximately \$1.4 million to be allocated for stormwater and drainage in order to free up money for other projects.

Mr. McGlennon proposed to put \$600,000 into drainage projects, provide an additional \$250,000 contribution to Williamsburg-James City County schools for technology projects removed from the budget, utilize \$50,000 to eliminate the field use fee for league play on County fields, and put \$500,000 into reserve for the opening of the new schools to reduce future impact on County budgets.

Mr. McGlennon stated that citizens have generally not come forward to complain about the tax rate, but rather their input was usually defending the current level of spending or advocating increased spending on certain projects. He stated that rather than eliminating the stormwater fee this year, the Board should halve it this year and eliminate it next year to create revenue to support services.

Mr. McGlennon made a motion to amend the ordinance change to indicate a fee of \$2.45 for FY 2009 and \$0 for FY 2010.

Ms. Jones stated she would like to reevaluate the \$10 per participant field use fee, and that alternative funding was needed for this. She stated that the Board has been successful in funding the Stormwater Division without additional revenue and noted that next year's budget had a better projection for funding of drainage and stormwater issues. She stated that drainage concerns were an important issue for health and safety, and stated that she did not support maintaining the stormwater fee.

Mr. Goodson stated that this ordinance did not have an appropriate credit program and the stormwater utility fee would have to be reworked considerably to gain his support and that he could not support the recommendation.

Mr. McGlennon stated that a previous Board endorsed the stormwater utility that though there is some funding for drainage, this could significantly increase that funding.

Ms. Jones stated that the schools still received an increase in funding and that money was reallocated to fund debt service for the two new schools. She stated that the Board should look at prioritizing specific projects for FY 2010.

On a roll call vote, the vote was: AYE: Icenhour, McGlennon (2). NAY: Jones, Kennedy, Goodson (3).

The motion failed.

Ms. Jones made a motion to adopt the original ordinance amendment to eliminate the stormwater fee.

Mr. McGlennon stated that stormwater management has been identified as a priority, but not funding it as a priority.

On a roll call vote, the vote was: AYE: Jones, Kennedy, Goodson (3). NAY: Icenhour, McGlennon, (2).

3. Subdivisions - Ordinance to amend Chapter 19, Subdivisions, by amending Section 19-2, Definitions; Section 19-15, Fees; Section 19-62, Inspection of public water and sewer system; to define the Stormwater Division; to establish a stormwater inspection fee for new construction; and to establish the inspection of new stormwater system installations

4. Site Plan - Ordinance to amend Chapter 24, Zoning, by amending Section 24-7, Administrative fees; Section 24-159, Compliance with site plan required; to establish stormwater inspection fees; and the inspection of new stormwater system installations

Ms. Mellen, gave an overview on two sections of the Code that establish a stormwater inspection fee for subdivisions and site plans. She asked that the Board consider these items together.

Mr. Goodson stated he did not understand the term, "per practice."

Ms. Fran Geissler, Stormwater Division Director, stated that it indicated each item installed, so the fee would be for each Best Management Practice (BMP).

Mr. Goodson asked if it would apply to a feature.

Ms. Geissler stated that it would be \$0.90 per linear foot for each channel or storm drain.

Mr. Kennedy asked about duplicating inspections of BMPs.

Ms. Geissler stated that the current inspection was done by the Environmental Division to prevent erosion and sedimentation. She stated that the Environmental Division is looking at construction based on the surface, but in the County there are problems that are not seen until several years later after many rainstorms and that the Stormwater Division would look at compaction as the lifts are being built.

Mr. Icenhour asked what remedies were available if developments were not in compliance.

Ms. Geissler stated that the current non-compliance process would be used since that is part of each of the ordinances.

Mr. Icenhour asked what would be involved in the non-compliance process, and what methods were in place to get the project done correctly.

Mr. Goodson stated that the property would still incur an Erosion and Sediment Control violation.

Mr. Rogers stated that this would go forward during the development phase, and the plans, bonding, and financing would be in place. He stated that the County would be able to get the project corrected and could issue an injunction to stop work completely.

Mr. Icenhour stated that the projects were bonded so there was protection in that respect.

Mr. Rogers stated that there was surety that the County could use to complete any work.

Ms. Jones made a motion to adopt the ordinance amendments simultaneously.

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

5. County Budget FY 2009-2010

Mr. Goodson asked if the sports field usage fee was part of the budget.

Ms. Mellen stated that it was.

Mr. Goodson stated the adoption of the budget would be endorsing this fee.

Ms. Mellen stated that the budget and the errata sheet indicate where this fee was included.

Mr. Goodson asked if the budget could be passed with the elimination of the fee.

Mr. Wanner stated that he believed it could, noted that the fee was administratively charged, and recommended that it be included in the budget, effective July 1 and at a later date find a way to absorb it or assess it. He stated that this was to offset the operating cost for the fields.

Mr. Goodson stated that due to the public sensitivity of the fee, he would like to see it removed.

Mr. McGlennon made a motion to remove the fee from the FY 2009 budget.

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

Mr. Wanner asked what expenditure should be changed to reflect this decrease in revenue.

Ms. Jones stated she would like to evaluate funds in the two percent salary adjustment, Contingency Fund, and Outside Agencies to find money to replace the fee.

Mr. Wanner recommended reduction of the contingency.

Ms. Mellen noted that over the past few weeks there were concerns over Outside Agency contributions to eliminate the name listed in the budget book and replace it to indicate the funds would go towards homelessness and then later determine to which agency the funds should be contributed.

Ms. Jones made a motion to adopt the resolution with the adjustment to the Outside Agency name, the reduction in contingency, and the elimination of the sports field fee.

Mr. Kennedy stated that he had discussed the Outside Agencies with Mr. Powell and that there should be a work session and look at each of the agencies to determine where the money should be contributed.

Mr. Doug Powell, Community Services Manager, stated that could be done in a work session.

Mr. Wanner stated that each agency that comes before the allocation review team provides an audit.

Mr. McGlennon stated the proposal supports particular projects.

Mr. Powell stated that the budgets are submitted based on a program budget.

Mr. McGlennon stated that if money is given to a particular agency for a worthy project, it is likely the agency is doing multiple projects with multiple sources of revenue.

Mr. Powell stated that is often the case.

Mr. Wanner stated that all agencies that contribute money to agencies that provide health and human services receive the same form and all funders require audits.

Mr. Icenhour stated that the Special Projects and Grants fund had a significant amount of money removed based on uncertainty of revenue from the sale of County property. He stated that \$3 million worth of projects, including Ironbound Road underground utilities, Ironbound Road bikeway, drainage improvements, and road improvements, was not in the budget due to a lack of revenue. He asked what the status was of these projects and what methods were available to fund these.

Mr. McDonald stated that the Ironbound Road underground utilities and the bike trail matching were multiyear projects that required periodic payments to VDOT, a contractor, or the Federal government. He said it would be preferred to find money where possible over a two-year period rather than redirecting money from the sale of property from the greenspace fund.

Mr. Icenhour stated that there were options to find other forms of funding these projects.

Mr. McDonald stated that was correct and if needed, staff would come before the Board with options.

Mr. Icenhour confirmed that \$741,000 worth of draining projects was funded with the stormwater utility fee, but was not included in this budget.

Mr. McDonald stated that was correct.

Mr. Kennedy asked if there were stormwater projects already in place for those funds.

Mr. McDonald stated that there were, but there were conditions for permitting, easements, and engineering studies.

Mr. Kennedy asked if there was permission from the property owners to do these projects.

Mr. McDonald stated there was not at this time, but staff was working on this.

Mr. McGlennon stated that it was difficult to begin projects without the money to support them.

Ms. Geissler stated that if the money were available, the projects would move forward this year.

Mr. Icenhour commented that many of the problems were self-inflicted and noted that provision of some services was mandated by the Federal government. He stated that the cost of the stormwater projects in a long-term projection would be \$20 million that the elimination of the stormwater utility would reduce the tax rate by two cents for most citizens and that without revenue, services could not be provided as it was last year. He said that there was no drainage money for 2009, and in FY 2009-2010 there was no money for flood mitigation. He stated that the \$2.4 million allocated to Purchase of Development Rights (PDR) and greenspace was used to pay for these projects. He noted other budget cuts and delayed projects that will cost more in the future or may not be completed.

Mr. McGlennon stated his disappointment with the budget, that he felt it shortchanged the citizens through reductions to schools, environmental protection, and open space protection; and that the Board was issued a bond for PDR and greenspace, and it promised the voters to protect open space. He stated that the County can keep the tax rate flat through the opening of the schools, but not beyond and said the County needed to pay for capital projects that have been delayed. He expressed his disappointment with the budget and the process due to fraying of relationships with partners, including the School Board, and damage to the idea that the community can have its wishes taken into account. He stated there were promises made to achieve efficiencies, but also to have a competitive school system and that the budget process has betrayed value of careful consideration of policies and priorities as the Board moved forward. He stated the value of the January Budget Retreat was negated over five budget work sessions and that he did not support the budget.

Mr. Kennedy stated that he did not agree with some of the cuts, and stated the need for PDR/Greenspace funds needed to be in place since there was currently nothing to purchase. He said that if the need arose, the money would be found, stated that he was not in favor of the school budget, but Williamsburg-James City County has the highest paid teachers in the region, and that there was talk of a layoff in the schools. He stated that there were questions raised about funding last year, but schools came in short of students projected and indicated that he did not support increasing staffing when layoffs may occur. He noted that he never supported the stormwater fee and felt that it should be absorbed into the General Fund. He commented on the level of funding for the Williamsburg Area Destination Marketing Committee and that there were proposed changes to services and fees for the disposal of trash. He noted that there were State cuts and indicated his disappointment with representation in Richmond. He stated that he has had difficulty obtaining information on Stormwater and the Commissioner of Revenue's reports and that many PDR and greenspace projects were not funded because there was no permission from private land owners. He commented that priorities should be identified with the dramatic increases in property assessments in recent years. He stated that the reduction in fees and taxes was supporting citizens and helping relieve economic stress. He stated that there are future effects to be felt based on the current recession, that this budget did not plan for the future, and that the problem of excessive spending should be addressed in the budget.

Mr. Goodson stated that he did not agree with everything in the budget, that there was little flexibility for the next fiscal year, that he felt it was important to maintain the pay for performance for employees, and that if revenues stay the same, the County may not be able to maintain that next year, that he voted in favor of

the budget last year though he did not support the stormwater fee. He stated that he was part of the process, and that he could vote for this proposed budget.

Ms. Jones stated that it was important to point out high revenues in the last five years and now a reduction of nearly \$5 million. She stated that there was nothing set aside, and it was important to look out for the interests of the tax payer in the current economic climate. She stated her support for controlling spending and being fiscally responsible for next year.

On a roll call vote, the vote was: AYE: Jones, Goodson (2). NAY: Kennedy (1). ABSTAIN: Icenhour, McGlennon (2).

RESOLUTION

RESOLUTION OF APPROPRIATION

WHEREAS, the County Administrator has prepared a two-year Proposed Budget for the fiscal year beginning July 1, 2008, and ending June 30, 2009, along with the fiscal year beginning July 1, 2009, and ending June 30, 2010, and a five-year Capital Improvements Program, four years of which are for information and fiscal planning purposes only; and

WHEREAS, it is now necessary to appropriate funds to carry out the activities proposed therein for the fiscal year beginning July 1, 2008, and ending June 30, 2009, and to set tax rates on real estate, tangible personal property, and machinery and tools, to provide certain revenue in support of those appropriations; and

WHEREAS, the Board wishes to adopt the second year of the operating and capital budgets for planning purposes, beginning July 1, 2009, and ending June 30, 2010.

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

1. The following amounts are hereby appropriated in the FY 2009 General Fund for the offices and activities in the amounts as shown below:

GENERAL FUND REVENUES

	<u>FY 2009</u>
General Property Taxes	\$107,754,387
Other Local Taxes	22,030,000
Licenses, Permits and Fees	8,345,000
Fines and Forfeitures	375,000
Revenue from Use of Money and Property	1,315,000
Revenue from the Commonwealth	25,433,233
Revenue from the Federal Government	5,868
Charges for Current Services	4,678,036
Miscellaneous Revenues	<u>170,500</u>
TOTAL REVENUES	<u>\$170,107,024</u>

GENERAL FUND EXPENDITURES

FY 2009

Administrative	\$ 1,316,186
Elections	347,090
Human Resources	1,367,379
Financial Administration	4,261,325
General Services	7,795,843
Information Resource Management	2,073,878
Development Management	4,629,568
Judicial	2,347,787
Public Safety	21,684,003
Community Services	6,759,715
Contributions - Other	3,573,683
Library and Arts Center	4,492,457
Health Services	1,662,869
Other Regional Entities	2,568,222
Nondepartmental	4,698,588
Contribution - Capital Projects Fund	4,200,000
Contributions - Other Funds	<u>2,882,905</u>
TOTAL EXPENDITURES	<u>\$76,661,498</u>

The appropriation for education of \$93,445,526 was executed on May 13, 2008.

Year-End Fund Balance	\$1,038,689
Contribution to Capital Projects Budget	\$1,038,689

2. That the property tax rates be set for the amounts shown below and revenues appropriated in the following classifications:

TAX RATES

Real Estate on each \$100 assessed value	\$0.77
Tangible Personal Property on each \$100 assessed value	\$4.00
Machinery and tools on each \$100 assessed value	\$4.00

3. That the following amounts are hereby appropriated in other budgets in FY 2008 for the activities in the amounts as shown below:

CAPITAL PROJECTS BUDGET

Revenues:

Debt Proceeds	\$66,852,605
Contribution from General Fund	5,238,689
Proffer Revenue	900,000
Other Revenue	<u>2,114,000</u>
	<u>\$75,105,294</u>

Expenditures:

The School appropriation of \$69,939,382 was executed on May 13, 2008.

County Capital Projects	<u>\$5,165,912</u>
	<u>\$5,165,912</u>

DEBT SERVICE BUDGET

From General Fund - Schools	\$18,570,000
From General Fund - Other	3,260,000
Fund Balance	195,126
Other Revenue	<u>3,100,000</u>

Total Debt Service Fund Revenues \$25,125,126

Current Year Expenditures \$25,125,126

Debt Service Fund Disbursements \$25,125,126

VIRGINIA PUBLIC ASSISTANCE FUND

Revenues:

From the Federal Government/Commonwealth	\$4,279,107
From the General Fund	1,693,029
Other	<u>461,778</u>

Total Virginia Public Assistance
Fund Revenues \$6,433,914

Expenditures:

Administration and Assistance \$6,433,914

Total Virginia Public Assistance
Fund Expenditures \$6,379,395

COMMUNITY DEVELOPMENT FUND

Revenues:

General Fund	\$ 691,292
Grants	1,525,924
Generated Program Income	200,000
Other	<u>100,000</u>

Total Community Development
Fund Revenues & Fund Balance \$2,517,216

Expenditures:

Administration and Programs	\$ 665,258
Housing & Community Development Programs	<u>1,851,958</u>
Total Community Development Fund Expenditures	<u>\$2,517,216</u>

SPECIAL PROJECTS/GRANTS FUND

Revenues:

From the School Division	\$ 12,000
Transfer from General Fund	217,426
Revenues from the Commonwealth	<u>275,850</u>
	<u>\$605,276</u>

Expenditures:

Comprehensive Services Act	<u>\$605,276</u>
	<u>\$605,276</u>

4. The County Administrator be authorized to transfer funds and personnel from time to time within and between the offices and activities delineated in this resolution as he may deem in the best interest of the County in order to carry out the work of the County as approved by the Board of Supervisors during the coming fiscal year.
5. The County Administrator be authorized to administer the County's Personnel Policy and Pay Plan as previously adopted by the Board of Supervisors. There will be a salary increase included on the employee's salary with variable increases based on performance and funded at an average of three percent.
6. The County Administrator be authorized to transfer funds to and from the Personnel Contingency account and divisional personnel line items in order to capture turnover savings at a divisional level.
7. All outstanding encumbrances in all County funds on June 30, 2008, shall be an amendment to the FY 2009 budget and appropriated to the FY 2009 budget to the same department and account for which they were encumbered in the previous year.
8. The County Administrator be authorized to make expenditures from the Donation Trust Fund for the specified reasons for which the fund was established. In no case shall the expenditure exceed the available balance in the fund as verified by the Treasurer.
9. The Board of Supervisors of James City County, Virginia, hereby adopts the following budgets for the purposes of future financial and operational planning only:

FY 2010

General Fund	\$176,070,756
Capital Budget	36,991,325
Debt Service	27,568,235
Public Assistance	6,533,255
Community Development	2,393,788
Special Projects/Grants	605,276

6. Endorsement of the FY 2009 Strategic Management Plan

Ms. Rona Vrooman, Training and Quality Performance Coordinator, stated that each year with the budget, the Board adopts the Strategic Management Plan and recommended adoption of the Plan.

Mr. McGlennon asked Ms. Vrooman to highlight some of the changes in this Plan.

Ms. Vrooman stated that the Plan is basically a continuation of previous years, with the addition of matters relating to the County's acquisition of the Jamestown Beach Campground and Yacht Basin, and reducing the County's carbon footprint.

Mr. McGlennon made a motion to adopt the resolution.

Mr. Goodson stated that he supported the adoption of this item.

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

RESOLUTION

ENDORSEMENT OF THE FY 2009 COUNTY'S STRATEGIC MANAGEMENT PLAN

WHEREAS, the County's Strategic Management Plan was developed collaboratively and serves as a framework for achieving the County's mission of working in partnership with all citizens to achieve a quality community; and

WHEREAS, the Strategic Management Plan charts the County's future direction by setting forth long-range Strategic Directions that describe our needs, priorities, aspirations, and outlines Pathways or key initiatives that will move us forward in the right direction; and

WHEREAS, it is important to re-affirm the County's Strategic Directions principles.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses the FY 2009 Strategic Management Plan.

7. Business Climate Task Force Report

Mr. Goodson stated that Mike Mathews, who is part of the Business Climate Task Force (BCTF), was in attendance and asked the Board to allow him to speak, as he was not here during the public comment segment.

Mr. Wanner stated that the work session was requested by a Board member after the BCTF made its initial report, that the resolution adopts the Business Climate Task Force's recommendations, and that during the budget process, current staff was nominated to fill the position of Business Facilitator.

Mr. Mathews stated that the report followed the SMP and asked to adopt this and move forward with the Comprehensive Plan to implement some of the changes.

Ms. Jones made a motion to adopt the resolution.

Mr. McGlennon thanked the BCTF members for their time and efforts, and the consultant's report. He stated that it was clear in pointing out strengths of the County, but did not compare current practices against other communities. He highlighted a comment from the report endorsed by the Task Force: "The most important thing to attract and maintain business in James City County was to maintain the quality of life." He stated that there was a process by the Economic Development Authority (EDA) for the public to come forward and ask questions, but the Board never had a public forum. He indicated that he wanted the public input process to take place before adoption of this report and expressed concern about the language for responsible parties to act within a timeline since this charged entities to act over which there was no authority to enforce action. He noted that the section which proposed to provide appropriate resources to parties was violated by eliminating the Business Facilitator position recommended by the BCTF from the budget and stated that he was wary of adopting a statement to commit actions of the Board without knowing the implications or the costs.

Mr. Icenhour stated that he had sent an email earlier today based on concern from a citizen that there had not been adequate time for the public to hear what was involved and the citizen input was minimal. He stated that work sessions were available to the public and there were opportunities for others to be involved, and so the majority of the Board did not see the need for additional citizen input to this process. He said it was assumed that this could be handled after the fact through the Comprehensive Plan process. He expressed his preference to allow the citizens the time to comment and compared this issue to the watershed plans. He stated that through the entire process, there were citizens who felt they did not receive adequate notification so the County went out of its way to allow for this input and that he would like to have seen this courtesy in this case.

Mr. Kennedy stated that in December 2007, two Board members and citizens requested deferral and it was denied. He indicated that there was precedent set, the previous Board created this, and the encouragement of input was present. He stated that the public comment segment of the Board meeting allowed the opportunity for anyone to come forward and speak to any matter, and this did not come forward in the second work session.

Mr. Wanner stated that the last two resolve statements were incorporated in the adoption of the recommendations and can be removed in an amendment.

Mr. McGlennon stated that was a good suggestion and that the language before that indicating the resolve statement recommending adoption of the recommendation of the BCTF report calls for the Business Facilitator, which was removed from the budget.

Ms. Jones stated that it was not fiscally responsible to approve this position, but a staff person was being tasked with those responsibilities.

Mr. McGlennon stated that it was an example of how a clear-cut statement was being refuted and that the language could be changed to support the recommendations rather than adopting it.

Mr. Goodson stated that the resolution did not adopt the recommendations.

Mr. McGlennon stated that the resolved statement indicates that the recommendations are adopted and asked if that is now the official policy.

Mr. Wanner asked if a better wording could be used, such as “accepts” or “supports.”

Mr. McGlennon stated that it should.

Mr. Kennedy stated that the resolution should incorporate the amendments at the April 2008 work session meeting.

Mr. McGlennon stated that this was correct, but the implications were not yet understood. He recommended that the language be changed to support the recommendations.

Mr. Goodson stated that he was comfortable with the current language.

Mr. Icenhour stated that he supported the resolution with the language to read “accepts” rather than “adopts.”

Mr. McGlennon stated that it should incorporate the amendments pointed out by Mr. Kennedy.

Mr. Kennedy asked the members of the BCTF present to comment on the language.

Mr. Tingle stated that the language that indicates the Board accepts or supports the recommendations with amendments would be acceptable. He stated that the intention of the Task Force was to move the process forward with the Comprehensive Plan and the guidelines will become recommendations as the Comprehensive Plan update moves forward.

Ms. Jones made a motion to adopt the resolution with amendments to change the language from “adopts” to “supports,” to incorporate the amendments from the work session and to remove the last two resolve statements.

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

RESOLUTION

BUSINESS CLIMATE TASK FORCE REPORT

WHEREAS, the Board of Supervisors adopted the Economic Development Administration request to form a Business Climate Task Force (BCTF) to review and recommend ways the County can be more of a value added partner to business; and

WHEREAS, the Board of Supervisors appointed BCTF members in a manner to include public officials, County staff, and business representatives to ensure a complete and thorough assessment of the County’s business climate; and

WHEREAS, the BCTF adopted a Mission Statement to identify qualities, characteristics, and categories of businesses preferred in James City County and propose policies, programs, and ordinance changes that will attract, retain, and expand those businesses; and

WHEREAS, the BCTF has analyzed, assessed, researched and reviewed James City County and peer communities' Economic Development practices.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, acknowledge and concentrate economic development resources on recruiting and retaining businesses with attributes noted in BCTF report.

BE IT FURTHER RESOLVED that the Board of Supervisors supports the BCTF recommendations found within the BCTF Final Report dated January 2008, as amended on April 22, 2008.

I. PUBLIC COMMENT

1. Mr. Jay Everson, 103 Branscome Boulevard, stated that when someone on the Planning Commission wanted to abstain from a vote, he or she was required to provide a reason for the abstention.

Mr. McGlennon stated that this may be due to conflict of interest.

Mr. Rogers stated that the Planning Commission by-laws require the explanation and the Board did not require this.

2. Ms. Debra Siebers, 3504 Quail Hollow, stated that the citizens step up to do what they feel is the right thing to do, things may be hard to fund, citizens will do what they can, but the Board is the leadership. She expressed disappointment with the budget.

3. Mr. Howard Smith, 101 Dogwood Drive, stated that on May 1, 2006, his father's house burned down and that it has now been rebuilt. He thanked the Board for consideration and concerns.

4. Mr. Chris Henderson, 101 Keystone, commented that Warren Buffett predicted a continued economic downturn and asked the Board to save taxpayer money and work with the citizens to be fiscally responsible.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that the Board should recess for a brief meeting of the JCSA and then hold a Closed Session for the consideration of the disposition of parcels of public property pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, and for consideration of the acquisition of a parcel(s) of property for public use; pursuant to Section 2.2-3711(A)(3) of the Code of Virginia. He stated that when the Board completed its business, it should adjourn to 7 p.m. on June 10, 2008. He recommended making the scheduled Board appointments during the Board Requests and Directives segment.

K. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon made a motion to appoint Mr. Ray Basley to a four-year term on the Clean County Commission, term to expire May 31, 2012; Mr. Julian Lipscomb to a four-year term on the Parks and Recreation Advisory Commission, term to expire May 31, 2012; and Ms. Katherine Preston to a three-year term on the Historic Triangle Bicycle Advisory Committee, term to expire on May 31, 2011.

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

Mr. McGlennon commented on the Memorial Day ceremony and thanked Mr. Bill Porter who served as Master of Ceremonies. He commented on the issue of abstention and noted that he had made clear his opposition to the budget, but the County needed to have action on the budget at this time. He stated that abstention allowed the process to move forward.

Mr. Icenhour stated that he received an email from the Community Action Agency regarding basketball camp in July and noted that some families that wanted to participate but were not financially able to do so. He stated that he made a donation to provide for these fees and recommended that each of the Board members do the same. He commented on correspondence that he received related to Jolly Pond Road. He noted that there needed to be a one-year lease with the property owner to reopen the road last year and since the lease was almost up, the County needed to develop a safety plan to keep the road open. He stated that the exemption legislation in the General Assembly was not successful and that he had been debating with the State about what actions could be taken to keep the road open. He stated that there was a proposal negotiated to allow a study by the Timmons Group and provide it to the Department of Conservation and Recreation (DCR) Dam Safety Division to recommend a solution. He asked for support from the Board to have the study done. He asked Mr. Hicks to provide further information.

Mr. Hicks stated that the agreement between the County and VDOT to keep the road open ends on June 30, 2008, and that in meeting with the DCR Dam Safety Division, it was looking to the County to do more studies to see what options are available and to develop a monitoring plan to meet overall regulations. He stated that until there was a better understanding of the costs and concerns related to the dam, it would be closed effective June 30, 2008. He said that the DCR expected the County to evaluate the necessary requirements and to make decisions on the future of Jolly Pond Road and that there was a variety of issues and strategies that could be utilized, but a study was needed to know what was available. Staff recommended doing the engineering study and coming before the Board for the next steps of the process.

Mr. Wanner stated that if the Board is in favor, there would need to be a vote authorizing moving funds from Contingency to complete the study.

Mr. Icenhour made a motion to pursue the engineering study.

Mr. Goodson asked if this was similar to what was done for Lake Powell Dam.

Mr. Wanner stated that this was correct and it was not a precedent.

Mr. Goodson stated that in this case it was a public road, which created a significant impact.

Mr. Wanner stated that the DCR Dam Safety Division needed to see a good-faith effort to keep the road open for citizens since it is a public road over a private, historic dam.

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

Mr. Icenhour commented on the resolution for the BCTF and stated it was late to involve public once the comprehensive plan process was incorporated. He stated he would like to see BCTF and staff to have a public education forum.

Mr. Goodson stated that he attended the Hampton Roads Planning District Commission (HRPDC) Executive Committee meeting and that the Selection Committee for the new HRPDC executive director recommended Mr. Dwight Farmer to fill the post.

Mr. McGlennon asked about the status of the restructuring of the Metropolitan Planning Organization (MPO) relative to the HRPDC and the search for an executive director of the organization.

Mr. Goodson stated that there is a subcommittee evaluating the process at this time, there was an agreement between the Federal Highway Administrator and the committee on how to move forward, and at this point the organizations will remain under the same executive director.

Mr. Wanner stated that the HRPDC and MPO will act separately, he noted that the MPO will have separate meetings prior to the HRPDC meetings, and that the HRPDC would no longer ratify MPO actions.

At 9:50 p.m. Mr. Goodson recessed the Board for a meeting of the JCSA.

At 9:53 p.m. Mr. Goodson reconvened the Board.

L. CLOSED SESSION

Mr. Kennedy made a motion to go into closed session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia for consideration of the acquisition of a parcel(s) of property for public use and Section 2.2-3711(A)(3) of the Code of Virginia for the consideration of the disposition of parcels of public property.

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

At 9: 54 p.m. Mr. Goodson recessed the Board into Closed Session.

At 10:08 p.m. Mr. Goodson reconvened the Board.

Mr.10:13 made a motion to adopt the Closed Session resolution.

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

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)(3), to consider the disposition of parcels of public property; and Section 2.2-3711(A)(3), to consider the acquisition of a parcel(s) of property for public use.

Mr. Icenhour made a motion to adjourn.

At 10:17 p.m. Mr. Goodson adjourned the Board until 7 p.m. on June 10, 2008.

Sanford B. Wanner
Clerk to the Board

052708bos_min

MEMORANDUM

DATE: June 10, 2008
TO: The Board of Supervisors
FROM: William T. Luton, Fire Chief
SUBJECT: Award of Contract – Ambulance Purchase - \$203,453

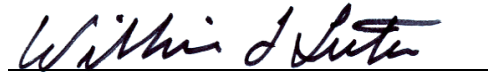
Funds are available in the FY 2008 Capital Improvements Program budget and a Rescue Squad Assistance Fund Grant for the purchase of a replacement ambulance.

The Fire Department and Purchasing staff determined the most efficient procurement method for this purchase was to use a cooperative purchasing contract issued by the County of Arlington to Singer Associates as a result of a competitive sealed Invitation to Bid. This cooperative procurement action is authorized by Chapter 1, Section 5 of the James City County Purchasing Policy and the Virginia Public Procurement Act.


By participating in the cooperative procurement action, staff believes the County will increase efficiency, reduce administrative expenses, and benefit from an accelerated delivery process. The Fire Department currently uses similar ambulances and has been satisfied with the design, construction, and field performance of these units.

Staff determined the contract specifications met the County's performance requirements for a medium-duty ambulance and negotiated a price of \$203,453 for a 2008 Medtec AD-170, Type I, medium-duty ambulance.

Staff recommends approval of the attached resolution.


William T. Luton

CONCUR:


Sanford B. Wanner

WTL/nb
Ambulance_mem

Attachment

RESOLUTION

AWARD OF CONTRACT – AMBULANCE PURCHASE - \$203,453

WHEREAS, funds are available in the FY 2008 Capital Improvements Program budget for the purchase of a replacement ambulance; and

WHEREAS, cooperative purchasing action is authorized by Chapter 1, Section 5 of the James City County Purchasing Policy, the Virginia Public Procurement Act, and the County of Arlington issued a cooperative purchasing contract to Singer Associates as a result of a competitive sealed Invitation to Bid; and

WHEREAS, the Fire Department and Purchasing staff determined the contract specifications met the County's performance requirements for a medium-duty ambulance and negotiated a price of \$203,453 with Singer Associates for a 2008 Medtec AD-170, Type I, medium-duty ambulance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute a contract with Singer Associates for a medium-duty ambulance in the amount of \$203,453.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of June, 2008.

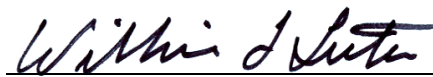
Ambulance_res

MEMORANDUM

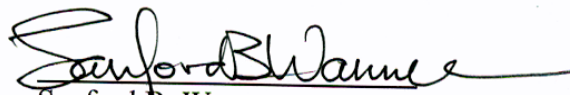
DATE: June 10, 2008
TO: The Board of Supervisors
FROM: William T. Luton, Fire Chief
SUBJECT: Local Emergency Management Performance Grant - \$86,730

The Virginia Department of Emergency Management (VDEM) has awarded James City County Fire Department Local Emergency Management Performance Grants (LEMPG): two in the amount of \$34,692 each and one in the amount of \$17,346 for a total of \$86,730. The funds are to be used for enhancing the capability of the James City County Division of Emergency Management to develop and maintain a comprehensive emergency management program. The grant requires a 100 percent in-kind match, which is met through the Division's normal annual budget.

Staff recommends adoption of the attached resolution.


William T. Luton

CONCUR:


Sanford B. Wanner

WTL/nb
LEMPG_mem

Attachment

RESOLUTION

LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT - \$86,730

WHEREAS, the Virginia Department of Emergency Management (VDEM) has awarded James City County Fire Department Local Emergency Management Performance Grants (LEMPG): two in the amount of \$34,692 each and one in the amount of \$17,346 for a total of \$86,730; and

WHEREAS, the funds are to be used for enhancing the capability of the James City County Division of Emergency Management to develop and maintain a comprehensive emergency management program; and

WHEREAS, the grant requires a 100 percent in-kind match, which is met through the Division's normal annual budget.

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

Revenues:

VDEM – LEMPG	\$52,038
VDEM – LEMPG 08	<u>34,692</u>
Total	<u>\$86,730</u>

Expenditures:

VDEM – LEMPG	\$52,038
VDEM – LEMPG 08	<u>34,692</u>
Total	<u>\$86,730</u>

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of June, 2008.

LEMPG_res

MEMORANDUM

DATE: June 10, 2008

TO: The Board of Supervisors

FROM: David Pribble, Executive Director, Olde Towne Medical Center

SUBJECT: Creation of a Dental Assistant – Williamsburg Area Medical Assistance Corporation (WAMAC)

Pursuant to the agreement between James City County and the Williamsburg Area Medical Assistance Corporation (WAMAC), the WAMAC Board of Directors is requesting the creation of a full-time (2,080 hours/year) other Dental Assistant position. The dental program has grown during the past ten months from serving, on average, 132-patient visits per month to serving 178 visits per month. This is an increase of approximately 45-patient visits per month.

Funding to support this position will come from grant funds from the Riverside Health Foundation and, more importantly, increased Medicaid reimbursement for the Family Access to Medical Insurance Security (FAMIS) patients receiving dental services. We are seeing over 30 new patients per month in the age group 0-21 years of age. We see our children's dental services program continuing to grow.

We have added two volunteer dental hygienists in the past eight months and have no plans to hire or fill the part-time dental hygienist position at this time.

The WAMAC Board of Directors has reviewed and approved this request and a resolution signed by William Pennock, President of the Board of Directors, is attached.

Since James City County is the fiscal agent for WAMAC, the Board of Supervisors must consider the creation of this position. Staff recommends approval of the resolution.

David Pribble

CONCUR:


Doug Powell

DP/gb
DentalAsst_mem

Attachments

RESOLUTION

CREATION OF A DENTAL ASSISTANT POSITION

WHEREAS, the Williamsburg Area Medical Assistance Corporation (WAMAC) desires to have a full-time Dental Assistant position for the Olde Towne Medical Center (OTMC); and

WHEREAS, Board of Directors of WAMAC has approved the creation of the full-time Dental Assistant position for OTMC; and

WHEREAS, James City County is the fiscal agent for WAMAC.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, creates the full-time other position of Dental Assistant.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of June, 2008.

DentalAsst_res

OLDE TOWNE MEDICAL CENTER
MEMORANDUM

May 19, 2008

TO: The James City County Board of Supervisors

FROM: David C. Pribble
Executive Director
Olde Towne Medical Center



Pursuant to the agreement between James City County and the Williamsburg Area Medical Assistance Corporation (WAMAC), the WAMAC Board of Directors is requesting the creation of a full-time (2,080 hours/year) permanent Dental Assistant position. Our dental program has grown during the past ten months from serving, on average, 132 patient visits per month to serving 178 visits per month. This is an increase of approximately 45 patient visits per month.

Funding to support this position will come from grant funds from the Riverside Health Foundation and, more importantly, increased Medicaid reimbursement for those FAMIS patients receiving dental services. We are seeing over 30 'new' patients per month in the age group 0 to 21 years of age. We see our children's dental services program continuing to grow.

We have added two 'volunteer' dental hygienists in the past eight months and have no plans to hire or fill the part-time dental hygienist position at this time.

The WAMAC Board of Directors has reviewed and approved this request and a resolution signed by William Pennock, President of the Board of Directors, is attached to this memo.

RESOLUTION

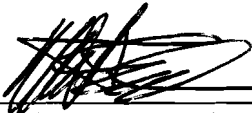
CREATION OF DENTAL ASSISTANT POSITION

WHEREAS, the Williamsburg Area Medical Assistance Corporation (WAMAC) desires to fund a full-time Dental Assistant position for the Dental Program at Olde Towne Medical Center (OTMC); and

WHEREAS, the Board of Directors of WAMAC has approved the creation of the full-time Dental Assistant position for the Dental Program, and

WHEREAS, James City County is the fiscal agent for WAMAC.

NOW, THEREFORE BE IT RESOLVED,
that the Board of Supervisors of James City County, Virginia,
create a full-time (2,080 hours/year) Dental Assistant position
for the OTMC Dental Program to provide dental assistant services
to the increased number of dental patients being seen at the clinic.



William I. Pennock
President
WAMAC Board of Directors

5/19/2008
Date

SPECIAL USE PERMIT-0005-2008. James City/Williamsburg Community Center (JCWCC) Tower

Staff Report for the June 10, 2008, Board of Supervisors Public Hearing

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

PUBLIC HEARINGS

Planning Commission:

Building F Board Room; County Government Complex

May 7, 2008 (deferred), 7:00 p.m.

June 4, 2008, 7:00 p.m.

Board of Supervisors:

June 10, 2008, 7:00 p.m.

SUMMARY FACTS

Applicant:

Ms. Lisa Murphy of LeClaire Ryan

Land Owner:

James City County and City of Williamsburg

Proposal:

To construct a 135-foot tower, replacing one of the existing light poles serving a soccer field at the JCWCC on Longhill Road.

Location:

5301 Longhill Road

Tax Map/Parcel No.:

3910100153

Parcel Size:

22.563 acres

Zoning:

PL, Public Lands

Comprehensive Plan:

Parks, public, semi-public open space

Primary Service Area:

Inside

STAFF RECOMMENDATION

Staff finds the proposal, with the conditions below, to be generally consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. While the tower will have a visual impact on surrounding areas, staff believes that it has a lesser impact than the existing water tank which currently houses these Wireless Communications Facility (WCF) antennas. Staff believes that the existing trees on the JCWCC property, proposed additional tree plantings, and existing light poles will help camouflage the tower. Staff also notes that the water tower where antennas are currently located is proposed for deconstruction and there will be loss of cellular service in this area if a new tower is not constructed. Staff recommends the Board of Supervisors approve the Special Use Permit (SUP) application for the Cingular tower at the Longhill Road Recreation Center with the attached resolution.

Staff Contact:

Jason Purse, Senior Planner

Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

On June 4, 2008, the Planning Commission voted 7-0 to approve this application.

Proposed Changes Made Since Planning Commission Meeting

For Condition No. 12, the applicant requested to add “board on board” to be included along with the other option of a vinyl-coated fence. Planning staff and the Planning Commission were both supportive of this change

PROJECT DESCRIPTION

Ms. Lisa Murphy has applied for an SUP to allow for construction of a 135-foot WCF tower, replacing one of the existing light poles serving a soccer field at the JCWCC on Longhill Road. The parcel is 22.563 acres and is zoned PL, Public Land. The property is located at 5301 Longhill Road.

Antennas are currently located on the water tank across the street from the JCWCC, but the tank is going to be deconstructed in July of this year. The water tank will not be replaced as it is no longer necessary due to recent construction of other tanks. Since Cingular has been providing coverage to this area of the County, it believes that continuing service in this area is vital for its clients. The tower will continue to provide athletic field lighting at its current height, but the pole will be taller and have antennas placed at 135 feet with a three-foot lightning rod (for a total of 138 feet). The current light pole is 62 feet in height.

PUBLIC IMPACTS

Environmental

Watershed: Powhatan Creek

Staff Comments: The Environmental Division has no comments on the SUP application at this time. Any site development issues will be dealt with at the site plan level.

Public Utilities and Transportation

The new WCF would not generate additional needs for the use of public utilities or significant additional vehicular trips in the area.

Visual Impacts

Based on a publicly advertised balloon test that took place on May 15, 2008, the applicant has provided photo simulations of the proposed tower location from five different locations around the vicinity of the site, and those simulations have been provided for Board reference.

Staff notes that the site of the tower will be in the southwest corner of the site, adjacent to a tree buffer next to the rear of the parking lot serving the JCWCC. The trees next to the soccer field are generally between 70 and 80 feet.

Portions of the tower will be visible from Longhill Road, Longhill Connector Road, and adjacent residential areas. However, given the existing tree coverage, the location of the JCWCC building, and existing light poles on-site, staff believes that the proposed tower will be only partially visible to these areas. Because there are light poles across the entire site, including directly adjacent to Longhill Road, staff believes the perceived height of the tower pole will be minimized. Staff also believes that because of the existing evergreen trees planted on the site (to minimize the effects of the existing light poles), a new tower will be partially screened by these as well.

Staff does note that the view of the existing light pole (the one that is proposed for replacement) is directly visible from Carlton Court in the Longhill Woods subdivision located in the City of Williamsburg. Because of a Hampton Roads Sanitation District easement that runs along the property line between the three homes and the JCWCC property, additional plantings are not possible on the JCWCC property. Because of the topography of the site, there are no any other on-site areas where additional plantings will further mitigate the athletic field lighting or the new tower. The applicant has offered to plant additional screening in the yards of the additional property owners should they wish to have that screening. Since the existing fields and

athletic field lighting are currently visible from this site, staff feels that by offering this additional screening, the applicant is not only minimizing the impact of the new tower, but also minimizing the effects of the athletic fields and their lighting to this neighborhood. Staff would also note that new plantings are taking place on the north end of the site to help further screen the lighting, fields, and new cell tower from the homes along Longhill Road.

Staff notes that the need for this tower comes from the deconstruction of the existing water tank that currently houses these WCF antennas. The water tank currently presents a much greater visual impact on these corridors, including being visible further down Longhill Road and along its intersection with Rt. 199. The trees adjacent to the proposed tower site are taller than those adjacent to the water tower, so more of the proposed tower will be screened than what is currently screened of the water tank. Therefore, less of the tower will be visible to the adjacent roads than what is currently visible of the water tank.

Federal Aviation Administration (FAA) requirements

Per Federal requirements, all structures greater than 200 feet Above Ground Level (AGL) must be marked and/or lighted. Owners/developers of all structures greater than 200 feet AGL are required to provide notice to the FAA, which will then conduct an aeronautical study for the specific project. Structure marking may consist of alternating bands of orange and with paint (for daytime visibility) and red obstruction lights (for night visibility). As an alternative to this combination, the FAA may allow a dual lighting system featuring red lighting at night and medium-intensity white strobe lighting during the day. Because this extension would be less than 200 feet, a marking system would not be required by the FAA.

COMPREHENSIVE PLAN

Land Use Map

Designation	Park, public, semi-public open space (Page 129): Land uses in this designation are large undeveloped areas owned by institutions or the public and used for recreation or open space. These areas serve as buffers to historic sites, as educational resources, and as areas for public recreation and enjoyment.
	Staff Comment: The main function of the property is a park and recreation center. The inclusion of a cell tower on the site is a secondary use; in fact, the new tower pole will also serve as a lighting pole for the soccer field it is adjacent to. Staff believes that the limited development associated with the cell tower will not have an adverse affect on the ability of the JCWCC to continue to meet the goals of the Comprehensive Plan.
Development Standards	<i>General Land Use Standard #4 - Page 134:</i> Protect environmentally sensitive resources including Community Character Corridors and Areas, and sensitive resources and utilizing design features, including building and site design, buffers and screening to adequately protect the resource.
	Staff Comment: Longhill Road and Longhill Connector are both listed as Community Character Corridors in the 2003 Comprehensive Plan. Staff believes that the existing water tower has a greater visual impact on these two roads, and once it is deconstructed, the new cell tower will have a lesser impact than the previous water tank, given the size of the pole.
Goals, strategies and actions	<i>Strategy #2 - Page 138:</i> Ensure development is compatible in scale, size, and location to surrounding existing and planned development. Protect uses of different intensities through buffers, access control, and other methods.
	Staff Comment: The proposal for the new cell tower involves minimal additional land clearing and offers to include additional landscaping for the adjacent neighborhood in Williamsburg to screen the ball fields, lighting, and the new tower. Staff believes that given the existing tree buffer, existing light poles on-site, and the additional proposed tree buffer, that this application meets the goals, strategies, and actions of the Land Use section of the Comprehensive Plan.

Community Character

General	<p><i>Wireless Communications Facilities - Page 94:</i> In 1998, the increasing need for new wireless communications facilities prompted the County to establish Performance Standards for wireless communications facilities and add a new division in the Zoning Ordinance to address them. The decision to regulate wireless communications facilities stemmed from the intent of the County to:</p> <ul style="list-style-type: none">- Protect health, safety, and general welfare of the community- Preserve the aesthetic quality of the community and its landscape- Protect property values- Protect the historic, scenic, rural, and natural character of the community- Minimize the presence of structures that depart from existing and future patterns of development, especially in terms of scale, height, site design, character, and lighting.- Provide for adequate public safety communications- Allow the providers of WCFs to implement their facilities in a manner that will fulfill these purposes, encourage their co-location, and allow them to fulfill their Federal Communications Commission licenses.
	<p>Staff Comment: Staff strongly encourages co-location options in order to mitigate impacts to additional land. The water tank adjacent to this property has served as a viable co-location alternative for WCF companies in the past. However, due to its imminent deconstruction, areas that are currently served will require new towers to be constructed in order to meet that demand. While the tower will have a visual impact on the surrounding community, the new tower has a smaller visual impact than the existing water tank, and the tower is able to support multiple service providers. Because the tower will be partially screened by the existing trees adjacent to the soccer field and because the pole will be partially camouflaged by the other light poles in the vicinity, staff feels that the applicant has helped mitigate potential impacts of the new tower.</p>

Comprehensive Plan Staff Comments

Overall, staff believes that this application, as proposed, is in general compliance with the Comprehensive Plan. While the tower will have a visual impact on the surrounding area, the impact will be less than the existing impact of the water tank, which currently houses the WCF antennas. Given the existing tree buffer, the location of the JCWCC partially screening the tower, as well as the new trees to be planted, staff believes that the applicant has chosen the best possible location for this tower, given the need to continue service in the area.

PERFORMANCE STANDARDS

On May 26, 1998, the James City County Board of Supervisors adopted several performance criteria for WCFs (see attachment #1).

Section 24-124 of the Zoning Ordinance states that “In considering an application for a special use permit for a WCF, the planning director shall prepare a report identifying the extent to which the application takes into account the ‘Performance Standards for Wireless Communications Facilities’ In general, it is expected that all facilities should substantially meet the provisions of these performance standards.”

These performance criteria note that tower-mounted WCFs should be located and designated in a manner that minimizes their impacts to the maximum extent possible and minimizes their presence in areas where they would depart from existing and future patterns of development. While all standards support the goals outlined in the Comprehensive Plan, some may be more critical to the County’s ability to achieve these goals on a case-by-case basis. Therefore, some standards may be weighed more heavily in any recommendation or decision on an SUP and a case that meets a majority of the standards may or may not be recommended for approval. To date, towers granted the required SUP have substantially met these standards, including those pertaining to visibility.

A. Co-location and Alternatives Analysis

Standard A1 encourages co-location. Since this new tower has the ability to house more than one service provider, and preliminary site plans include antennas for an additional carrier, staff feels that this standard has been met.

Standard A2 pertains to the demonstration of a need for the proposal and the examination of alternatives, including increases in transmission power and other options. With regard to demonstrating the necessity for the tower, the applicant submitted propagation maps showing coverage of the area as unreliable. It is also worth noting that this area currently receives coverage from antennas located on the water tower, but will no longer be served once the water tower is deconstructed.

Staff believes that all alternatives have been adequately explored and that a new 135-foot tower is the most viable option.

Standard A3 recommends that the site be able to contain at least two towers on-site to minimize the need for additional towers elsewhere. Staff believes that because the applicant is proposing this tower as a light pole for the existing soccer field, requiring a second pole would not meet the goals of this application. Part of the reason this application has a limited effect on surrounding areas is that the tower will blend in with the other light poles in the area. Staff believes that having a second pole will not provide the same camouflaging affect.

Standard A4 regarding allowance of future service providers to co-locate on the tower extension is addressed at the site plan stage through requirements in Section 24-128(3) of the Zoning Ordinance.

B. Location and Design

Performance Standard B1(1) states that towers and tower sites should be consistent with existing and future surrounding development and the Comprehensive Plan. More specifically, towers should be compatible with the use, scale, height, size, design, and character of surrounding existing and future uses. Staff finds that a tower on this proposed location and at the proposed height is generally compatible with surrounding existing structures and believes that this standard has been adequately met and supplemented by the attached conditions. Staff believes that the existing light poles and existing trees help mitigate the size of the proposed tower.

Performance Standard B1(2) states that towers should be located in a manner to protect the character of scenic resource corridors, historic and scenic resource areas, and viewsheds. Staff finds that the proposal will be partially visible from multiple locations, including sections of Longhill Road adjacent to the JCWCC, Longhill Connector Road, and from at least one of the residences in Longhill Woods located in the City of Williamsburg. Staff believes that the tower height will not adversely affect the towers' visual impacts on nearby scenic resources. Furthermore, Condition No. 5 specifies that a copy of the report submitted to the Virginia Department of Historic Resources in fulfillment of Section 106 of the Historic Preservation Act be submitted to the Planning Division for approval. This review will ensure that historic resources are not negatively impacted by the extension.

Performance Standard B2 states that for areas designated within a historic or scenic resource area or within a scenic resource, the design should be camouflaged or have minimal intrusion on residential areas, historic and scenic resources or roads in such areas, or scenic resource corridors. The upper portion of this tower will be visible from the two Community Character Corridors (Longhill Road and Longhill Connector Road) and a portion of the tower will be visible from adjacent residential areas. However, staff believes that the applicant has camouflaged the tower by using a light pole design, and because of the existing visual impact of other existing light poles and the water tank, the impact of the tower will be lessened.

Performance Standard B3 states that towers should be less than 200 feet to avoid lighting. This application meets this standard.

Performance Standard B4 states that towers should be freestanding and not supported by guy wires. This application meets this standard.

C. Buffering

The Performance Standards state that towers should be placed on a site in a manner that maximizes buffering from existing trees, including a recommended 100-foot-wide wooded buffer around the base of the tower and that the access drive should be designed in a manner that provides no off-site view of the tower base or related facilities.

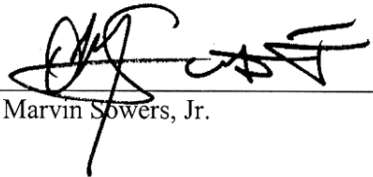
While a 100-foot-wide wooded buffer is not possible on the proposed site, staff believes that the applicant has chosen the best possible location for placement of a tower on this site. Given the need to stay within a certain distance of the existing antennas on the water tank, staff believes that by placing the tower in the southwest corner of the JCWCC parcel, the applicant can take advantage of the existing tree buffer to the south and to the west in screening the tower from Longhill Connector Road. The other light poles, as well as mature evergreen trees, help mitigate the tower's impact from Longhill Road to the north and to the east.

RECOMMENDATION

Staff finds the proposal, with the conditions above, to be generally consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. While the tower will have a visual impact on surrounding areas, staff believes that it has a lesser impact than the existing water tank which currently houses these WCF antennas. Staff believes that the existing trees on the JCWCC property, proposed additional tree plantings, and existing light poles will help camouflage the tower. Staff also notes that the water tower where antennas are currently located is proposed for deconstruction and there will be loss of cellular service in this area if a new tower is not constructed. Staff recommends the Board of Supervisors approve the SUP application for the Cingular tower at the Longhill Road JCWCC with the attached resolution.

Jason Purse

CONCUR:



O. Marvin Sowers, Jr.

JP/gb
Sup-0005-2008

ATTACHMENTS:

1. Resolution
2. Performance Standards for WCFs Policy
3. Preliminary site plan
4. Propagation map showing existing area coverage
5. Photo simulations
6. Location map
7. Reference map

RESOLUTION

CASE NO. SUP-0005-2008. JAMES CITY/WILLIAMSBURG COMMUNITY CENTER

(JCWCC) TOWER

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. Lisa Murphy of LeClaire Ryan has applied for an SUP to allow for a 138-foot wireless communications facility (WCF); and

WHEREAS, the proposed extension is shown on a preliminary site plan, entitled "Community Center Lightpole" prepared by Warren Williams and Associates, Inc. and dated March 17, 2008; and

WHEREAS, the property is located at 5301 Longhill Road on land zoned PL, Public Lands, and can be further identified as James City County Real Estate Tax Map/Parcel No. 3910100153; and

WHEREAS, the Planning Commission of James City County, following its public hearing on June 4, 2008, 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 2003 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 Special Use Permit No. 0005-2008 as described herein with the following conditions:

1. A maximum of one tower shall be permitted at this site. The tower and supporting equipment shall be located as generally shown on the overall site layout plan, prepared by WW&A, titled "Community Center Light pole" and dated March 17, 2008 ("Master Plan").
2. The tower shall have a finish matching the other existing light poles in color as approved by the Planning Director. Lighting, beacons, and other similar devices, other than the athletic field lighting, shall be prohibited unless required by the FCC or FAA. When required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA), a red beacon light or lights of low-medium intensity shall be used rather than a white strobe light. Should the regulations and requirements of this subsection conflict with any regulation or requirement by the FCC or FAA, then the regulations of the FCC and FAA shall govern. At the time of site plan review, a copy of the FAA and/or FCC findings shall be provided to the County.
3. Maximum height of the tower shall not exceed 138 feet from existing grade.

4. Within 30 days of the issuance of a final Certificate of Occupancy by the County Codes Compliance Division, certification by the manufacturer or an engineering report by a structural engineer licensed to practice in the Commonwealth of Virginia shall be filed by the applicant indicating the tower height, design, structure, installation and total anticipated capacity of the tower, including the total number and type of antennas which may be accommodated on the tower, demonstrating to the satisfaction of the County Building Official that all structural requirements and other safety considerations, set forth in the 2000 International Building Code or any amendment thereof, have been met.
5. Prior to final site plan approval for the improvements shown on the Master Plan, a copy of the report submitted to the Virginia Department of Historic Resources ("VDHR") in fulfillment of Section 106 of the Historic Preservation Act shall be submitted to the Planning Division. Evidence that the James City County Historical Commission has reviewed and approved the package must also be submitted prior to preliminary site plan approval. The Planning Director may require the implementation of any recommendations of VDHR and the Historical Commission prior to final site plan approval.
6. The tower shall be designed and constructed for at least two users and shall be certified to that effect by an engineering report prior to the site plan approval.
7. A statement from a registered engineer that NIER (Nonionizing Electromagnetic Radiation) emitted from any equipment on or serving the facility does not result in a ground-level exposure at any point outside such facility, which exceeds the lowest applicable exposure standards established by any regulatory agency of the U.S. Government, or the American National Standards Institute shall be submitted prior to preliminary site plan approval.
8. The tower shall be located at 5301 Longhill Road, further identified as James City County Real Estate Tax Map No. 3910100153 ("Property") in a manner that maximizes the buffering effects of trees. Tree clearing shall be limited to the minimum necessary to accommodate the tower and related facilities. Access drives shall be designed in a manner that provides no view of the tower's base or related facilities. A screening and landscaping plan shall be provided for approval by the Planning Director or his designee prior to final site plan approval.
9. A final Certificate of Occupancy shall be obtained from the James City County Codes Compliance Division within one year of approval of this SUP, or the permit shall become void.
10. The tower shall be freestanding and shall not use guy wires for support.
11. Any supporting structures, such as equipment sheds and huts, shall be of a similar design and material to that generally used on a single-family residence, including the use of a gable or shed roof and shall be approved by the Planning Director prior to final site plan approval.

12. The fencing used to enclose the lease area shall be “board on board” or vinyl-coated and shall be dark green or black in color if the vinyl-coated fence is used. Any fencing shall be reviewed and approved by the Planning Director prior to final site plan approval.
13. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of June, 2008.

Sup0005-2008_res

PERFORMANCE STANDARDS FOR WIRELESS COMMUNICATIONS FACILITIES
MAY 26,1998

In order to maintain the integrity of James City County's significant historic, natural, rural and scenic resources, to preserve its existing aesthetic quality and its landscape, to maintain its quality of life and to protect its health, safety, general welfare, and property values, tower mounted wireless communications facilities (WCFs) should be located and designed in a manner that minimizes their impacts to the maximum extent possible and minimizes their presence in areas where they would depart from existing and future patterns of development. To implement these goals, the Planning Commission and the Board of Supervisors have adopted these performance standards for use in evaluating special use permit applications. While all of the standards support these goals, some may be more critical to the County's ability to achieve these goals on a case by case basis. Therefore, some standards may be weighed more heavily in any recommendation or decision on a special use permit, and cases that meet a majority of the standards may or may not be approved. The terms used in these standards shall have the same definition as those same terms in the Zoning Ordinance. In considering an application for a special use permit, the Planning Commission and the Board of Supervisors will consider the extent to which an application meets the following performance standards:

A. Collocation and Alternatives Analysis

1. Applicants should provide verifiable evidence that they have cooperated with others in co-locating additional antenna on both existing and proposed structures and replacing existing towers with ones with greater co-location capabilities. It should be demonstrated by verifiable evidence that such co-locations or existing tower replacements are not feasible, and that proposed new sites contribute to the goal of minimizing new tower sites.
2. Applicants should demonstrate the following:
 - a. That all existing towers, and alternative mounting structures and buildings more than 60 feet tall within a three-mile radius of the proposed site for a new WCF cannot provide adequate service coverage or antenna mounting opportunity.
 - b. That adequate service coverage cannot be provided through an increase in transmission power, replacement of an existing WCF within a three mile radius of the site of the proposed WCF, or through the use of a camouflaged WCF, alternative mounting structure, or a building mounted WCF, or a system that uses lower antenna heights than proposed.
 - c. The radii of these study areas may be reduced where the intended coverage of the proposed WCF is less than three miles.
3. Towers should be sited in a manner that allows placement of additional WCF facilities. A minimum of two tower locations, each meeting all of the requirements of the Zoning Ordinance and these standards, should be provided at all newly approved tower sites.
4. All newly permitted towers should be capable of accommodating enough antennas for at least three service providers or two service providers and one government agency. Exceptions may be made where shorter heights are used to achieve minimal intrusion of the tower as described in Section B.2. below.

B. Location and Design

1. Towers and tower sites should be consistent with existing and future surrounding development and the Comprehensive Plan. While the Comprehensive Plan should be

consulted to determine all applicable land use principles, goals, objectives, strategies, development standards, and other policies, certain policies in the Plan will frequently apply. Some of these include the following: (1) Towers should be compatible with the use, scale, height, size, design and character of surrounding existing and future uses, and such uses that are generally located in the land use designation in which the tower would be located; and (2) towers should be located and designed in a manner that protects the character of the County's scenic resource corridors and historic and scenic resource areas and their view sheds.

2. Towers should be located and designed consistent with the following criteria:

Proposed Location of Tower	Impact Criteria
a. Within a residential zone or residential designation in the Comprehensive Plan	Use a camouflaged design or have minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or scenic resource corridors.
b. Within a historic or scenic resource area or within a scenic resource corridor	Use a camouflaged design or have minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or scenic resource corridors.
c. Within a rural lands designation in the Comprehensive Plan	For areas designated rural lands in the Comprehensive Plan that are within 1,500 feet from the tower, use a camouflaged design or have minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or scenic resource corridors. For rural lands more than 1,500 feet from the tower, no more than the upper 25% of the tower should be visible.
d. Within a commercial or in an industrial designation in the Comprehensive Plan	Use a camouflaged design or have minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or scenic resource corridors.
<p><i>Notes for the above table:</i></p> <ol style="list-style-type: none"><i>Exceptions to these criteria may be made on a case by case basis where the impact of the proposed tower is only on the following areas: (1) An area designated residential on the Comprehensive Plan or zoning map which is not a logical extension of a residential subdivision or which is a transitional area between residential and nonresidential uses, (2) a golf course or a golf course and some combination of commercial areas, industrial areas, or utility easements, provided the tower is located on the golf course property, or (3) a scenic easement.</i><i>A tower will meet the minimal intrusion criteria if it is not visible off site above the tree line. Such tower should only be visible off-site when viewed through surrounding trees that have shed their leaves.</i><i>Camouflaged towers having the design of a tree should be compatible in scale and species with surrounding natural trees or trees native to Eastern Virginia.</i>	

3. Towers should be less than 200 feet in height in order to avoid the need for lighting. Taller heights may be acceptable where views of the tower from residential areas and public roads are very limited. At a minimum, towers 200 feet or more in height should exceed the location standards listed above.
4. Towers should be freestanding and not supported with guy wires.

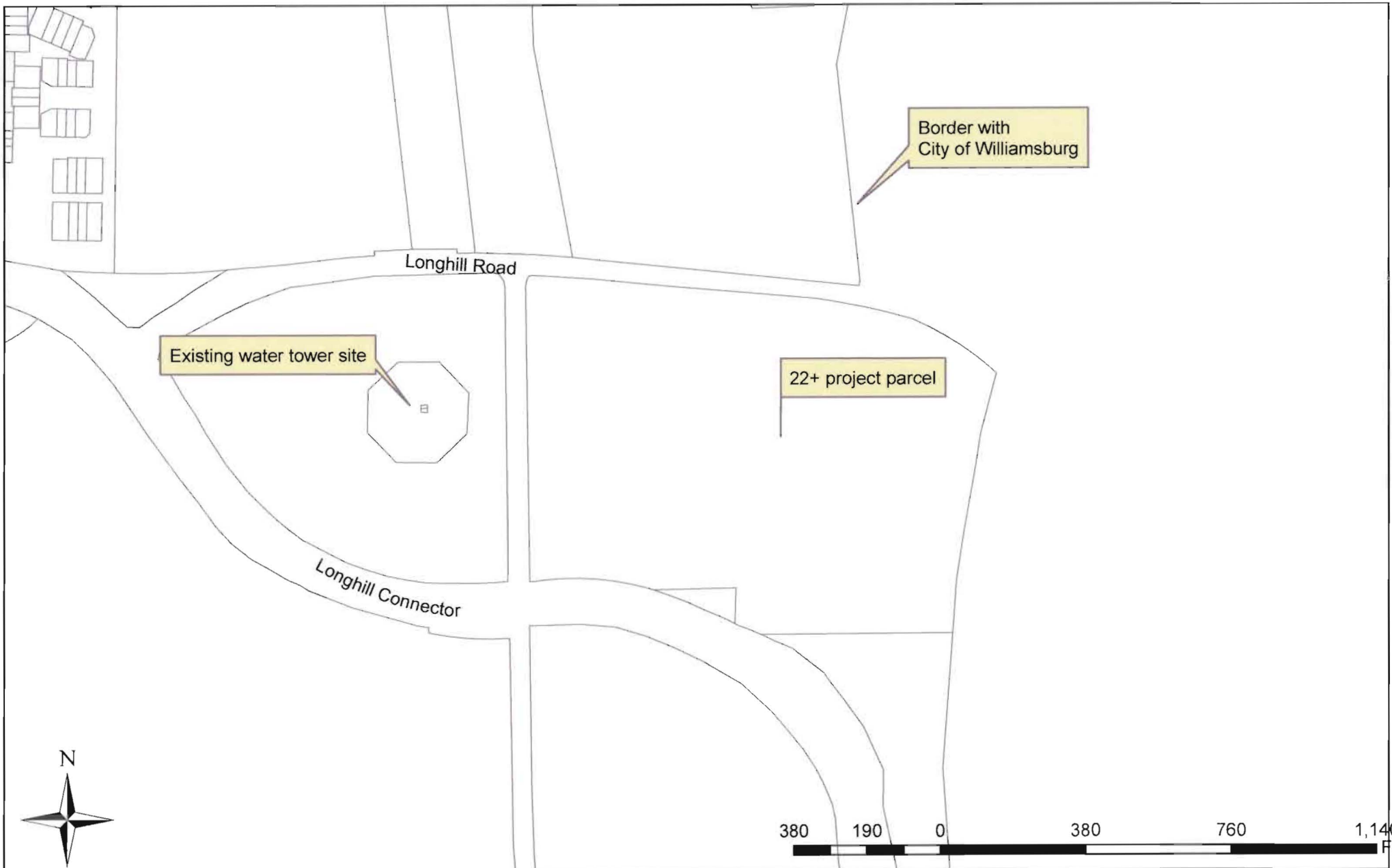
C. Buffering

1. Towers should be placed on a site in a manner that takes maximum advantage of existing trees, vegetation and structures so as to screen as much of the entire WCF as possible from view from adjacent properties and public roads. Access drives should be designed in a manner that provides no view of the tower base or related facilities.
2. Towers should be buffered from adjacent land uses and public roads as much as possible. The following buffer widths and standards should be met:
 - a. In or adjacent to residential or agricultural zoning districts, areas designated residential or rural lands on the Comprehensive Plan, historic or scenic resource areas, or scenic resource corridors, an undisturbed, completely wooded buffer consisting of existing mature trees at least 100 feet wide should be provided around the WCF.
 - b. In or adjacent to all other areas, at least a 50 foot wide vegetative buffer consisting of a mix of deciduous and evergreen trees native to Eastern Virginia should be provided.



SUP-0005-2008

Longhill Rec. Center Cell Tower



M E M O R A N D U M

DATE: June 10, 2008
TO: The Board of Supervisors
FROM: John E. McDonald, Manager, Financial and Management Services
SUBJECT: Resolution of Appropriation

Attached is a resolution that appropriates funds for the FY 2009 Budget and adopts, for planning purposes, FY 2010 financial plans for the operating capital, and debt services budgets. The resolution is the same resolution that was on the agenda for the May 27 meeting except that it has been amended to exclude \$50,000 in revenue originally forecast in the FY 2009 Budget from playing field fees with an offsetting expenditure reduction in operating contingency.

Staff recommends approval of the attached resolution.

John E. McDonald

JEM/gb
FY09Budget2_mem

Attachment

RESOLUTION

RESOLUTION OF APPROPRIATION

WHEREAS, the County Administrator has prepared a two-year Proposed Budget for the fiscal year beginning July 1, 2008, and ending June 30, 2009, along with the fiscal year beginning July 1, 2009, and ending June 30, 2010, and a five-year Capital Improvements Program, four years of which are for information and fiscal planning purposes only; and

WHEREAS, it is now necessary to appropriate funds to carry out the activities proposed therein for the fiscal year beginning July 1, 2008, and ending June 30, 2009, and to set tax rates on real estate, tangible personal property, and machinery and tools, to provide certain revenue in support of those appropriations; and

WHEREAS, the Board wishes to adopt the second year of the operating and capital budgets for planning purposes, beginning July 1, 2009, and ending June 30, 2010.

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

1. The following amounts are hereby appropriated in the FY 2009 General Fund for the offices and activities in the amounts as shown below:

GENERAL FUND REVENUES

	<u>FY 2009</u>
General Property Taxes	\$107,754,387
Other Local Taxes	22,030,000
Licenses, Permits and Fees	8,345,000
Fines and Forfeitures	375,000
Revenue from Use of Money and Property	1,315,000
Revenue from the Commonwealth	25,433,233
Revenue from the Federal Government	5,868
Charges for Current Services	4,678,036
Miscellaneous Revenues	<u>170,500</u>
TOTAL REVENUES	<u>\$170,107,024</u>

GENERAL FUND EXPENDITURES

	<u>FY 2009</u>
Administrative	\$ 1,316,186
Elections	347,090
Human Resources	1,367,379
Financial Administration	4,261,325
General Services	7,795,843
Information Resource Management	2,073,878

Development Management	4,629,568
Judicial	2,347,787
Public Safety	21,684,003
Community Services	6,759,715
Contributions - Other	3,573,683
Library and Arts Center	4,492,457
Health Services	1,662,869
Other Regional Entities	2,568,222
Nondepartmental	4,698,588
Contribution - Capital Projects Fund	4,200,000
Contributions - Other Funds	<u>2,882,905</u>
TOTAL EXPENDITURES	<u>\$76,661,498</u>

The appropriation for education of \$93,445,526 was executed on May 13, 2008.

Year-End Fund Balance	\$1,038,689
Contribution to Capital Projects Budget	\$1,038,689

2. That the property tax rates be set for the amounts shown below and revenues appropriated in the following classifications:

TAX RATES

Real Estate on each \$100 assessed value	\$0.77
Tangible Personal Property on each \$100 assessed value	\$4.00
Machinery and tools on each \$100 assessed value	\$4.00

3. That the following amounts are hereby appropriated in other budgets in FY 2009 for the activities in the amounts as shown below:

CAPITAL PROJECTS BUDGET

Revenues:

Debt Proceeds	\$66,852,605
Contribution from General Fund	5,238,689
Proffer Revenue	900,000
Other Revenue	<u>2,114,000</u>
	<u>\$75,105,294</u>

Expenditures:

The School appropriation of \$69,939,382 was executed on May 13, 2008.

County Capital Projects	<u>\$5,165,912</u>
	<u>\$5,165,912</u>

DEBT SERVICE BUDGET

From General Fund - Schools	\$18,570,000
From General Fund - Other	3,260,000
Fund Balance	195,126
Other Revenue	<u>3,100,000</u>
 Total Debt Service Fund Revenues	 <u>\$25,125,126</u>
 Current Year Expenditures	 <u>\$25,125,126</u>
 Debt Service Fund Disbursements	 <u>\$25,125,126</u>

VIRGINIA PUBLIC ASSISTANCE FUND

Revenues:

From the Federal Government/Commonwealth	\$4,279,107
From the General Fund	1,693,029
Other	<u>461,778</u>
 Total Virginia Public Assistance Fund Revenues	 <u>\$6,433,914</u>

Expenditures:

Administration and Assistance	<u>\$6,433,914</u>
 Total Virginia Public Assistance Fund Expenditures	 <u>\$6,379,395</u>

COMMUNITY DEVELOPMENT FUND

Revenues:

General Fund	\$ 691,292
Grants	1,525,924
Generated Program Income	200,000
Other	<u>100,000</u>
 Total Community Development Fund Revenues & Fund Balance	 <u>\$2,517,216</u>

Expenditures:

Administration and Programs	\$ 665,258
Housing & Community Development Programs	<u>1,851,958</u>
 Total Community Development Fund Expenditures	 <u>\$2,517,216</u>

SPECIAL PROJECTS/GRANTS FUND

Revenues:

From the School Division	\$ 12,000
Transfer from General Fund	217,426
Revenues from the Commonwealth	<u>275,850</u>
	<u>\$605,276</u>

Expenditures:

Comprehensive Services Act	<u>\$605,276</u>
	<u>\$605,276</u>

4. The County Administrator be authorized to transfer funds and personnel from time to time within and between the offices and activities delineated in this resolution as he may deem in the best interest of the County in order to carry out the work of the County as approved by the Board of Supervisors during the coming fiscal year.
5. The County Administrator be authorized to administer the County's Personnel Policy and Pay Plan as previously adopted by the Board of Supervisors. There will be a salary increase included on the employee's salary with variable increases based on performance and funded at an average of three percent.
6. The County Administrator be authorized to transfer funds to and from the Personnel Contingency account and divisional personnel line items in order to capture turnover savings at a divisional level.
7. All outstanding encumbrances in all County funds on June 30, 2008, shall be an amendment to the FY 2009 budget and appropriated to the FY 2009 budget to the same department and account for which they were encumbered in the previous year.
8. The County Administrator be authorized to make expenditures from the Donation Trust Fund for the specified reasons for which the fund was established. In no case shall the expenditure exceed the available balance in the fund as verified by the Treasurer.
9. The Board of Supervisors of James City County, Virginia, hereby adopts the following budgets for the purposes of future financial and operational planning only:

FY 2010

General Fund	\$176,070,756
Capital Budget	36,991,325
Debt Service	27,568,235
Public Assistance	6,533,255
Community Development	2,393,788
Special Projects/Grants	605,276

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of
June, 2008.

FY09Budget2_res

General Fund
FY 2009 Proposed Budget Adjustments
Balances

\$	170,157,024	\$ 170,157,024	\$ -
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<u>Description</u>	<u>Revenues</u>	<u>Expenditures</u>
Beginning Balance	\$ 169,918,338	\$ 169,918,338
State Budget Cuts	\$ 238,686	\$ 193,664
Business Facilitator Position		\$ (81,038)
Animal Control-HHS		\$ 10,000
Convenience Center-Keep@\$4		\$ 88,600
Convenience Center-Hours		\$ 20,650
Other Errata		
Solid Waste-pay loader lease entered incorrectly		\$ (37,430)
County Attorney-turnover		\$ 8,392
Communications-salary error		\$ (9,636)
Electoral Board-technician hours correction		\$ 2,079
Fire-pay increase correction		\$ (2,898)
Police-standby pay correction		\$ 8,851
Code Compliance-eliminate vehicle replacement		\$ (27,548)
Motor Fuels		\$ 65,000
To achieve savings		
Transfer to Debt Service-Schools		\$ 800,000
School Contribution		\$ (500,000)
Personnel Contingency		\$ (300,000)

5/21/2008

MEMORANDUM

DATE: June 10, 2008

TO: The Board of Supervisors

FROM: Leanne Reidenbach, Senior Planner
Mike Woolson, Senior Watershed Planner

SUBJECT: Consideration of the Request to Amend Condition 2f of a Waiver to Section 19-57, Water Facilities, of the James City County Subdivision Ordinance for Property Located at 1805 Forge Road

Summary Facts

Applicant: Mr. Vernon Geddy, Geddy, Harris, Franck, and Hickman, LLP

Land Owner: Cowles Family Limited Partnership

Location: 1805 Forge Road

Tax Map/Parcel: 2010100001

Parcel Size: 433 acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands and Conservation Area

Primary Service Area: Outside

Reason for Board of Supervisors Review

On November 14, 2006, the Board of Supervisors approved a waiver to Section 19-57, Water Facilities, of the James City County Subdivision Ordinance subject to a number of conditions. Section 19-57 (a) requires the following: *If public water is not available, the subdivider of any major subdivision shall construct a central water system including distribution lines, storage, and supply facilities within the subdivision.* The applicant has requested that condition 2f of the waiver be amended. The approved language is as follows:

- f. Limitations on Piers and Water Access. Lots located in the area now shown on the Conceptual Plan as lots 1-5 shall not be permitted to have piers. Lots in the area now shown on the Conceptual Plan as lots 6 and 7 shall utilize a shared water access/pier to be located on lot 7. Lots in the area now shown on the Conceptual Plan as lots 20-22 shall utilize a single shared water access/pier. The lot in the area now shown on the Conceptual Plan as lot 25 shall utilize a shared water access/pier with either lot in the area now shown as lot 24 or lot 26. Lots in the area now shown on the Conceptual Plan as lots 13-18 shall only utilize steps to access Uncle's Neck Creek. Such steps shall be built in a manner to minimize impacts on slopes. The shared access/piers and access steps shall be subject to the approval of the Covenants Committee and to any required County or other regulatory approvals.

The applicant would like to amend the condition to:

- (1) Remove references to shared water access for lots 6, 7, and 20-22 as shown on the original conceptual layout (see attached); and
- (2) Permit lot 25 to have its own water access/pier rather than shared access with lot 24 or 26.

Discussion

Staff has considered the above requests and conducted additional field visits to confirm the conditions at each location. Subsequently, staff has no objections to the applicant's first request to eliminate language pertaining to shared water access/piers. Instead, language has been amended to prohibit access from lots 6, 20, and 21. This change in language does not prohibit owners of those lots from entering into a private agreement to share water access with an adjacent property, but the access would be required to be from the adjacent property.

Staff does not support the second request, which is to allow private water access/pier from lot 25. Originally, the condition was written to allow lot 25 to share water access with either lot 24 or 26. These lots have severe erosion along the interface with the Chickahominy River. It is possible that those homeowners will want to repair and stabilize the shoreline, resulting in extensive grading and effectively eliminating the mature vegetation in the Resource Protection Area (RPA). This stabilization and potential pier placement are seen as net positives for the environment because the existing excessive erosion will be controlled.

Lot 25, on the other hand, has a broad expanse of cypress wetlands between the bottom of the slope and the Chickahominy River. If a pier were placed through the cypress wetlands, significant environmental damage would occur, preventing the wetlands from performing the various ecological benefits they provide.

Given the above discussion, staff recommends that the condition be amended as follows:

- f. Limitations on Piers and Water Access. Lots located in the area now shown on the Conceptual Plan as lots 1-6, and 20, 21, and 25 shall not be permitted to have piers. Lots in the area now shown on the Conceptual Plan as lots 13-18 shall only utilize steps to access Uncle's Neck Creek. Such steps shall be built in a manner to minimize impacts on slopes. Piers and access steps shall be subject to the approval of the Covenants Committee and to any required County or other regulatory approvals.

Staff Recommendation

Staff recommends that the Board amend condition 2f of the waiver to Section 19-57 for property located at 1805 Forge Road to eliminate language pertaining to shared water access/piers. Staff does not recommend that condition 2f be amended to allow private water access for lot 25.

Consideration of the Request to Amend Condition 2f of a Waiver to Section 19-57, Water Facilities, of
the James City County Subdivision Ordinance for Property Located at 1805 Forge Road

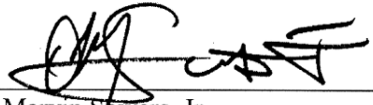
June 10, 2008

Page 3

Leanne Reidenbach

Mike Woolson

CONCUR:



O. Marvin Sowers, Jr.

LR/MW/nb
1805ForgeRd_mem

Attachments:

1. Applicant request letter
2. Conceptual Layout: The Preserve at Uncle's Neck
3. Resolution

RESOLUTION

CONSIDERATION OF THE REQUEST TO AMEND CONDITION 2F

OF A WAIVER TO SECTION 19-57, WATER FACILITIES, OF THE JAMES CITY COUNTY

SUBDIVISION ORDINANCE FOR PROPERTY LOCATED AT 1805 FORGE ROAD

WHEREAS, the Board of Supervisors of James City County has adopted Section 19-57, Water Facilities, of the James City County Subdivision Ordinance which requires major subdivisions to construct a central water system to serve the subdivision; and

WHEREAS, the requirement for a central water system may be waived by the James City Service Authority (JCSA) manager; and

WHEREAS, that waiver may be subject to reasonable conditions which shall be communicated in writing to the agent and subdivider; and

WHEREAS, the Board of Supervisors authorized the General Manager of the JCSA to grant a waiver request for property located at 1805 Forge Road on November 14, 2006, subject to appropriate conditions; and

WHEREAS, the property is located on land zoned A-1, General Agricultural, and can be further identified as Parcel No. (1-1), on James City County Real Estate Tax Map No. (21-1); and

WHEREAS, the lot layout and provision of open space are shown on the plan prepared by AES Consulting Engineers, dated July 21, 2006, and entitled "Conceptual Layout: the Preserve at Uncle's Neck."

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby grant the amendment to condition 2f of the waiver request as described herein as follows:

2. The restrictive covenants for the subdivision shall contain the following provisions and shall be subject to the approval of the County Attorney prior to approval and recordation of the final subdivision plat:

- f. Limitations on Piers and Water Access. Lots located in the area now shown on the Conceptual Plan as lots 1-6 and 20, 21, and 25, shall not be permitted to have piers. Lots in the area now shown on the Conceptual Plan as lots 13-18 shall only utilize steps to access Uncle's Neck Creek. Such steps shall be built in a manner to minimize impacts on slopes. Piers and access steps shall be subject to the approval of the Covenants Committee and to any required County or other regulatory approvals.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of
June, 2008.

1805ForgeRd_res

GEDDY, HARRIS, FRANCK & HICKMAN, L.L.P.

ATTORNEYS AT LAW

1177 JAMESTOWN ROAD

WILLIAMSBURG, VIRGINIA 23185

TELEPHONE: (757) 220-6500

FAX: (757) 229-5342

May 16, 2008

MAILING ADDRESS:

POST OFFICE BOX 379

WILLIAMSBURG, VIRGINIA 23187-0379

email: vgeddy@ghfhlaw.com

VERNON M. GEDDY, JR. (1926-2005)
STEPHEN D. HARRIS
SHELDON M. FRANCK
VERNON M. GEDDY, III
SUSANNA B. HICKMAN
RICHARD H. RIZK
ANDREW M. FRANCK

Mr. William Porter
Manager – Development Management
James City County
101-A Mounts Bay Road
Williamsburg, VA 23185

Re: Uncle's Neck/Waiver Conditions

Dear Bill:

I am writing on behalf of our client, Uncle's Neck, LLC, to follow up our recent meeting. As we discussed, the Board of Supervisors adopted a resolution on November 14, 2006, granting a waiver to Section 19-57 of the Subdivision Ordinance for the Uncle's Neck project. The resolution sets forth a number of conditions. We are requesting that the Board of Supervisors approve an amendment of Condition 2(f) to read as follows:

“No pier shall be permitted on those Lots numbered 1 through 6 and 20 and 21 as shown on the original subdivision plat of the Submitted Land. Those Lots numbered 13 through 18 as shown on the original subdivision plat of the Submitted Land shall be entitled to utilize only steps to access Uncle's Neck Creek, and such steps shall be constructed in a manner to minimize impacts on slopes. All water access, piers, and steps are subject to approval by the Covenants Committee and to any required regulatory approvals from James City County or other applicable governing authorities.”

There is basically one substantive change from the original version of the condition. The current conditions require the lot in the area shown as Lot 25 on the conceptual plan share a pier with an adjacent lot. The applicant has now walked each lot in this area and finds there is a suitable area for a pier on that lot (now Lot 24) so we are requesting that provision be deleted. The other non-substantive change is we seek to eliminate the requirements that certain lots share a pier. In retrospect, we would rather prohibit piers on lots where they might cause problems but not specify they must share a pier with an adjacent lot. A lot owner that cannot have pier may make an arrangement with any other lot owner that has a pier to share.

We would be happy to meet you and representatives of the environmental division on site to show you the areas in question. For your convenience, I copies of the original version and the proposed version of the condition.

Please let me know if you need anything further and when we will be on the Board's agenda. Thanks for your help.

Sincerely,

A handwritten signature in black ink, appearing to read 'V. Geddy'.

Vernon M. Geddy, III

Cc: Mr. Henry Stephens

M E M O R A N D U M

DATE: June 10, 2008

TO: The Board of Supervisors

FROM: Sanford B. Wanner, County Administrator

SUBJECT: State Transportation Funding

The Virginia Association of Counties (VACO) and Virginia Municipal League (VML) have issued a recommendation urging localities to adopt resolutions in advance of the upcoming special session of the General Assembly concerning transportation funding. The message from both organizations is that the General Assembly should be encouraged and requested to consider and adopt a transportation funding plan that provides dedicated, long-term, and adequate sources of revenue to address the Commonwealth's multi-modal transportation network deficiencies and needs.

One of the most critical needs is in the area of highway maintenance. By law, maintenance must be funded ahead of construction. In FY 2008, the Virginia Department of Transportation (VDOT) will need to divert \$400 million from the statewide Construction fund to cover the Maintenance fund deficit. By 2014, the amount of construction funding diverted annually to maintenance in the Hampton Roads District is expected to rise to almost \$120 million.

Governor Kaine has proposed a plan to address maintenance, construction, and transit/rail funding on a statewide basis and to target the two most congested regions – Northern Virginia and Hampton Roads – with supplementary regional funding initiatives. The Governor's proposed plan includes a variety of sources of revenues; however the *James City County resolution does not support the Governor's plan for the increases in the statewide Grantor's tax*. The Governor's proposed transportation plan includes the following features:

Statewide

- Increases the existing statewide motor vehicles sales tax from 3% to 4% with all motor vehicles sales tax revenues to be devoted to maintenance;
- Increases the statewide annual vehicle registration fee by \$10 and dedicate those funds to maintenance; and
- Increases the statewide Grantor's tax by 25 cents / \$100 valuation with 75% of this new revenue going to transit and rail projects.

Hampton Roads / Northern Virginia

- Increases the retail sales tax in both regions by 1% (not applicable to food and drugs);
- Dedicates the Hampton Roads regional sales taxes to the six projects listed in the Hampton Roads Transportation Authority (HRTA) legislation plus the Hampton Roads Bridge Tunnel; and
- Abolishes the HRTA.

The attached proposed State Transportation Funding resolution has been prepared in consideration of the "model" resolution recommended by VACO and VML. The resolution does not endorse any specific proposal and clearly states the Board's concern regarding the Grantor's tax. The purpose of the resolution urges exploration of all options and the development and adoption of a constructive solution to the current transportation system funding deficits. I recommend its adoption and subsequent transmittal to members of the County's legislative delegation.


Sanford B. Wanner

SBW/gb
TransportFund_mem
Attachment

RESOLUTION

STATE TRANSPORTATION FUNDING

WHEREAS, the package of transportation taxes and fees enacted by the 2007 Session of the General Assembly to address statewide maintenance and regional transportation needs failed because the Virginia Supreme Court invalidated the Northern Virginia regional fees and because the 2008 General Assembly repealed the abusive driver fee program; and

WHEREAS, the Commonwealth Transportation Board is ready to approve a \$1.1 billion reduction in the official six-year forecast, forcing a 44-percent cut in primary, urban roads, and secondary roads construction; and

WHEREAS, the Virginia Association of Counties (VACO) and Virginia Municipal League (VML) has advocated for a transportation funding model that is adequate, sustainable, and dedicated with non-general funds to support Virginia's transportation network; and

WHEREAS, Governor Timothy M. Kaine has called the General Assembly into special session on June 23 to address these funding matters.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby support efforts of the Governor and the General Assembly to act swiftly and decisively to approve legislation that will address the transportation funding crisis which raises revenue dedicated to transportation; however it does not increase the statewide Grantor's tax.

NOW, THEREFORE, BE IT FURTHER RESOLVED that such legislation should recognize that it is the Commonwealth's responsibility to impose the new taxes and fees; that the funding purposes must be restricted to ensuring safe roads, relieving traffic congestion, maintaining and increasing transit investments, promoting economic development throughout the State, and providing multi-modal options; and that providing consumer choices, including the use of tolls on new transportation facilities, is part of the solution to the transportation crisis.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of June, 2008.

TransportFund_res