

# **A G E N D A**

## **JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**November 25, 2008**

**7:00 P.M.**

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**I. PUBLIC COMMENT**

**J. REPORTS OF THE COUNTY ADMINISTRATOR**

**K. BOARD REQUESTS AND DIRECTIVES**

**L. CLOSED SESSION**

1. Consideration of a personnel matter, the appointment of individuals to County boards and/or commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
  - a. Appointment of the Board of Zoning Appeals Members
2. Purchase of Development Rights Committee – Final Application Rankings

**M. ADJOURNMENT to 7 p.m. on December 9, 2008**

112508bos\_age

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 12TH DAY OF NOVEMBER 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** – Madalyn Campbell, a fourth-grade student at Clara Byrd Baker Elementary School, led the Board and citizens in the Pledge of Allegiance.

**D. RECOGNITION** – Employee and Volunteer Outstanding Service Awards

Mr. Goodson, assisted by the other Board members, presented Outstanding Service Awards to the following groups and individuals: the Comprehensive Plan Community Participation Team, consisting of Burton Baker, Jay Everson, Thomas Fitzpatrick, Susan Gaston, Jack Haldeman, Shereen Hughes, Charlotte Jones, Robert Keith, Richard Krapf, Anthony Obadal, Reese Peck, Lynda Poller, Vaughn Poller, Joseph Sell, William Spaller, Susan Sullivan-Tubach, and Marilyn Taylor; the Water Quality and Conservation Group, consisting of Carol Fryer, Beth Fugate, Art Gustafsen, Barbara Gustafsen, Judy Hansen, Libby Hedstrom, Sue Liddell, Linda Lucas, Anne Nielsen, Rudy Roberts, and Rich Strenkowski; the Inmate Mentors, consisting of David Benedict, John Greenman, Rhodalesia Holland, Rose King, Patty Kipps, Rachel Koob, Jim Mitchell, Jan Puggenburger, Eleanor Warren, and Harry Warren; the Olde Towne Immunization Clinic participants, including Faith Amorosa, Marsha Amory, Carolyn Beckhoff, Angela Burgess, Marilyn Deihl, Peggy Doerr, Bobbie Fairchild, Cynthia Frezek, Carol Friaze, Ruth Fraser, Margaret Kwiakowski, Mary Ann Markus, Genevieve Mastaler, Carol Mistler, Dorothea Neiman, Joan Porter, Hanni Sherman, Mary Jo Smith, Jean Taylor, and Ann Yankovich.

Awards were also presented to outstanding employee teams and individuals: the James City Service Authority Teammates of the Year, including Nancy Abbott, Darlene Dozier, Karen Haefka, Louise Hibbard, Kathy Kennington, Terri Salnoske, and Karen Williamson; the Innovative Repair Initiative Team, consisting of Brett Ancell and Timmy Chappell; Bart Johnson for Working Toward Wellness; Officer David Rochard for Service Above and Beyond; Tina Sawyer for Coordinating to Best Serve Children; and Lifesaving Awards for Chief Emmett Harmon, Major Steve Rubino, Sergeant Jeff Vellines, and Lieutenant Eric Peterson.

**E. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, commented on an increase in voter participation; Veterans Day ceremonies; increased enrollment in private schools; improvements on Route 60 East; and property tax increases and reassessments.

**F. CONSENT CALENDAR**

Mr. McGlennon made a motion to adopt the 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. October 28, 2008, Work Session
  - b. October 28, 2008, Regular Meeting
2. Grant Award – Kiwanis Club of Williamsburg – \$350

**RESOLUTION**

**GRANT AWARD – KIWANIS CLUB OF WILLIAMSBURG – \$350**

WHEREAS, the James City County Fire Department has been awarded a grant in the amount of \$350 from the Kiwanis Club of Williamsburg; and

WHEREAS, the grant requires no match; and

WHEREAS, the funds are to be used for the purchase of *The Great Escape* DVD Series, which will augment the Department's fire education programs.

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

**Revenue:**

Kiwanis Grant – <i>The Great Escape</i> DVD Series	<u>\$350</u>
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**Expenditure:**

Kiwanis Grant – <i>The Great Escape</i> DVD Series	<u>\$350</u>
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3. Grant Award – State Homeland Security Program – \$50,000

**RESOLUTION**

**GRANT AWARD – STATE HOMELAND SECURITY PROGRAM - \$50,000**

WHEREAS, the Virginia Department of Emergency Management (VDEM) has awarded the James City County Fire Department State Homeland Security Program funds in the amount of \$50,000; and

WHEREAS, the funds will be used to purchase a Citizen Alert Subscription System as a component of its Emergency Alert System.

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:

**Revenue:**

State Homeland Security Program Funds	<u>\$50,000</u>
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**Expenditure:**

State Homeland Security Program Funds	<u>\$50,000</u>
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4. Award of Bid – James City County Library Roof Replacement – \$217,827

**RESOLUTION**

**AWARD OF BID – JAMES CITY COUNTY LIBRARY ROOF REPLACEMENT – \$217,827**

WHEREAS, plans and specifications have been advertised and competitively bid for replacement of the James City County Library roof; and

WHEREAS, eight firms submitted bids, ranging from \$217,827 to \$330,800 with AAR of North Carolina submitting the lowest, responsive, and responsible bid at \$217,827; and

WHEREAS, funds are available in the Fiscal Year 2009 Capital Improvements Program budget for this project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract to AAR of North Carolina in the amount of \$217,827.

**G. PUBLIC HEARING**

Mr. Goodson recognized Planning Commissioner Chris Henderson in attendance.

1. Adjustments to the Fiscal Year 2009 Adopted Budget

Mr. John McDonald, Financial and Management Services Manager, stated that staff has created a memorandum and resolutions following the Board's work session on October 28, 2008, that reflect the reductions discussed. He stated the expenditure reductions would occur across every department, including personnel and operating spending, specifically in Personnel Contingency, Operating Contingency, Local Grants Match, Innovation, Non-Departmental, Capital Projects, Outside Agencies, and Schools.

Mr. McDonald stated that this item was required to have a public hearing because the amount exceeds one-percent of the adopted budget. Staff recommended approval.

Mr. Goodson opened the Public Hearing.

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

Mr. Kennedy made a motion to approve the resolution.

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

**RESOLUTION**

**ADJUSTMENTS TO THE FISCAL YEAR 2009 ADOPTED BUDGET**

WHEREAS, in a work session on October 28, 2008, the Board of Supervisors of James City County, Virginia, agreed to consider a \$3,000,000 reduction in the FY 2009 budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, shall adopt the following revisions to the FY 2008 budget and amend appropriations as follows:

**General Fund Revenues:**

General Property Taxes	(\$ 650,000)
Other Local Taxes	(1,820,000)
Licenses, Permits and Fees	(380,000)
Revenue from the Commonwealth	<u>(150,000)</u>
	(\$3,000,000)

**General Fund Expenditures:**

Non-Departmental	(\$1,395,000)
Capital Projects	(1,205,000)
Schools	(150,000)
Outside Agencies	<u>(250,000)</u>
	(\$3,000,000)

Capital Budget Revenues:  
Contribution – General Fund (\$1,205,000)

Capital Budget Expenditures:  
Warhill Community Gymnasium (\$1,205,000)

BE IT FURTHER RESOLVED that the County Administrator be authorized to reduce operating budgets as needed to transfer to the Non-Departmental category to meet the targeted spending reductions.

Mr. McDonald advised Mr. Goodson that there was an additional resolution that did not require a public hearing which provided guidance to the schools on the FY 2010 budget reductions and communicated the financial situation as requested.

Mr. Goodson thanked Mr. McDonald for providing the resolution and noted how important this communication would be.

Mr. McGlennon 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**

### **FISCAL YEAR 2010 BUDGET PLANNING**

WHEREAS, the Board of Supervisors of James City County, in a work session on October 28, 2008, determined that revised revenue projections for the fiscal year ended June 30, 2010 (FY 2010) were insufficient to generate an increase in the County's contribution to the operating budget of the Williamsburg-James City County Public Schools.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, wishes to formally communicate to the Superintendent and the School Board that the FY 2010 contribution of County funds to the FY 2010 School budget will be approximately the same as the funding provided by the County in FY 2009 and that the budget planning for FY 2010 should be based on that assumption.

## **H. BOARD CONSIDERATION**

### **1. Acceptance of Offer to Sell a Conservation Easement under the Purchase of Development Rights (PDR) Program**

Mr. Ed Overton, PDR Administrator, provided a brief overview and presentation of an offer from Sylvia and Cragg to sell property at 8000 Diascund Road to the County for a conservation easement. He stated that the appraisal report prepared by Simerlein Appraisals, Ltd. concludes that the conservation easement which consisted of 103.26 acres would be valued at \$495,000, or \$4,793.72 per acre. He stated that staff and the PDR Committee recommended approval.

Mr. Kennedy asked if this was the first PDR case to come forward to have a buffer for timbering.

Mr. Overton stated that the property owners have offered a timber buffer around all the property boundaries beyond what the Resource Protection Area (RPA) requires as a voluntary measure.

Mr. Kennedy asked if the property has been timbered before.

Mr. Overton said that it had.

Mr. Icenhour asked how wide the timber buffer was in addition to the RPA.

Mr. Overton stated that the buffer was 100 feet.

Mr. McGlennon made a motion to adopt the resolution and stated his appreciation for the support of this program by the Cragg and other families in the County.

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

## **RESOLUTION**

### **ACCEPTANCE OF OFFER TO SELL A CONSERVATION EASEMENT UNDER**

#### **THE PDR PROGRAM**

WHEREAS, the County has received an offer to sell a conservation easement under the Purchase of Development Rights (PDR) Program from the owners of the property known as 8000 Diascund Road, on James City County Real Estate Tax Map Parcel No. 1040100003; and

WHEREAS, the owners offered to sell a conservation easement on the property for an appraised value of \$495,000, subject to the conditions set forth in the proposed deed of easement enclosed with the County's invitation of offer.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the offer to sell a conservation easement described above, or as modified by the County Attorney, and authorizes the County Administrator to execute all documents necessary for completing the acquisition.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby directs the PDR Administrator to send a copy of this resolution to the owners of the property identified herein.

## **I. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, commented on school reform in Washington, D.C.



**J.       REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner stated that the Board needed to hold a Closed Session and when the Board completed its business, it should adjourn to 4 p.m. on November 25, 2008, for a work session prior to the regular meeting. He stated that there was a Reading File item related to 110 Jameswood. Mr. Wanner stated that some of the local schools had Veteran's Day ceremonies, including Stonehouse Elementary School, on November 11, 2008.

**K.       BOARD REQUESTS AND DIRECTIVES**

Mr. Goodson stated that he and Mr. Icenhour accepted an award on behalf of the County at the Virginia Association of Counties (VACo) Annual Conference for the County's Succession Management program. He stated that Mr. Wanner made a presentation on the County's 800-MHz program. He stated that he received a letter from the Jamestown-Yorktown Foundation recognizing the County's financial contributions.

Mr. McGlennon thanked staff for the report on the property at 110 Jameswood and stated that there were cases highlighting the importance of finding ways to address derelict properties. He asked that some legislative remedies be sought in the upcoming Legislative Program discussion with General Assembly members. He stated that he has asked Mr. Leo Rogers for information on providing a no-wake zone on Powhatan Creek. He noted the passing of Jean Waltrip, an active County citizen.

Ms. Jones gave an update on the Comprehensive Plan Steering Committee and stated that the committee would be meeting from 3 to 6 p.m. on Monday, November 17, 2008, for a discussion on population needs. She stated that public comment was encouraged and emails and blogging were encouraged. She recognized the Jamestown High School track team for their performance.

**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 the consideration of the disposition of parcel(s) of public property.

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

At 7:44 p.m. Mr. Goodson recessed the Board into Closed Session.

At 7:57 p.m. Mr. Goodson reconvened the Board.

Mr. McGlennon 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 parcel(s) of public property.

**M. ADJOURNMENT** to 4 p.m. on November 25, 2008

Mr. McGlennon made a motion to adjourn.

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

At 7:58 p.m. Mr. Goodson adjourned the Board to 4 p.m. on November 25, 2008.

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Sanford B. Wanner  
Clerk to the Board

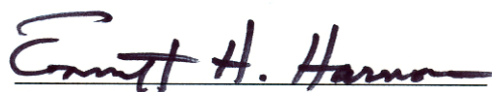
MEMORANDUM

DATE: November 25, 2008  
TO: The Board of Supervisors  
FROM: Emmett H. Harmon, Police Chief  
SUBJECT: Grant Award – Kiwanis Club of Williamsburg - \$500

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The James City County Police Department has been awarded a grant in the amount of \$500 from the Kiwanis Club of Williamsburg. The funds are to be used to augment the youth education services provided by the Department's Community Services Unit. The grant requires no match.

Staff recommends adoption of the attached resolution to appropriate funds.

  
Emmett H. Harmon

CONCUR:

  
Sanford B. Wanner

EHH/nb  
KiwanisGA\_mem

Attachment

## **RESOLUTION**

### **GRANT AWARD – KIWANIS CLUB OF WILLIAMSBURG - \$500**

WHEREAS, the James City County Police Department has been awarded a grant in the amount of \$500 from the Kiwanis Club of Williamsburg; and

WHEREAS, the grant requires no match; and

WHEREAS, funds are to be used to augment the youth education services provided by the Department's Community Services Unit (CSU).

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

**Revenue:**

Kiwanis Grant – Police CSU	<u>\$500</u>
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**Expenditure:**

Kiwanis Grant – Police CSU	<u>\$500</u>
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Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of September, 2008.

KiwanisGA\_res

**MEMORANDUM**

DATE: November 25, 2008

TO: The Board of Supervisors

FROM: Scott J. Thomas, Environmental Director

SUBJECT: Dedication of Streets in Scott's Pond - Sections 1b And 2

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Attached is a resolution requesting acceptance of certain streets in Scott's Pond - Sections 1b And 2 into the State Secondary Highway System. These streets have been inspected and approved by representatives of the Virginia Department of Transportation as meeting the minimum requirements for secondary roadways.

Staff recommends adoption of the attached resolution.



Scott J. Thomas

SJT/gb  
ScottsPondSts\_mem

Attachments

## **RESOLUTION**

### **DEDICATION OF STREETS IN SCOTT'S POND - SECTIONS 1B AND 2**

WHEREAS, the streets described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation (VDOT) advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of VDOT; and

WHEREAS, the County and VDOT entered into an agreement on July 1, 1994, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests VDOT to add the streets described on the attached Additions Form AM-4.3 to the secondary system of State highways, pursuant to § 33.1-229 of the Code of Virginia, and VDOT's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for VDOT.

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Bruce C. Goodson  
Chairman, Board of Supervisors

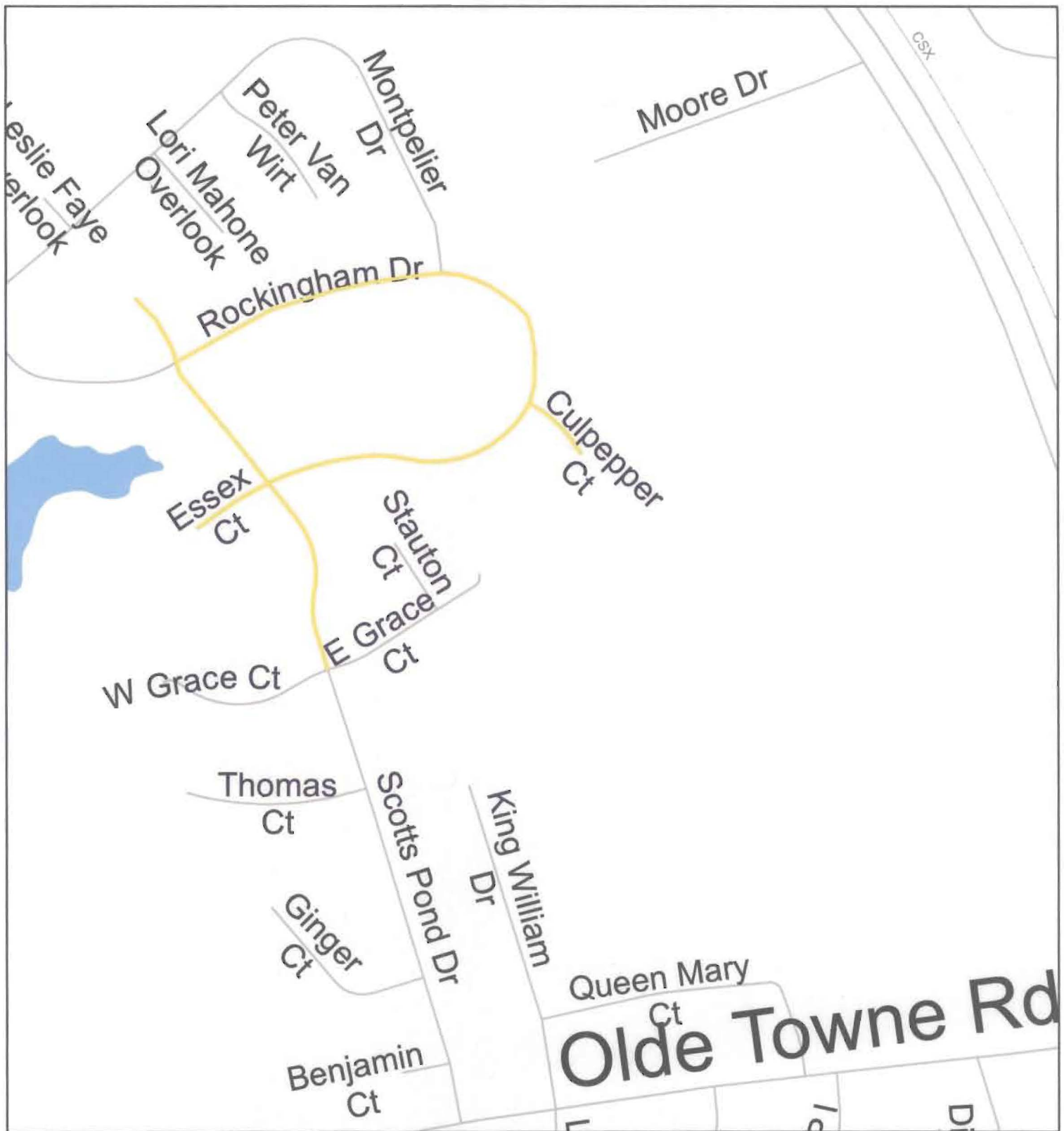
ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of November, 2008.

ScottsPondSts\_res



## DEDICATION OF STREETS IN SCOTT'S POND, SECTION 1b and 2

 Streets Being  
Dedicated

1 inch equals 437 feet



## In the County of James City

By resolution of the governing body adopted November 25, 2008

*The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.*

A Copy Testee Signed (County Official): \_\_\_\_\_

### Report of Changes in the Secondary System of State Highways

Project/Subdivision **Scott's Pond Sections 1b And 2**

**Type Change to the Secondary System of State Highways:**    **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change:                      **New subdivision street**

Pursuant to Code of Virginia Statute:    **§33.1-229**

#### **Street Name and/or Route Number**

► **Scott's Pond Drive, State Route Number 1567**

Old Route Number: 0

- From: Routes 1721 and 1722 (East/West Grace Court)  
To: Route 1724 (Rockingham Drive), a distance of: 0.12 miles.  
Recordation Reference: DOC. #990009962 and #030006189  
Right of Way width (feet) = 50-85 ft.

► **Scott's Pond Drive, State Route Number 1567**

Old Route Number: 0

- From: Route 1724 (Rockingham Drive)  
To: Route 1724 (Rockingham Drive), a distance of: 0.10 miles.  
Recordation Reference: DOC. #030006189, P.B. 89; Pages 60 - 66  
Right of Way width (feet) = 60-110 ft.

► **Scott's Pond Drive, State Route Number 1567**

Old Route Number: 0

- From: Route 1724 (Rockingham Drive)  
To: Cul de sac, a distance of: 0.06 miles.  
Recordation Reference: DOC. #030006189, P.B. 89; Pages 60 - 66  
Right of Way width (feet) = 50 feet



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## Report of Changes in the Secondary System of State Highways

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► **Rockingham Drive, State Route Number 1724**

Old Route Number: 0

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- From: Route 1567 (Scott's Pond Drive)  
To: Route 1725 (Culpepper Court), a distance of: 0.20 miles.  
Recordation Reference: DOC. #030006189, P.B. 89; Pages 60 - 66  
Right of Way width (feet) = 50-85 ft.

► **Rockingham Drive, State Route Number 1724**

Old Route Number: 0

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- From: Route 1725 (Culpepper Court)  
To: Route 1567 (Scott's Pond Drive), a distance of: 0.30 miles.  
Recordation Reference: DOC. #030006189, P.B. 89; Pages 60 - 66  
Right of Way width (feet) = 50-100 ft

► **Culpepper Court, State Route Number 1725**

Old Route Number: 0

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- From: Route 1724 (Rockingham)  
To: Cul de sac, a distance of: 0.05 miles.  
Recordation Reference: DOC. #030006189, P.B. 89; Pages 60 - 66  
Right of Way width (feet) = 50 feet

► **Essex Court, State Route Number 1726**

Old Route Number: 0

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- From: Route 1567 (Scott's Pond Drive)  
To: Cul de sac, a distance of: 0.06 miles.  
Recordation Reference: DOC. #030006189, P.B. 89; Pages 60 - 66  
Right of Way width (feet) = 50 feet

**MEMORANDUM**

DATE: November 25, 2008

TO: The Board of Supervisors

FROM: Angela M. King, Assistant County Attorney

SUBJECT: Ordinance to Amend and Reordain Chapter 8, Erosion and Sediment Control, Section 8-7, Penalties, Injunctions, and Other Legal Actions

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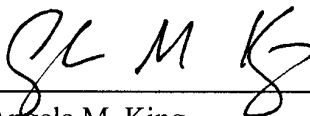
Attached for Board consideration is an ordinance which amends portions of Section 8-7 of the County Code.

The amendment to Section 8-7(a)(1)b-h increases the allowable amount of civil penalties to match the amount set forth in Section 10.1-562(J) of the Code of Virginia which was amended in 2007, to increase the allowable amount of civil penalties permitted for any one violation from a flat amount of \$100 to an allowable range of \$100 to \$1,000. The allowable amount of civil penalties related to land-disturbing activities without an approved plan remains at the \$1,000 level.

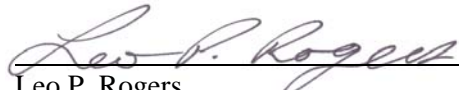
The amendment to Section 8-7(b) increases the total amount of civil penalties permitted for violations arising from the same operative set of facts to match the total amount allowed by Section 10.1-562(J) of the Code of Virginia which was amended in 2007 to increase the total amount of civil penalties permitted for violations arising from the same operative set of facts from \$3,000 to \$10,000. The total amount of civil penalties for violations related to land-disturbing activities without an approved plan remains at the \$10,000 level.

The amendments detailed above relate to the assessment of civil penalties upon a finding of the district court. Because County staff works with violators to agree on civil charges and rarely needs to pursue civil penalties in court, little or no fiscal impact is anticipated from the amendments to match the Code of Virginia.

The amendment is consistent with State law, and staff recommends adoption of the attached ordinance.

  
\_\_\_\_\_  
Angela M. King

CONCUR:

  
\_\_\_\_\_  
Leo P. Rogers

AMK/nb  
AmendSec8-7\_mem

Attachment

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8, EROSION AND SEDIMENT CONTROL, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 8-7, PENALTIES, INJUNCTIONS, AND OTHER LEGAL ACTIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 8, Erosion and Sediment Control, is hereby amended and reordained by amending Section 8-7, Penalties, injunctions, and other legal actions.

Chapter 8. Erosion and Sediment Control

Section 8-7. Penalties, injunctions, and other legal actions.

(a) Schedule of civil penalties

(1) Any person who violates any provision of this chapter shall, upon a finding of the district court of James City County, be assessed a civil penalty. A civil penalty in the amount listed on the schedule below shall be assessed for each violation of the respective offenses:

- a. Commencement of land disturbing activity without an approved erosion control plan as provided in Section 8-4 shall be \$1,000 per day.
- b. Vegetative measures – failure to comply with items 1, 2, 3, 5, and 7 of the Minimum Standards shall be *not less than* \$100 *nor more than \$1,000* per violation per day.
- c. Structural measures – failure to comply with items 2, 4 , 6, 8 9, 10, 11, 15, and 17 of the Minimum Standards shall be *not less than* \$100 *nor more than \$1,000* per violation per day.
- d. Watercourse measures – failure to comply with items 12, 13, 14, and 15 of the Minimum Standards shall be *not less than* \$100 *nor more than \$1,000* per violation per day.

- e. Underground utility measures – failure to comply with Item 16(a), and/or (c) of the Minimum Standards shall be *not less than* \$100 *nor more than \$1,000* per violation per day.
  - f. Failure to obey a stop work order shall be *not less than* \$100 *nor more than \$1,000* per day.
  - g. Failure to stop work when permit is revoked shall be *not less than* \$100 *nor more than \$1,000* per day.
  - h. All other violations of this chapter not specifically enumerated in Items (a) through (g) of this section shall be *not less than* \$100 *nor more than \$1,000* per day.
- (b) In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of ~~\$3,000~~ *\$10,000*, ~~except that~~ *including* a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site ~~shall not result in civil penalties which exceed a total of \$10,000.~~

---

Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

---

Sanford B. Wanner  
Clerk of the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of November, 2008.

AmendSec8-7\_ord

**MEMORANDUM**

DATE: November 25, 2008

TO: The Board of Supervisors

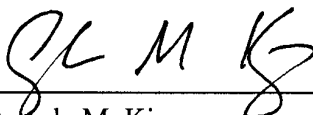
FROM: Angela M. King, Assistant County Attorney

SUBJECT: Ordinance to Amend and Reordain Chapter 20, Taxation, Section 20-2.1, Local Exemption of Certain Energy Sources

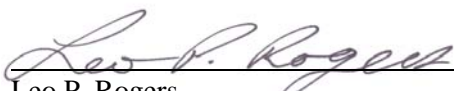
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Attached for Board consideration is an ordinance which amends Section 20-2.1 of the County Code by updating the reference to the Code of Virginia from Section 58.1-608(9) to Section 58.1-609.13.

The amendment is consistent with State law, and staff recommends adoption of the attached ordinance.

  
\_\_\_\_\_  
Angela M. King

CONCUR:

  
\_\_\_\_\_  
Leo P. Rogers

AMK/nb  
AmendCh20\_mem

Attachment

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 20-2.1, LOCAL EXEMPTION OF CERTAIN ENERGY SOURCES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, is hereby amended and reordained by amending Article I, In General, Section 20-2.1, Local exemption of certain energy sources.

Chapter 20. Taxation

Article I. In General

Section 20-2.1. Local exemption of certain energy sources

~~Notwithstanding the provisions of section 20-1, and notwithstanding the provisions of section 20-2, and pursuant to section 58.1-608(9) of the Code of Virginia, effective January 1, 1982, the board of supervisors~~ *The following are* hereby exempts from both the general retail sales tax and the use tax, ~~the following~~: Artificial or propane gas, firewood, coal or home heating oil used for domestic consumption. “Domestic consumption” means the user of artificial or propane gas, firewood, coal or home heating oil by an individual purchaser for other than business, commercial or industrial purposes.

*State law reference – Authority of County to enact this section, Code of Va., §58.1-609.13*

---

Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

---

Sanford B. Wanner  
Clerk of the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of November,  
2008.

AmendCh20\_ord

**MEMORANDUM**

DATE: November 25, 2008

TO: The Board of Supervisors

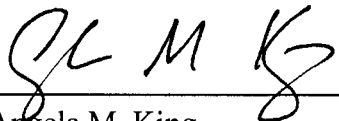
FROM: Angela M. King, Assistant County Attorney

SUBJECT: Right-of-Way and Easement Agreement, Dominion Virginia Power – 5300 Palmer Lane and 5304 Palmer Lane

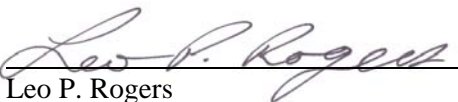
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Attached for Board consideration is a resolution authorizing the County Administrator to execute those agreements and other such documents necessary to convey a right-of-way and overhead utility easement to Dominion Virginia Power on County-owned property located at 5300 Palmer Lane, designated as Parcel No. (13-1A) on James City County Real Estate Tax Map No. 39-1, and 5304 Palmer Lane, designated as Parcel No. (13-1B) on James City County Real Estate Tax Map No. 39-1.

The requested easement, as shown in the attached drawing, is approximately 200 feet in length and 15 feet in width. Previously, an underground utility easement was given to Dominion Virginia Power. However, due to funding constraints, underground utilities cannot be accommodated.

  
\_\_\_\_\_  
Angela M. King

CONCUR:

  
\_\_\_\_\_  
Leo P. Rogers

AMK/nb  
DomVAPwrROW\_mem

Attachments



## **RESOLUTION**

### **RIGHT-OF-WAY AND EASEMENT AGREEMENT, DOMINION VIRGINIA POWER –**

#### **5300 PALMER LANE AND 5304 PALMER LANE**

WHEREAS, James City County (the “County”) owns property at 5300 Palmer Lane, designated as Parcel No. (13-1A) on the James City County Real Estate Tax Map No. 39-1, and 5304 Palmer Lane, designated as Parcel No. (13-1B) on the James City County Real Estate Tax Map No. 39-1, (together, the “Properties”); and

WHEREAS, Dominion Virginia Power requires a right-of-way and overhead utility easement from the Properties, approximately 200 feet in length and 15 feet in width along a portion of Ironbound Road as part of the Ironbound Roadway Project; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public interest to convey a right-of-way and overhead utility easement to Dominion Virginia Power.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute those agreements and other such documents necessary to convey the right-of-way and overhead utility easement to Dominion Virginia Power on the Properties.

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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 25th day of November, 2008.

DomVAPwrROW\_res



MATCHLINE STA. 5

IRONBOUND RD. CONSTR. B

Survey Traverse

8' ASPHALT SHARED USE PATH

BEGIN CONN. PALMER LN.  
STA 10+32.99

END CONN. PALMER LN.  
STA 10+61.45

PALMER LN. CONSTR. B  
S 77° 42' 25" E

**Cutting Edge Development, LLC**  
Instr \*040024115  
PB 64 Pg 89-A  
0.3261 ac.  
Tax Map \* 3911400001A

**James City County**  
Instr \* 040024119  
PB 89 Pg 3&4  
0.203 ac.  
Tax Map \* 3911300001B  
(N12°21'25"E-54.07')

**James City County**  
Instr \*040024119  
PB 89 Pg 3&4  
0.163 ac.  
Tax Map \* 3911300001A  
(85.01')

**David L. Hertzler**  
Instr \* 060000991  
DB 83 Pg 247  
0.23 ac.  
Tax Map \* 3910100048

**Russell B. Borli / Sonny S. Borli**  
Instr \*030039809  
PB 87 Pg 99-K  
0.096 ac.  
Tax Map \* 39112000  
(N12°21'25"E-100.00')

- |                              |                                       |                              |
|------------------------------|---------------------------------------|------------------------------|
| △ 1 ST'D. CG-6 REQ'D.        | △ 4 5' CONCRETE SIDEWALK REQ'D.       | △ 7 SAW CUT                  |
| △ 2 ST'D. RADIAL CG-6 REQ'D. | △ 5 8' ASPHALT SHARED USE PATH REQ'D. | △ 8 MOD. CG-12B REQ'D.       |
| △ 3 ST'D. CG-2 REQ'D.        | △ 6 MOD. CG-12A REQ'D.                | △ 9 ST'D. RADIAL CG-2 REQ'D. |

See General Notes for E&S Legend  
Figures without parenthesis or bracket lines denote Proposed Right of Way.  
Figures in parenthesis and dot-dot lines denote Temporary Easements.



**MEMORANDUM**

DATE: November 25, 2008

TO: The Board of Supervisors

FROM: Adam R. Kinsman, Deputy County Attorney

SUBJECT: An Ordinance to Amend and Reordain, Chapter 3, Animal Laws of the Code of the County of James City, Virginia, by Amending Article III, Impoundment, Section 3-45, Impoundment Generally

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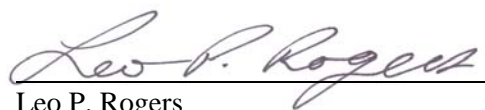
It has come to staff's attention that Section 3-45, Impoundment generally, in Chapter 3, Animal Laws, contains language that is not needed in Section 3-45(a). The language to be removed is repeated in Section 3-45(b) of the County Code; consequently, its removal from subsection (a) will have no practical effect on the County's animal laws. This is a housekeeping change.

Staff recommends adoption of the attached ordinance to bring the County Code into conformance with the State Code.



Adam R. Kinsman

CONCUR:



Leo P. Rogers

ARK/gb  
Sec3-45Impound\_mem

Attachment

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, ANIMAL LAWS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, IMPOUNDMENT, SECTION 3-45, IMPOUNDMENT GENERALLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 3, Animal Laws, is hereby amended and reordained by amending Section 3-45, Impoundment generally.

Chapter 3. Animal Laws

Article III. Impoundment.

**Sec. 3-45. Impoundment generally.**

(a) Any humane investigator, law-enforcement officer, or animal control officer, may lawfully seize and impound any animal that has been abandoned, has been cruelly treated, or is suffering from an apparent violation of this chapter that has rendered the animal in such a condition as to constitute a direct and immediate threat to its life, safety, or health. Before seizing or impounding any agricultural animal, such humane investigator, law-enforcement officer, or animal control officer shall contact the State Veterinarian or a State Veterinarian's representative, who shall recommend to such person the most appropriate action for the disposition of the agricultural animal, provided, however, that the seizure or impoundment of an equine resulting from a violation of subdivision (a) (iii) or subdivision (b) (ii) of section 3-9 may be undertaken only by the State Veterinarian or State Veterinarian's representative who has received training in the examination and detection of sore horses equivalent to that required by 9 C.F.R. Part 11.7 and that is approved by the State Veterinarian. The humane investigator, law-enforcement officer, or animal control officer shall notify the owner of the agricultural animal and the local attorney for the Commonwealth of the recommendation. The humane investigator, law-enforcement

officer or animal control officer may impound the agricultural animal on the land where the agricultural animal is located if:

- (1) The owner or tenant of the land where the agricultural animal is located gives written permission;
- (2) A general district court so orders; or
- (3) The owner or tenant of the land where the agricultural animal is located cannot be immediately located, and it is in the best interest of the agricultural animal to be impounded on the land where it is located until the written permission of the owner or tenant of the land can be obtained.

If there is a direct and immediate threat to an agricultural animal, the humane investigator, law enforcement officer, or animal control officer may seize the animal, in which case the humane investigator, law enforcement officer, or animal control officer shall file within five business days on a form approved by the State Veterinarian a report on the condition of the animal at the time of the seizure, the disposition of the animal, and any other information required by the State Veterinarian.

Upon seizing or impounding an animal, the humane investigator, law enforcement officer or animal control officer shall petition the general district court in the city or county wherein the animal is seized for a hearing. The hearing shall be not more than ten business days from the date of the seizure of the animal. The hearing shall be to determine whether the animal has been abandoned, has been cruelly treated, or has not been provided adequate care, ~~or is unfit for use within the county and shall petition any general district court in the county for a hearing which shall be in the nature of a criminal proceeding. The hearing shall be set not more than ten days from the date of the seizure of the animal to determine whether the owner, if known, is able to adequately provide for the animal and is a fit person to own the animal. The humane investigator, or animal control officer, shall cause to be served upon the owner, if known and residing within the county, written notice at least five days prior to the hearing of the time and~~

~~place of the hearing. If the owner is known but residing out of the county, written notice by any method of service of process as provided by the Code of Virginia shall be given. If the owner is not known, the humane investigator shall cause to be published in a newspaper of general circulation in the county notice of the hearing at least one time prior to the hearing and shall further cause notice of the hearing to be posted at least five days prior to the hearing at the place provided for public notices at the courthouse wherein such hearing shall be held.~~

(b) The humane investigator, law-enforcement officer, or animal control officer shall cause to be served upon the person with a right of property in the animal or the custodian of the animal notice of the hearing. If such person or the custodian is known and residing within the jurisdiction wherein the animal is seized, written notice shall be given at least five days prior to the hearing of the time and place of the hearing. If such person or the custodian is known but residing out of the jurisdiction where such animal is seized, written notice by any method or service of process as is provided by the Code of Virginia shall be given. If such person or the custodian is not known, the humane investigator, law-enforcement officer, or animal control officer shall cause to be published in a newspaper of general circulation in the jurisdiction wherein such animal is seized notice of the hearing at least one time prior to the hearing and shall further cause notice of the hearing to be posted at least five days prior to the hearing at the place provided for public notices at the city hall or courthouse wherein such hearing shall be held.

(c) The procedure for appeal and trial shall be the same as provided by law for misdemeanors; if requested by either party on appeal to the circuit court, trial by jury shall be as provided in Article 4 of Chapter 15 of Title 19.2 of the Code of Virginia, and the commonwealth shall be required to prove its case beyond a reasonable doubt.

(d) The humane investigator, law enforcement officer, or animal control officer, shall provide for such animal until the court has concluded the hearing. The owner of any animal held pursuant to this

section for more than 30 days shall post a bond in surety with the county for the amount of the cost of boarding the animal for a period of nine months. Such bond shall not prevent the animal's custodian from disposing of such animal at the end of the nine month period covered by the bond unless the person claiming an interest posts an additional bond in surety with the county to secure payment of the costs of caring for the animal for an additional nine months and does so prior to the expiration of the previous nine month period. At the conclusion of the case, the bond shall be forfeited to the county unless there is a finding that the owner is able to adequately provide for the animal and is a fit person to own the animal. If the animal is returned to the owner or other individual despite a violation of this section, the person posting the bond will be entitled to a return of the bond less the incurred expenses of boarding, medical care and impounding the animal.

If the court determines that the animal has been neither abandoned, cruelly treated, nor deprived of adequate care, the animal shall be returned to the owner. If the court determines that the animal has been abandoned, cruelly treated, deprived of adequate care as defined in section 3-1, or raised as a dog that has been, is, or is intended to be used, in dog fighting in violation of Section 3.1-796.124 of the Code of Virginia, then the court shall order that the animal be: (i) sold by the county; (ii) humanely destroyed, or disposed of by sale or gift to a federal agency, state-supported institution, agency of the commonwealth, agency of another state, or a licensed federal dealer having its principal place of business located within the commonwealth; (iii) delivered to any local humane society or shelter, or to any person who is a resident of the county or city where the animal is seized or an adjacent county or city in the commonwealth and who will pay the required license fee, if any, on such animal; or (iv) delivered to the person with a right of property in the animal as provided in subsection.

(e) In no case shall the owner be allowed to purchase, adopt, or otherwise obtain the animal if the court determines that the animal has been abandoned, cruelly treated, or deprived of adequate care;

however, the court shall direct that the animal be delivered to the person with a right of property in the animal, upon his request, if the court finds that the abandonment, cruel treatment, or deprivation of adequate care is not attributable to the actions or inactions of such person.

(f) The court shall order the owner of any animal determined to have been abandoned, cruelly treated, or deprived of adequate care to pay all reasonable expenses incurred in caring and providing for such animal from the time the animal is seized until such time that the animal is disposed of in accordance with the provisions of this section, to the provider of such care.

(g) The court may prohibit the possession or ownership of other companion animals by the owner of any companion animal found to have been abandoned, cruelly treated, or deprived of adequate care. In making a determination to prohibit the possession or ownership of companion animals, the court may take into consideration the owner's past record of convictions under this chapter or other laws prohibiting cruelty to animals or pertaining to the care or treatment of animals and the owner's mental and physical condition.

(h) If the court finds that an agricultural animal has been abandoned or cruelly treated, the court may prohibit the possession or ownership of any other agricultural animal by the owner of the agricultural animal if the owner has exhibited a pattern of abandoning or cruelly treating agricultural animals as evidenced by previous convictions. In making a determination to prohibit the possession or ownership of agricultural animals, the court may take into consideration the owner's mental and physical condition.

(i) Any person who is prohibited from owning or possessing animals pursuant to subsection (g) or (h) may petition the court to repeal the prohibition after two years have elapsed from the date of entry of



the court's order. The court may, in its discretion, repeal the prohibition if the person can prove to the satisfaction of the court that the cause for the prohibition has ceased to exist.

(j) When a sale occurs, the proceeds shall first be applied to the costs of the sale then next to the unreimbursed expenses for the care and provision of the animal, and the remaining proceeds, if any, shall be paid over to the owner of the animal. If the owner of the animal cannot be found, the proceeds remaining shall be paid into the Literary Fund of the state treasury.

(k) Nothing in this section shall be construed to prohibit the humane destruction of a critically injured or ill animal for humane purposes by the impounding humane investigator, law-enforcement officer, animal control officer, or licensed veterinarian.

**State law reference**-Similar provisions, Code of Va., § 3.2-6569.

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Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of November, 2008.

Sec3-45Impound\_ord

## M E M O R A N D U M

DATE: November 25, 2008

TO: The Board of Supervisors

FROM: Angela M. King, Assistant County Attorney

SUBJECT: Abandonment of a Portion of Former Route 612, Longhill Road

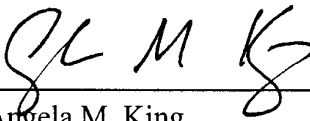
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The portion of former Route 612, Longhill Road, to be abandoned, is identified as Section 13 on the sketch, entitled *James City County, Changes in Secondary System Due to Relocation and Construction on Route 612, Project 0612-074-105, C-501*, dated January 24, 1969, and provided by the Virginia Department of Transportation (VDOT). Section 13 runs at a southwest angle off Longhill Road for approximately 0.10 miles, along the shared property line of James City County Real Estate Tax Map Parcel Nos. 3240100032 and 3240100033, as shown on the attached plat.

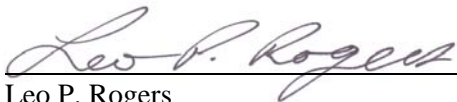
Parcel No. 3240100033, more commonly known as 4897 Longhill Road, is owned by King of Glory Lutheran Church (the "Church"). Parcel No. 3240100032, more commonly known as 4881 Longhill Road (the "Property"), is owned by the County, Gloucester County, York County, and the City of Williamsburg (collectively the "Crossroads Partners"). The Crossroads Partners desire to transfer ownership and the Church desires to obtain ownership of the Property. Transfer of the Property requires the abandonment of Section 13 in order to clear title issues.

At the request of the County, VDOT discontinued Section 13 in 1969. The discontinuance of Section 13 removed it from the Secondary System; however, it remained a public road. The abandonment of Section 13 will extinguish the public road. Because Section 13 is a prescriptive easement, upon abandonment the easement will be extinguished and title to the right-of-way will be with the underlying property owner. The abandonment of Section 13 will not detrimentally affect the citizens of the County as a new road; Longhill Road has been built in its stead.

Staff recommends adoption of the attached resolution abandoning a portion of former Route 612, identified as Section 13.

  
\_\_\_\_\_  
Angela M. King

CONCUR:

  
\_\_\_\_\_  
Leo P. Rogers

AMK/nb  
Route612\_mem

Attachments

## RESOLUTION

### ABANDONMENT OF A PORTION OF FORMER ROUTE 612, LONGHILL ROAD

WHEREAS, the James City County (the "County") Board of Supervisors has been provided with a sketch, entitled *James City County, Changes in Secondary System Due to Relocation and Construction on Route 612, Project 0612-047-105, C-501*, dated January 24, 1969, and provided by the Virginia Department of Transportation (the "Sketch"), depicting various sections of Route 612; and

WHEREAS, as part of the relocation and construction on Route 612, the County, in 1969, abandoned Sections 1, 2, 3, 4, 5, and 6 of Route 612 from the Secondary System of State Highways; and

WHEREAS, as part of that same relocation and construction on Route 612, Sections 7, 8, 9, 10, 11, and 12 of Route 612 were added to and Section 13 of Route 612 ("Section 13") was discontinued from the Secondary System of State Highways; and

WHEREAS, the County, Gloucester County, York County, and the City of Williamsburg (collectively the "Crossroads Partners") own property located at 4881 Longhill Road, identified as James City County Real Estate Tax Map Parcel No. 3240100032 (the "Property"), upon which Section 13 is located; and

WHEREAS, the Crossroads Partners desire to transfer ownership of the Property, which transfer requires the abandonment of Section 13; and

WHEREAS, abandonment of Section 13 will not detrimentally affect the citizens of the County because a new road has been constructed and approved which serves the same citizens as Section 13.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby abandons as a public road, pursuant to Section 33.1-155 of the Code of Virginia (1950), as amended, that previously discontinued segment of Route 612, identified as Section 13, and shown on the Sketch.

BE IT FURTHER RESOLVED that a certified copy of this resolution will be forwarded to the Resident Engineer for the Virginia Department of Transportation.

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Bruce C. Goodson  
Chairman, Board of Supervisors

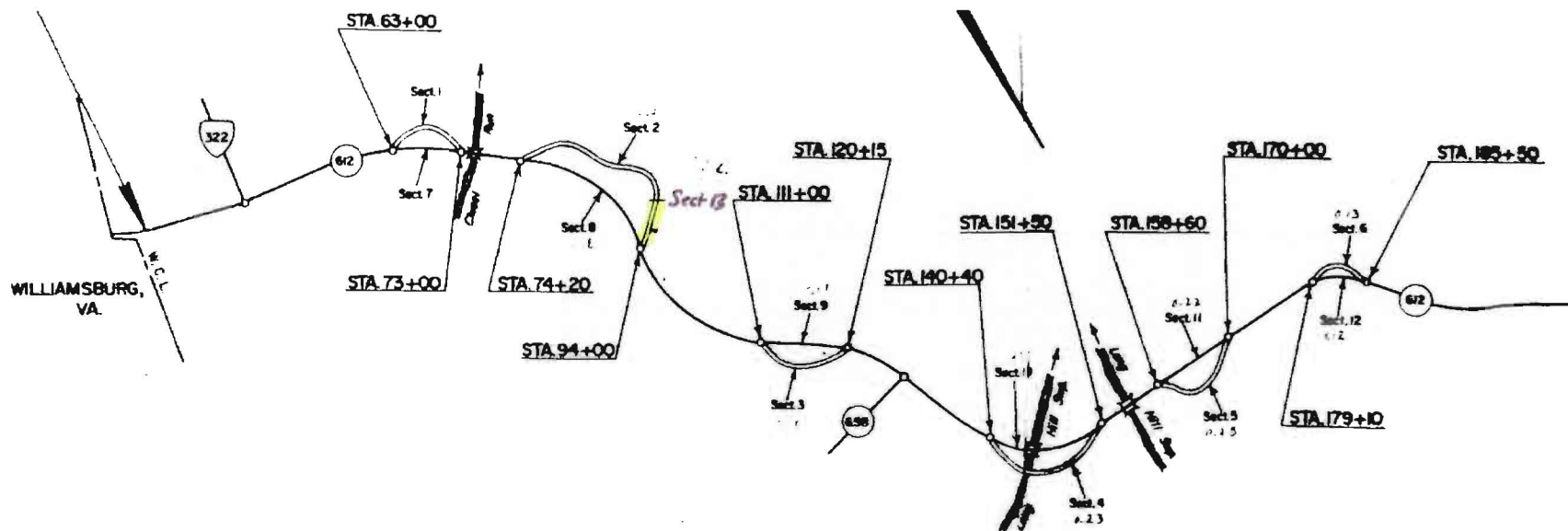
ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of November, 2008.

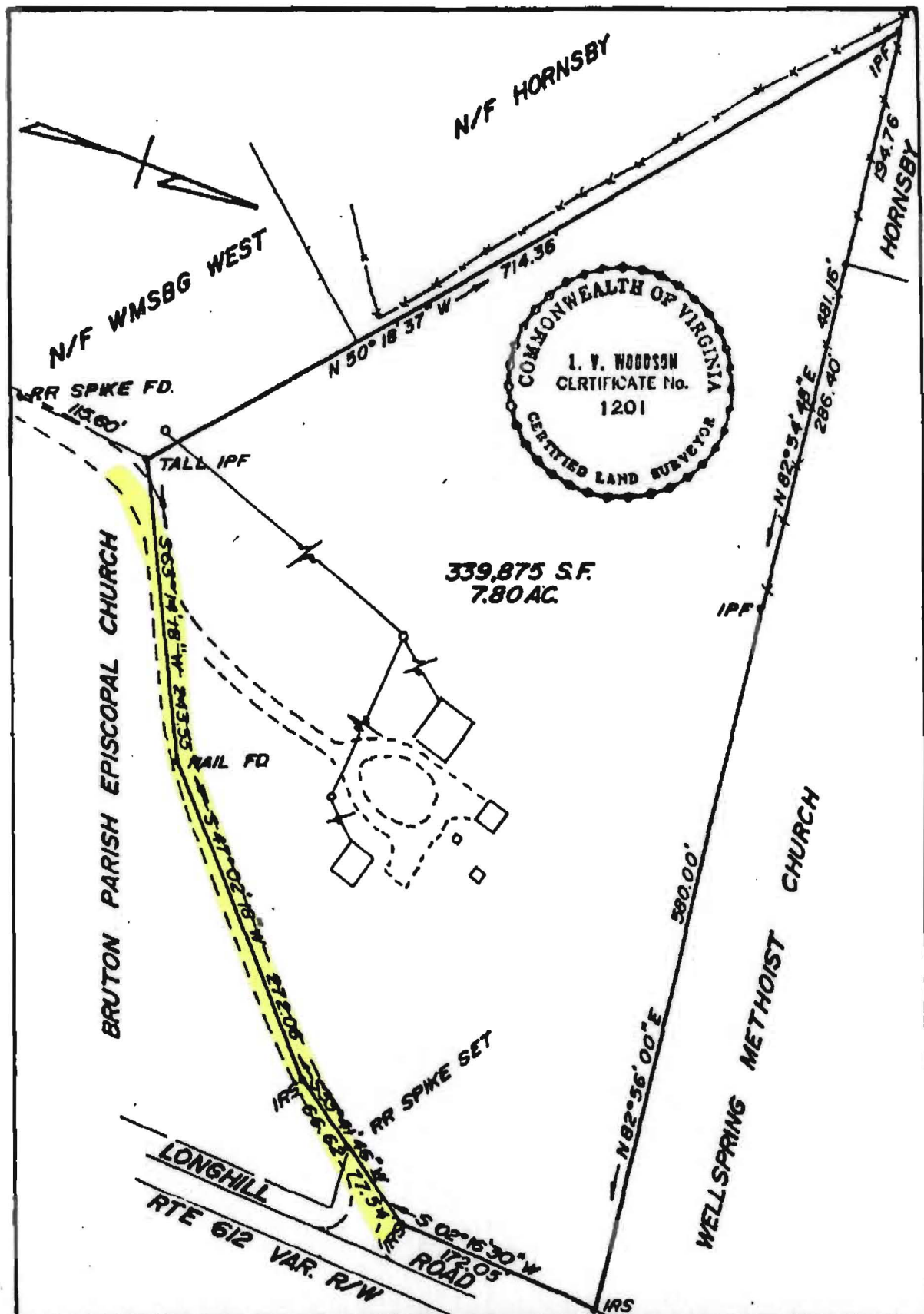
Route612\_res



## JAMES CITY COUNTY

CHANGES IN SECONDARY SYSTEM DUE TO RELOCATION AND  
CONSTRUCTION ON ROUTE 612, PROJECT 0612-047-DB, C-501

- Section of Old Location to be Abandoned (---)
- Section of Old Location to be Discontinued (Yellow)
- Section of New Location to be Added to Secondary System (—)



L. V. WOODSON & ASSOCIATES, INC. ENGINEERS, SURVEYORS & PLANNERS, P. O. BOX 633 WILLIAMSBURG, VIRGINIA 23185

LEGEND: ○ - IP - IRON PIN, □ - MON - MONUMENT, — - PROPERTY LINE, - - - CENTERLINE, - - - EASEMENT LINE

A SURVEY FOR CONVEYANCE TO  
**COLONIAL GROUP HOME COMMISSION**  
 JAMES CITY COUNTY, VIRGINIA

SCALE: 1" = 100'

REF: PB 8/29

DATE: MAY 24, 1986

AREA: 7.80 AC.

JO A3482

**MEMORANDUM**

DATE: November 25, 2008

TO: The Board of Supervisors

FROM: Doug Powell, Manager of Community Services

SUBJECT: Appropriation to Housing, Employment, and Linkages Project (HELP) - \$20,000

---

For several months, staff has been working with representatives from the City of Williamsburg, York County, the United Way, the Salvation Army, and the faith community to increase services to the homeless in the community. The result of this collaboration is the Housing, Employment, and Linkages Project (HELP). A brochure describing the program is in the reading file.

While determining the number of the homeless in a community is difficult, it is clear that the homeless population has increased in the Historic Triangle area and in James City County. One indication of this trend is that 14 families in need of housing have sought assistance from Social Services in just the last three months. In the last two months, Social Services has placed four children in foster care, and all four placements were at least partially due to the lack of appropriate housing. In addition, a nonprofit agency serving the homeless in the community has experienced a loss of capacity, and it is unable to serve the number of clients to whom it had previously offered assistance. Therefore, the number of the homeless in the community has increased over the past few months while the community's capacity to serve the homeless has actually declined.

The HELP program plans to serve approximately 100 adults and children over an 18-month period beginning in January 2009. The Salvation Army is the service provider and will offer a variety of services to program participants, including the following:

- Transitional housing
- Case management
- A number of support services, including budgeting/life skills, employment services/job coaching, and mentoring
- Referrals to other agencies

The United Way will serve as the fiscal agent for HELP. The projected budget for this 18-month program is \$250,000 with funds coming from the three localities, the faith community, and grants. James City County has been requested to provide \$20,000 in FY 2009 and another \$20,000 in FY 2010.


There are two key factors that increase the likelihood of success of this program. One is that this is the first time the three localities in the Historic Triangle, two key nonprofit agencies – the United Way and Salvation Army, and the faith community have developed a formal partnership to address the issue of homelessness. Second, the HELP program in many ways is an expansion of the Salvation Army's existing transitional housing program funded partially by the County, and therefore the program has an established record.

You may recall that during the FY 2009 budget process, the Board reserved \$25,000 for homelessness pending a recommendation from staff on the use of funds. Staff recommends that the Board appropriate \$20,000 of these funds in the FY 2009 budget to the HELP program. Staff will develop a recommendation about the request for funds in FY 2010 during the FY 2010 budget development process.

Appropriation to Housing, Employment, and Linkages Project (HELP) - \$20,000

November 25, 2008

Page 2

  
\_\_\_\_\_  
Doug Powell

DP/gb

HELAppro\_mem

Attachment

## **RESOLUTION**

### **APPROPRIATION TO HOUSING, EMPLOYMENT, AND LINKAGES PROJECT (HELP) –**

**\$20,000**

WHEREAS, homelessness is increasing in the community; and

WHEREAS, James City County has partnered with the City of Williamsburg, York County, the United Way, Salvation Army, and the faith community to develop a program to increase the community's capacity to assist the homeless.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates \$20,000 in the FY 2009 to the United Way for the Housing, Employment, and Linkages Project (HELP).

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Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of November, 2008.

HELAppro\_res



**MEMORANDUM**

DATE: November 25, 2008

TO: The Board of Supervisors

FROM: Doug Powell, Manager of Community Services

SUBJECT: Agreement between the Virginia Peninsula Localities on Homelessness

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In response to increasing concerns about homelessness, the Virginia Peninsula Mayors and Chairs convened the Commission on Homelessness (the "Commission") in 2005 to produce a report on homelessness on the Peninsula. The resulting report, entitled "Framework for Building a Successful Regional Plan to End Homelessness," was presented to the Mayors and Chairs in November 2005.

Since then, the Commission initiated a series of public meetings and work group meetings with stakeholders to more fully develop the report with strategies to alleviate homelessness. In September 2007, the Mayors and Chairs endorsed a per-capita funding strategy for the Peninsula to support the four "Cornerstones" of the Regional Plan. The Cornerstones were:

1. Formalization of the Commission on Homelessness to provide leadership and oversight;
2. Ensuring universal regional participation in a Homeless Management Information System (HMIS);
3. Creation of a Regional Office on Homelessness to provide support for the Commission, analyze and report on data, and report on the regional plan implementation; and
4. Establishment of a Homelessness Trust Fund to provide consistent, flexible, and locally driven sources of funding.

In March 2008, the Cornerstones were modified to reflect the financial constraints that localities faced during the FY 09 budget development process. The first modification eliminated the "stand-alone" office on Homelessness, and the second modification removed language referencing a dedicated source of local funding to establish the Homelessness Trust Fund.

In order to implement the first two Cornerstones, two actions are necessary. First, each locality must approve a Memorandum of Agreement between the Virginia Peninsula Localities for the joint exercise of powers. This action establishes the Commission as a legally constituted entity and the collective body to oversee the regional plan. A draft of the Agreement is included in the reading file.

Once established, the Commission will have the authority to enter into contracts and agreements. The intent of the Commission is to enter into a contract with the Planning Council to coordinate the activities of the Commission, to ensure that the region is awarded the maximum amount of funds from the Federal government for homelessness, and to administer the HMIS system. You may recall that the Board appropriated \$13,959 to the Planning Council for this purpose in the FY 2009 budget. However, with the establishment of the Commission as a legal entity, it is preferred that these funds be appropriated to the Commission instead of the Planning Council. Therefore, the second action required is that the County changes the organization to receive these funds in the FY 2009 approved budget from the Planning Council to the Commission on Homelessness.

Staff recommends approval of the attached resolution that authorizes the County Administrator to execute a Memorandum of Agreement between the Virginia Peninsula Localities on Homelessness and to change the appropriation of \$13,959 in the FY 2009 approved budget from the Planning Council to the Commission on Homelessness.

Agreement between the Virginia Peninsula Localities on Homelessness

November 25, 2008

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Doug Powell

DP/gb

HomelessAgr\_mem

Attachment

## **RESOLUTION**

### **AGREEMENT BETWEEN THE VIRGINIA PENINSULA LOCALITIES ON HOMELESSNESS**

WHEREAS, James City County has been an active participant on the Virginia Peninsula Mayors and Chairs Commission on Homelessness; and

WHEREAS, the County wishes to continue its involvement in the Commission to develop regional solutions to homelessness.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute an Agreement between the Virginia Peninsula Localities on Homelessness

BE IT FURTHER RESOLVED that the Board changes the appropriation of \$13,959 in the FY 2009 approved budget from the Planning Council to the Commission on Homelessness.

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Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of November 2008.

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